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BURUNDI COUNTRY REPORT

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Country Information & Policy Unit

**IMMIGRATION AND NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

CONTENTS	
1 Scope of the document	1.1 – 1.7
2 Geography	2.1
Population, Ethnic groups, Languages	2.2 - 2.6
A note on statistics quoted	2.7
3 Economy	3.1 – 3.7
4 History	
Summary of events since independence	4.1 – 4.4
Outbreak of Civil War, 1993	4.5 – 4.7
Coup of 25 July 1996	4.8 – 4.9
Peace Talks, 1998 - 2000	4.10 – 4.13
Signing of the Arusha Agreement, August - September 2000	4.14 - 4.18
Failed coup attempts of April and July 2001	4.19 – 4.20
Developments prior to term of Transitional Government	4.21 – 4.24
The Transitional Government and continued peace negotiations	4.25 – 4.36
Ceasefire agreements of October and December 2002	4.37 - 4.40
Transfer of the Presidency, April 2003	4.41 - 4.42
The Pretoria Protocol, October 2003	4.43 - 4.46
AMIB and the process of 'cantonment'	4.47 – 4.50
The security situation and return of refugees	4.51 - 4.54
Forthcoming elections	4.55 - 4.60
5. State Structures	
The Constitution	5.1 – 5.3
Citizenship and Nationality	5.4
Political System	5.5 – 5.9
Judiciary	5.10 – 5.18
Military Courts	5.19 - 5.20
Legal Rights/Detention	5.21 – 5.28
Death Penalty	5.29 - 5.30
Internal Security	5.31 - 5.32
Armed Forces	5.33 – 5.35
"Gardiens de la Paix"	5.36 – 5.39
African Mission in Burundi (AMIB)	5.40 – 5.43
Prisons and prison conditions	5.44 – 5.49
Military Service	5.50
Medical Services	5.51 – 5.53
Malaria	5.54 - 5.56
HIV/AIDS	5.57 – 5.60
Cholera	5.61
People with disabilities	5.62 – 5.63
Educational System	5.64 – 5.67
6 Human Rights	
6.A Human Rights issues	
General	6.1 – 6.9
Torture	6.10 – 6.13
Extrajudicial Killings	6.14 – 6.19
Disappearances	6.20 - 6.21
Abuses by Rebel groups	6.22 – 6.28
Impunity and provisional immunity	6.29 - 6.33
Promotion of human rights	6.34 - 6.35
Freedom of Speech and the Media	6.36 – 6.38
Media Institutions	6.39 – 6.42
Journalists	6.43 – 6.47

Freedom of Religion	6.48 – 6.50
Religious Groups	6.51 – 6.52
Freedom of Assembly and Association	6.53 – 6.56
Political Activists	6.57 – 6.58
Employment Rights	
Trade unions and the right to strike	6.59 – 6.63
Equal Employment Rights	6.64
Child Labour	6.65
Forced Labour	6.66
People Trafficking	6.67 – 6.68
Freedom of Movement	6.69 – 6.70
Identity cards	6.71
Immigration and embarkation	6.72 – 6.73
Recognition and treatment of refugees from other states	6.74
<u>6.B Human rights - Specific Groups</u>	
Ethnic Groups	6.75
Hutu/Tutsi relations	6.76 – 6.80
The Batwa (Twa)	6.81 – 6.86
Women	6.87 – 6.94
Violence against women	6.95 – 6.102
Children	6.103 – 6.109
Child care arrangements	6.110 – 6.111
Child soldiers	6.112 – 6.118
Homosexuals	6.119
<u>6.C Human Rights - Other Issues</u>	
Security situation	6.120 – 6.123
Internally Displaced Persons	6.124 – 6.132
Regroupment camps	6.133 – 6.134
Humanitarian situation	6.135 – 6.139
Refugees outside Burundi	6.140 – 6.145
Conflict in the DRC	6.146
Treatment of humanitarian and human rights organisations	6.147 – 6.151
<u>Annexes</u>	
Chronology of major events	Annex A
Political Organisations	Annex B
Prominent People	Annex C
List of Source Material	Annex D

1. SCOPE OF DOCUMENT

1.1 This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It is not a detailed or comprehensive survey.

1.2 The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum / human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

1.3 The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

1.4 The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by government offices, may be provided upon request.

1.5 All sources have been checked for currency, and as far as can be ascertained, contain information, which remained relevant at the time, this Report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

1.6 This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

1.7 It is intended to revise this Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

[Back to Contents](#)

2. GEOGRAPHY

2.1 The Republic of Burundi is a land-locked country lying on the eastern shore of Lake Tanganyika, in central Africa, just south of the Equator. It covers an area of only 27,834 square kilometres. It is bordered by Rwanda to the north, Tanzania to the south and east, and the Democratic Republic of the Congo (DRC) to the west. [1a] Burundi has 16 provinces, which are further divided into districts and communes. [32]

Population, Ethnic groups, Languages

2.2 The Department of Economic and Social Information and Policy Analysis (DESIPA) of the United Nations estimated the population in 2000 to be 6,267,000. [29] The CIA World Factbook (updated 18 December 2003) contains an estimate of just over 6,096,000 - which is said to take into account the effects of AIDS and certain related factors. [32]

2.3 Burundi is Africa's second most densely populated country. [60] Over 90% of Burundians live in rural areas. [48b][43b][p9]

2.4 In 2003 it was estimated that there were over 800,000 Burundian refugees outside the country, most of them in Tanzania. The number of displaced persons within the country exceeded 380,000 in June 2003 [44][p35][42a][p10] (See Section 6,C)

2.5 There is no reliable data on the 'ethnic' composition of the population. Colonial census figures dating back to the 1930s - the original accuracy of which have been disputed - give the following profile: Hutu 85%; Tutsi 14%; Twa (Batwa) 1%; others <1%. [1a][44][p11][32] The available figures do not take into account those of mixed origin, mixed marriages having been common in the past, or various other factors that may have altered the profile over time. [44][p11] The Hutu are thought to originate from Chad and Niger, while the Tutsi are of Nilo-Ethiopian (Hamitic) origin. The Twa/Batwa (Pygmies) are believed to be the region's earliest inhabitants. [44][p11][32][49a]

2.6 The official languages of Burundi are Kirundi (Rundi) and French. [1a] Kirundi is spoken by both Hutus and Tutsis - with similar dialects. Twa is more different in dialect, but all are inherently intelligible, and are also intelligible with Kinyarwanda, the official language of Rwanda. [31] Swahili is spoken by some along Lake Tanganyika and in the Bujumbura area, and is also used in addition to French in commercial circles. [1a][31][32] In a background note to accompany the Kirundi version of the Universal Declaration of Human Rights, the Office of the UN Commissioner for Human Rights (OHCHR) stated:

Rundi, or Kirundi, is the national language of Burundi, in east-central Africa. It is spoken by the entire population of the country, or some 6 million people. It is a Bantu language belonging to the Benue-Congo family, and is closely related to Kinyarwanda, the official language of neighboring Rwanda. [21a]

According to the website of Citizenship and Immigration Canada, a Canadian government department:

Burundi has two official languages: Kirundi and French. Kirundi is a Bantu (African) language belonging to the Benue-Congo family and is closely related to Kinyarwanda, the official language of neighbouring Rwanda. It is spoken by all Burundians,

regardless of ethnic background. French is used in official and legal documents, by the media, in universities and for international communications. [22]

(For further information on geography refer to Europa (sources [1a][1c]).

A note on statistics quoted

2.7 A former British Ambassador to Burundi has cautioned that almost all statistics quoted for Burundi in various sources should be considered as estimates - and probably inaccurate. Apart from the overall size of the population, this may include such figures as deaths caused by the military or the rebels, the number of people in prison or detention, or children in school. There are a number of reasons for this. Firstly, the government has not had the means to conduct statistical surveys. Secondly, figures issued by the military or the rebels are likely to have been influenced by their own agendas. Thirdly, and particularly outside the capital, there have been very few independent observers because of the uncertain security situation. [59] Fourthly - and as was confirmed both by the UN Special Rapporteur in her report of October 2003 [42a](p18) and in the 2003 US State Department report [2c](p13) - the government has often discouraged observers from travelling to areas of the country where human rights violations had occurred, often citing insecurity as a reason. [59]

[Back to Contents](#)

3. ECONOMY

3.1 At the end of 2001, UN statistics ranked Burundi as the world's third poorest country. Prior to the outbreak of civil war in 1993, 30 percent of the population were said to be living in conditions of extreme poverty. The war, and consequent massive population upheaval, has exacerbated Burundi's economic plight and the country is thus dependent on foreign assistance. [1a][1b] According to a CIA World Factbook estimate, 70% of the population were living below the poverty line in 2002. [32] The UN Secretary-General noted in his report of 4 December 2003 that 89 per cent of the population were estimated to be living on less than US \$2 a day and 58 per cent on less than \$1. [43b](p9) In its 2003 Human Development Index, the United Nations Development Programme (UNDP) ranked Burundi 171 out of 175 countries listed. [56]

3.2 Burundi is predominantly a rural and agricultural country. According to an Economist Intelligence Unit report of December 2003, subsistence farming accounts for about 50% of recorded GDP. Commercial agricultural production, primarily coffee and tea, contributed less than 5% of GDP, but generated around 90% of official export earnings. [48a] Burundi's economic performance is therefore heavily dependent on world prices for its cash crops as well as on weather conditions - total export earnings declined substantially from 1998 to 2002, largely due to a depression in international coffee prices. [1c][48a] The small industrial sector consists mainly of agricultural processing and consumer products; growth in this sector has been inhibited by war, sanctions, foreign exchange shortages and weak domestic demand. [48a] Over 90% of the workforce is employed in agriculture. [48b] In 2000 the total labour force was estimated to be 3.7 million. [32]

3.3 The country's gross domestic product (GDP) fell from US \$1.2 billion in

1991 to \$0.7 billion in 2001 [54] Real GDP then increased by 2.2% in 2001 and by 4.5% in 2002, but growth for 2003 is estimated by the IMF to have been negative. [1c][p143][51a][43c] Gross national income - per capita - for the year 2001 was only \$102, compared to \$202 ten years earlier; the average for the continent of Africa in 2001 was \$664. [54]

3.4 The UN Food and Agriculture Organisation (FAO) has reported that total cereal production in Burundi in 2003 was 2.5% lower than in 2002 but 3.3% above the average for the past five years. However, total food production remained below the average for the pre-civil war period (1988-1993). [16cs] In June 2003 the WFP warned that more than 1 million civilians were in need of food aid [1c] (See Section 6.C)

3.5 In his report to the Security Council on 4 December 2003, the UN Secretary-General observed "The [Burundi] State budget can hardly meet the salaries of State workers and soldiers. This could have serious consequences for the peace process. Poverty exacerbates ongoing conflicts and discourages the return of refugees." [43b](p9-10)

3.6 It was announced in Brussels on 15 January 2004 that donors, including the European Union, World Bank, US, Belgium, Germany and Britain had pledged US\$1.03 billion to fund reconstruction in Burundi over a three year period. [16cs] On 26 January it was reported that the IMF had approved a three year Special Drawing Rights arrangement of US\$ 104 million under the Poverty Reduction and Growth Facility. [53a]

3.7 The unit of currency is the Burundi franc (BIF). In March 2004 the exchange rate was roughly BIF1950 = £1. [5a] In 1990 the rate of exchange had averaged BIF302 = £1. [52]

See also Section 6C: 'Humanitarian Situation'.

[Back to Contents](#)

4. HISTORY

Summary of events since independence

4.1 Burundi gained its independence from Belgium on 1 July 1962, as a monarchy under King Mwambutsa IV. Much of the country's history since then has been characterised by tensions between Burundi's two main ethnic groups, the Tutsi (traditionally the dominant tribe, despite representing a minority of the overall population) and the Hutu. There have been a number of occasions where these tensions have resulted in violence and inter-ethnic massacres. Since independence Burundi has also seen a number of coups and many more attempted coups. [1a]

4.2 Following an unsuccessful attempt by the Hutu to overthrow the Tutsi-dominated Government in October 1965, virtually the entire Hutu political elite was executed, along with thousands of rural based supporters. Another abortive coup attempt in April 1972 led to massacres of an unprecedented magnitude and brutality. 100,000 - 200,000 people were killed and a further 200,000 fled the country. All Hutu elements were eliminated from the armed forces and significant participation by the

Hutu in Burundi's political life was effectively ended until the late 1980's. [1a]

4.3 In August 1988, tribal tensions erupted into violence in the north of the country. Groups of Hutu, claiming Tutsi provocation, slaughtered hundreds of Tutsi in the towns of Ntega and Marangara. The Tutsi dominated army was dispatched to the region and in the week that followed large-scale tribal massacres, similar to those of 1972, occurred. In October 1988 a commission for national unity was established to investigate the massacres and make recommendations for national reconciliation. [1b]

4.4 On 9 March 1992, 90% of voters accepted proposals for constitutional reform at a referendum. The new constitution was promulgated four days later and in June 1993 presidential and legislative elections took place. These were won by Melchior Ndadaye of the predominantly Hutu party, Front pour la démocratie au Burundi (FRODEBU) who had received the support of three other parties with a mainly Hutu base. FRODEBU also won 65 of the 81 seats in the national assembly. The Union pour le progrès national (UPRONA) took the remaining 16 seats. [1b]

[Back to Contents](#)

Outbreak of Civil War, 1993

4.5 The Ndadaye Government immediately started bringing its supporters into the civil service and drafting plans for extensive reform of the army. On 23 October 1993, more than 100 army paratroopers occupied the presidential palace and killed Ndadaye. However, international condemnation of the coup and the ferocity of the renewed inter-ethnic massacres (25,000 - 50,000 deaths) undermined armed forces support for the insurgents. On 27 October 1993 the FRODEBU Government had resumed control of the country. But it was the killing of democratically elected President Ndadaye that effectively marked the outbreak of civil war in Burundi. [1b]

4.6 On 6 April 1994 Ndadaye's successor to the presidency, Cyprien Ntaryamira, was killed when the plane he was travelling in with Rwandan President Habyarimana crashed after being hit by a rocket on approach to Kigali airport. In accordance with the Constitution, FRODEBU leader Sylvestre Ntibantunganya was named as interim president. During the first half of 1994 ethnic tension increased as well-armed extremist factions within both Hutu and Tutsi communities tried to establish territorial strongholds. The security conditions prevented a new president being elected by universal suffrage: as a result, a 'Convention of Government' elected the new president in 30 September 1994. Under the same provision a four-year transitional government was established, with 45% of cabinet posts going to the opposition parties. [1b]

4.7 Exacerbated by the proximity and scale of violence in neighbouring Rwanda, ethnic tensions persisted in Burundi during the second half of 1994 and the situation worsened during 1995. By early 1996, reports of atrocities perpetrated against both Hutu and Tutsi civilians by the armed forces and Hutu and Tutsi militias were commonplace. [1b]

[Back to Contents](#)

Coup of 25 July 1996

4.8 Violence continued to escalate during 1996 and the political tension intensified

until, on 25 July 1996, the Burundian armed forces led a successful bloodless coup. This saw former President Buyoya reinstated as the interim President of a new transitional republic. [16]

4.9 Immediately upon assuming power, the regime dissolved the National Assembly and banned political parties. The 1992 Constitution and 1994 Convention of Government were suspended. About 3 weeks later, Buyoya announced the restoration of the opposition dominated National Assembly and of political parties with certain restrictions. [2a](p12)

[Back to Contents](#)

Peace Talks, 1998 - 2000

4.10 In March 1998 the Government initiated negotiations with the National Assembly [16] and on 4 June they entered into a partnership agreement. The National Assembly adopted a Transitional Constitutional Act and a Transitional Political Platform, the Act changing the structure of government by eliminating the post of Prime Minister, creating one vice president, removing the National Assembly Speaker from the line of presidential succession, and enlarging the National Assembly. It placed no time limits on the President's or the National Assembly's term of office. [2a](p12)

4.11 Between 15 and 21 June 1998 the Government attended all-party peace talks in Arusha (Tanzania) under the chairmanship of former Tanzanian President Julius Nyerere (one of three rounds of talks during 1998). [16] At Nyerere's instigation, the 18 delegations attending the talks (the government, national assembly, 13 political parties and three armed opposition groups) merged into three groupings in an effort to speed up negotiations: G3 comprised government and pro-government delegations; G8 consisted of PARENA and smaller Tutsi-dominated opposition parties; G7 comprised FRODEBU, allied Hutu-dominated parties and Hutu-dominated armed opposition groups. In August 2000 the pro-government wing of UPRONA and another Tutsi dominated party that entered the negotiations in February 2000 joined the pro-Tutsi group, which thus became known as G10. With the shift of UPRONA the government group was reduced to G2. For details of the parties and groupings see Annex B. [5b]

4.12 Negotiations continued during 1999 with the main negotiating parties reporting good progress but the talks were suspended in October following Nyerere's death. In December 1999, at a Regional heads of state meeting in Arusha, former South African President Nelson Mandela was unanimously selected as the new Burundi mediator. [16] The International Crisis Group (ICG) observed that up until this point a shortcoming of the negotiations had been the exclusion of the armed rebel groups Conseil national pour la defense de la democratie - Forces pour la defense de la democratie (CNDD-FDD) and Forces nationales de liberation (FNL). Both had previously been barred from negotiations until such time as they reconciled with the groups they had split from in 1998 and 1992 respectively. [10] Mandela invited both groups to join the talks. The invitation was initially declined by both groups who then imposed preconditions. [16][10] These included the release of political prisoners, the disbandment of regroupment camps, the return of the Burundi army to barracks, and political recognition and legitimisation for themselves. [10]

4.13 The talks progressed without the active participation of the rebels until a peace agreement was due to be signed, initially in mid-July 2000, but put back to 28 August 2000 by Nelson Mandela, since agreement had not been reached on a number of points. [1a][1b] The Burundi Government said there must be a ceasefire before any deal could be signed. They also said they wanted current president Buyoya to preside over the transitional period set to last for 30 months. [37b] Most pro-Hutu organisations backed Domitien Ndayizeye for the presidency during the transitional period, although the Conseil national pour la defense de la democratie (CNDD) were reported to favour Buyoya. [16a] The majority of political parties were opposed to Buyoya being leader during the transition period. However, it was agreed that the transitional president would not be eligible to stand in the presidential poll to follow the transitional period. [37b] [Back to Contents](#)

Signing of the Arusha Peace and Reconciliation Agreement (Arusha Accord), August - September 2000

4.14 President Buyoya, all Hutu parties present and six of the ten Tutsi parties signed the Arusha Peace and Reconciliation Agreement (Arusha Accord) on 28 August 2000 but a ceasefire was not concluded. [20a] Those Tutsi parties that did not sign claimed that if they did not change their position they would have no say in the choice of the government. [1b] The armed Hutu rebel groups, CNDD-FDD and Palipehutu-FNL, rejected the agreement. [6a]

4.15 Fighting between government forces and Hutu rebels continued after the signing of the Accord. [1c] CNDD-FDD demanded that camps be dismantled and around 11,000 political prisoners released. Camps in Bujumbura-Rural province appeared to have been dismantled except for around 10,000 people afraid to return to their homes. The three remaining Tutsi parties listed seven reservations, the first of which was that the agreement itself was not the end of the peace process: they wanted negotiations to continue. Having reportedly received the commitments they sought, the three parties signed the peace agreement on 19 September 2000, paving the way for implementation of the Accord. [1b] The regional leaders present at the signing ceremony demanded that the rebels observe a ceasefire within 30 days, but the violence continued. [1b]

4.16 After the signing of the Accord, the South African Deputy President took over an increasing amount of Burundi mediation work from Mandela who had announced that, with the agreement signed, he considered his role to be largely over. On 27 November 2000 the Implementation Monitoring Committee (IMC) was officially established with a mandate to supervise the implementation of the Arusha agreement. [1b] In November 2000, at a regional summit in Nairobi, the rebels were threatened with sanctions. [10]

4.17 At the Arusha summit in February 2001, regional heads of state proposed alternating the presidency over a transitional period of three years. The recommendation was for a Tutsi president and a Hutu vice president for the first 18 months and vice versa for the second 18 months. FRODEBU stated that it had not approved the power-sharing arrangement and saw it as entrenching ethnicity in an already divided country. Eventually however, all parties present accepted the proposal. [1b] A number of parties present agreed to submit Colonel Epitace

Bayaganakandi and FRODEBU's Domitien Ndayizeye as candidates for the transitional leadership. However the Burundian Government, and subsequently the regional heads of state, rejected this proposal. [116] CNDD said that whilst it backed the Arusha accord it would not join the transitional government unless a negotiated ceasefire agreement was concluded. [117] Meanwhile, in a separate development, in February 2001 Agathon Rwasa replaced Cossan Kabura as leader of the FNL. Kabura did retain control of an FNL faction but aside from issuing occasional statements it has been inactive. [118][119]

4.18 On 4 April 2001 President Buyoya announced that his government had decided to implement the 28 August 2000 Arusha agreement. This would mean drafting a new constitution, new legislation on political parties and a general amnesty on crimes committed prior to the signing of the agreement. [120] The same month, President Bongo of Gabon hosted a second of two meetings that had brought the Government and CNDD-FDD together to draft an agenda for negotiations, although these took place without the participation of the FNL. [121]

[Back to Contents](#)

Failed Coup attempts of April and July 2001

4.19 On 18 April 2001, while Buyoya was attending peace negotiations in Gabon, there were reports of a failed coup attempt by a group of around 30 junior army officers calling themselves the Patriotic Youth Front. [122] The group, who had not been heard of before, seized the state radio station. Forces loyal to the government surrounded the radio station but, rather than storm the building, waited until the rebels gave themselves up. A group of about 40 soldiers and 2 civilians with links to the Parti pour le redressement national (PARENA) party were arrested following the coup attempt. Amnesty International (AI) expressed concern at the risk of ill treatment of these people. [123] On 27 April it was reported that 20 members of the PARENA party were arrested after visiting their colleagues in detention. PARENA refused to condemn the coup attempt, pointing out that President Buyoya himself first took power in a coup. [124]

4.20 On the night of 22 July 2001, rebel members of the armed forces staged an abortive coup attempt, reportedly kidnapping a senior presidential aid. [125] The mutineers tried to storm the Mpimba Central Prison to free the soldiers being held for the failed 18 April 2001 coup attempt. After failing to do so they took 30 or so vehicles and headed towards Kayanza province with a number of hostages. In the early evening of 23 July 2001 it was reported that all hostages had been freed and the mutineers had surrendered to the military authority in Ngozi. Two soldiers were killed in the mutiny. [126] The officers who led the mutiny were placed in Ngozi prison. [127] At the end of August 2001 over 320 soldiers were discharged from the army in Ngozi for their involvement in the April and July 2001 coup attempts. [128][129]

[Back to Contents](#)

Developments prior to term of the Transitional Government

4.21 In July 2001 it was announced that President Buyoya would remain as president for the first 18 months of the country's transition. Domitien Ndayizeye of the main opposition pro-Hutu FRODEBU party would be the vice-president. Nelson Mandela announced that Buyoya would have to abide by a list of conditions, including the implementation of the Arusha peace agreement, the release of all

political prisoners, and protection to all political leaders, especially those returning from exile. [1a] In August 2001 President Buyoya confirmed that he would give way to a new head of state at the end of his 18-month phase. [17a]

4.22 At the end of August 2001, Burundi's judicial commission proposed a bill granting temporary immunity to those who had committed politically motivated crimes. The bill was intended to deal with crimes committed before the Accord was signed on 28 August 2000 as well as temporarily protecting those politicians who might decide to return before the transitional government was set up on 1 November 2001. The commission believed that 'temporary immunity' should be granted for a period of two years, after which there must be a re-trial; an amnesty should in all cases be avoided. [16k]

4.23 In September 2001 it was reported that a special army unit due to be established to protect exiled politicians returning to Burundi as part of the peace process would not be ready in time although President Buyoya said that the transitional government could still begin functioning and that people returning to the country would be safe. [16o][16p]

4.24 In October 2001 South Africa agreed to provide troops for a protection force demanded by opposition politicians before they would join the transitional government. [6a] The South Africans arrived on 19 October 2001. [30a] Meanwhile, at a summit in South Africa in the same month, CNDD-FDD renewed its commitment to the discussions that had taken place in Gabon in January and April 2001. However, the following day it was reported that a faction of CNDD-FDD had rejected its leader, Jean-Bosco Ndayikengurukiye, and broke away to form a splinter group under the leadership of Pierre Nkurunziza (See Annex B). [10]

[Back to Contents](#)

The Transitional Government and continued peace negotiations

4.25 On 1 November 2001 Buyoya was sworn in as President of the Transitional Government with Domitien Ndayizeye, the secretary general of FRODEBU, as Vice-President. [2a] In the latter part of 2001 several opposition figures that had been party to the Arusha negotiations began returning to the country, although a few leaders remained in self imposed exile as they continued to fear for their security. [8e][18i][36a]

4.26 In February 2002 representatives of the Government and both CNDD-FDD factions - but not the FNL - participated in further talks in South Africa. Nkurunziza, leader of the larger of the CNDD-FDD factions, announced that agreement had been reached with the Government on a general framework for negotiations that were intended to lead to a ceasefire agreement and a general political settlement. A subsequent meeting convened in March 2002 in Dar-es-Salaam was boycotted by CNDD-FDD (Nkurunziza) as well as by the FNL. During April and May of that year CNDD-FDD combatants launched repeated attacks. [1c][p141]

4.27 In late April 2002 representatives from CNDD-FDD met in South Africa with international mediators and a delegation of the Burundian Government, although faction leader Nkurunziza warned in advance that his organisation was not ready for a ceasefire. [14a] Meanwhile, rival CNDD-FDD faction representatives led by Ndayikengurukiye spent 10 days in South Africa for talks with the same delegations

and agreed upon an agenda for cease fire negotiations, but refused to implement a ceasefire. [10][14a] The FNL, in the country for a meeting with the UN Security Council, reportedly refused to meet a Government delegation because they wanted to negotiate directly with the Burundian army. [14a]

4.28 In June 2002 talks in South Africa between the government and Ndayikengurukiye's faction of CNDD-FDD were reported to have been at an advanced stage but then reportedly hit a snag when the faction declared itself unready to discuss ceasefire modalities. [10][16ak] Meanwhile, at talks held in Tanzania in late May and early June 2002, the Nkurunziza faction of CNDD-FDD reiterated its commitment to a negotiated settlement but, like the FNL, emphasised it would talk only to the Burundi army. [10] However, during the following two months progress towards further talks was characterised by further postponements and the reluctance of the FNL to participate. [10][12h]

4.29 On 29 June 2002 former Burundi President Jean-Baptiste Bagaza returned from 4 years self imposed exile saying he wanted to take part in the nation's political life. [12d][16ai] (On 4 November 2002 Bagaza was placed under house arrest, accused by Burundi's interior and security minister Salvator Ntihabose of planning to destabilise the country. Bagaza's party, PARENA, was under a six month suspension. Bagaza's house arrest was extended in January 2003 then for a further 60 days in February 2003. [16bg][16bh] At the beginning of April 2003 the government announced that Bagaza had been released from house arrest. [16bx])

4.30 During July 2002 rebel attacks increased; CNDD-FDD rebels reportedly entered the country from Tanzania while the FNL were responsible for further shelling of Bujumbura resulting in several people being killed. [12h] At the end of July 2002 the local Net Press news agency reported that the G7 group of Hutu dominated parties had "strongly condemned" rebels for continuing attacks on civilians and other non-military targets. [16ao]

4.31 In early August 2002 Pierre Nkurunziza's faction of CNDD-FDD agreed to participate in peace talks and reportedly called for a ceasefire while negotiations proceeded, a call repeated by the Tanzanian president whose country was to host the talks. [41][7h][7i] On 8 August 2002 it was announced that the FNL had sacked its president, Agathon Rwasa, replacing him with Alain Mugabarabona on a temporary basis. [16ar] This development was immediately followed by indications that, for the first time, the FNL would also be prepared to participate in the talks in Tanzania. [7h][16ar] However, in subsequent reports Rwasa maintained he was still in charge and it became apparent that the FNL had split into two factions, with Rwasa retaining control of the more powerful one. [16au]

4.32 When talks commenced in Dar-es-Salaam on 12 August 2002 both CNDD-FDD rebel factions were represented and it was later reported Mugabarabona's FNL had joined the talks. [7i] Meanwhile, a report by the Panafrikan News Agency (PANA) observed that neither side had been able to gain a decisive military advantage in the civil war but that Government forces had recently claimed a number of important victories. [41]

4.33 Progress in the talks was reported with the Ndayikengurukiye faction of

CNDD-FDD to the extent that a "memorandum of understanding" not amounting to a ceasefire was signed between the two sides while the newly created FNL faction led by Mugabarabona also participated. [16au][16av] However, talks with Nukurunziza's faction resulted in stalemate and Rwas'a FNL did not attend. Analysts warned that the ongoing problems with the larger factions of each organisation threatened to undermine any agreement that might be signed. [16au] On 25 August 2002 the FNL attacked the northern outskirts of Bujumbura resulting in a number of fatalities. [16aw]

4.34 In September 2002, reports emerged of a massacre of at least 173 civilians during clashes between the army and CNDD-FDD rebels in Itaba commune of Gitega Province. [3d][6a][7k] Despite initial denials it became apparent that the Burundian army had been involved in the killings; President Buyoya publicly acknowledged this on 30 September 2002. [3d][6a] On 4 October 2002 it was reported that two army officers had been arrested in connection with the massacre. [7k]

4.35 The peace negotiations held in Tanzania during the latter part of September 2002 did not result in any significant progress. Nukurunziza's faction of the CNDD-FDD and Mugabarabona's FNL faction both participated with the latter signalling its desire for a temporary ceasefire before holding direct discussions with the army. Meanwhile the main CNDD-FDD called upon the Government to sign a declaration recognising its association with the army and accept responsibility for the war. This was categorically rejected by the government delegation. Nukurunziza's faction affirmed that they would not sit at the negotiating table until this requirement was met and subsequently withdrew from the talks. [1b]

4.36 In a joint communiqué issued in October 2002 Burundi agreed to withdraw its remaining two battalions of troops from neighbouring DRC while the Kinshasa authorities pledged that its territory would not serve as a base for Burundi Hutu rebel groups. The deputy spokesman of the UN Mission in the DRC confirmed on 9 October 2002 that Burundi had withdrawn some 7,000 soldiers from the DRC and had only two battalions left to pull out. It was further stated that both countries were committed to normalising relations after more than four years of war. [16be]

[Back to Contents](#)

Ceasefire agreements of October and December 2002

4.37 On 7 October 2002 the presidents of Burundi, DRC, South Africa, Tanzania and Uganda gathered for a regional summit to discuss the peace process. With a lack of progress there was increasing pressure for sanctions to be imposed on the rebels, although there was also scepticism as to how these could be applied. [16be] Both smaller factions of the two rebel groups - the CNDD-FDD(Ndayikengurukiye) and the FNL(Mugabarabona) - signed formal ceasefire agreements, paving the way for what they called a "new era" in the peace process. The larger CNDD-FDD and FNL factions were given 30 days to comply, as hostilities on the ground continued. Following denunciations of the peace process as a 'sell-out', former UPRONA leader Mukasi was arrested and detained on 6 October. Summit delegates agreed to meet after 30 days to review the situation and indicated that if no ceasefire agreement had been reached they would 'take appropriate measures against the recalcitrant parties'. The leaders present decided that Ndayikengurukiye's CNDD-FDD and Mugabarabona's FNL factions, as well as any other armed groups that signed the

ceasefire agreement within 30 days, should be integrated into the transitional institutions and organs of the state, including the army and other security forces. They called on all signatories of the Arusha peace agreement to facilitate this integration. [16bq] Discussions between Nkurunziza and government representatives later in October failed to produce a result. [1c](p142)

4.38 Buyoya and Nkurunziza were invited to attend a summit of regional Heads of State in Arusha on 1 December 2002. A ceasefire agreement between the Government and Nkurunziza's CNDD-FDD was signed on 3 December 2002 and was due to take effect on 30 December 2002. It provided that CNDD-FDD combatants would not be disarmed, but would initially be assembled in designated (cantonment) camps, and would later become part of a new national army. [7f] [1c](p142) Rwasa's FNL faction remained outside the process. [7m]

4.39 In the event, the ceasefire did not come into effect on the scheduled date because the African mission to monitor implementation and set up cantonment camps did not arrive in time. [16b] On 27 January 2003 President Buyoya and Nkurunziza's faction signed a memorandum of understanding paving the way for implementation. [16bk] However, this agreement immediately led to an escalation of fighting in Bubanza and Ruyigi provinces, as the CNDD-FDD intensified its efforts to capture territory, while the armed forces (FAB) moved aggressively to retain it. [1c](p142) On 21 February CNDD-FDD suspended talks with the government accusing it of failing to respect the ceasefire accord but the talks were resumed on 2 March. [16bm][16bn]

4.40 On 13 February 2003, faction leaders Jean-Bosco Ndayikengurukiye (CNDD-FDD) and Alain Mugabarabona (Palipehutu), together with a number of senior lieutenants, returned to Burundi after many years in exile to take part in implementation of the Accord. Upon arrival at Bujumbura international airport, the two told the press they were delighted to be home. [16bo]

[Back to Contents](#)

Transfer of the Presidency, April 2003

4.41 The Burundian Parliament confirmed Alphonse Kadege of the Uprona political party as the country's next Vice-President, on 25 April 2003. Under the terms of the Arusha Agreement of August 2000 the Vice-President during Burundi's second transitional phase, beginning on 1 May 2003, must be a Tutsi while the President from that date would be a Hutu. [16bz]

4.42 On 28 April 2003, following extensive consultations with other political stakeholders, Pierre Buyoya announced that he would step down and hand over power to his Vice-President, Domitein Ndayizeye, who would lead the second half of the three-year transitional power sharing government according to the terms of the Arusha Peace and Reconciliation Agreement. Ndayizeye, a Hutu, was inaugurated President on 30 April and is to hold that office until presidential elections are held at the end of the transitional phase. [16ca]

[Back to Contents](#)

The Pretoria Protocol, October 2003

4.43 At a regional consultative summit held in Dar es Salaam on 19-20 July 2003

the Government and CNDD-FDD (Nkurunziza) reiterated their commitment to a ceasefire and agreed to continue consultations at a technical level. [1c](p142)(43b)(p3)

4.44 On 6 October 2003 South African President Thabo Mbeki and Deputy President Zuma convened a meeting in Pretoria with President Ndayizeye and Pierre Nkurunziza. After extensive consultations, a protocol on political, defence and power-sharing ("Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi") was signed by the parties in the early hours of 8 October. [43b](p3)(46)

4.45 According to the Pretoria Protocol, CNDD-FDD (Nkurunziza), the largest of Burundi's armed rebel movements, would be allocated four cabinet minister's posts, including that of a Minister of State in the President's Office. The Minister of State would be consulted by the President on all important matters. CNDD-FDD (Nkurunziza) would also have 15 seats in the National Assembly and the posts of Second Deputy Speaker and Deputy Secretary-General in the Bureau of the National Assembly, and would appoint the Governors of three provinces. In addition, the Pretoria Protocol provided for CNDD-FDD (Nkurunziza) to have 40 per cent of the officer core in Burundi's armed forces; its share in the military rank and file to be determined once cantonment was completed so as to achieve a 50-50 ethnic balance in the army. The police force would be re-structured with 35 per cent of positions allocated to CNDD-FDD (Nkurunziza) and an overall 50-50 ethnic balance. The gendarmerie would be treated as part of FAB (Burundi Armed Forces), while the intelligence services would come under the direct control of the President. Combatants of the CNDD-FDD would move to sites designated by the Joint Ceasefire Commission (the process known as 'cantonment'), while elements of the Burundi Armed Forces would be confined to agreed zones. The militia would be disarmed by AMIB as the cantonment process began. [43b](p3)(46)

4.46 The Burundian Parliament gave its approval to the Pretoria Protocol on 22 October 2003. [16c] Three days of further talks took place between the Government and CNDD-FDD in Pretoria to resolve outstanding issues, ending on 1 November; a 'technical forces agreement' was signed. [37d] On 23 November President Ndayizeye reshuffled his Cabinet to include the four CNDD-FDD ministers; Nkurunziza was named as 'Minister of State in the President's Office responsible for Good Governance and State Inspection'; he arrived in Bujumbura on 6 December to take up his post. [16c] On 7 January 2004 the President signed a decree to incorporate CNDD-FDD members into the Joint Military High Command. [16c] The new 35-member Military High Command consisted of 21 officers drawn from the Tutsi-dominated armed forces and 14 members of CNDD-FDD (Nkurunziza). [48c](p9)

African Mission in Burundi (AMIB) and the process of Cantonment

4.47 The ceasefire agreements of October and December 2002 had called for the deployment of an international peace force and the establishment of a Joint Ceasefire Commission to assist the parties in implementing the agreements. It was subsequently agreed that the peacekeeping force, to be known as the African Mission in Burundi (AMIB), would be fielded by the African Union (AU); it was to consist of 3,500 troops to be deployed from South Africa, Ethiopia and Mozambique for an initial period of one year. The South African Protection Service detachment of 700 troops, which had been sent to Burundi in October 2001 to provide security for leaders returning from exile, was incorporated into AMIB on 1 May 2003 as an

advance party. [43b](p5-6) By February 2004 there were 2,523 AMIB troops in place in Burundi as well as 43 international military observers. [43c](p13)

4.48 Cantonment and demobilisation of former rebel fighters began at the end of June 2003, having been postponed several times. The first group of 58 fighters, belonging to the FNL (Mugabarabona), were cantoned on Thursday 26 June 2003 at Myuange. They were joined there by 150 CNDD-FDD combatants. [16ce][16cd] On 20 October 2003 it was announced that 1000 CNDD-FDD combatants had assembled in Makamba province in preparation for cantonment. [16c] By 4 December 2003, 6000 members of CNDD-FDD (Nkurunziza) had assembled in Makamba Province in preparation for cantonment. [16c]

4.49 A CNDD-FDD spokesman was quoted as saying on 19 January 2004 that some 18,000 combatants had already reported to six pre-cantonment assembly points in south, east and central Burundi, but that hygiene conditions at those assembly points was so poor and that some men had already died of such diseases as dysentery, cholera and malaria. The WHO office in Burundi said they were aware of the situation and would arrange the provision of medicines and other aid soon - he said that there had, until then, been a funding problem. [16de]

4.50 The Economist Intelligence Unit country report of February 2004 stated as follows:

The main issue preventing CNDD-FDD fighters from entering the cantonment camps, from where they are to be demobilised or integrated into the new armed forces, is a continuing lack of agreement over what constitutes a fighter. The FAB's position is that any rebel member with a firearm can qualify, but the CNDD-FDD says that only one in five of its fighters have firearms and that the FAB's definition is unfair. The issue is an important one to Mr Nkurunziza, who has promised all his supporters either a position in the FDN or a demobilisation payout, both of which are contingent on cantonment. Another factor slowing the cantonment process is the conditions in the camps themselves... [48c](p10)

4.51 The South African Deputy President appealed to the UN Security Council in December 2003 to take over peacekeeping operations in Burundi, as the overall level of violence had fallen. [16c] In February 2004 a UN evaluation team said that it favoured converting AMIB into a UN operation. [16de] In his report to the Security Council on 16 March 2004, the UN Secretary-General reported that the cantonment process was 'currently stalled'. [43c](p12)

The security situation and return of refugees

4.52 The UN Secretary-General reported to the Security Council on 16 March 2004: "As a result of the recent political and military developments in Burundi, the security situation has dramatically improved and calm has returned to most provinces. This is a major change from the volatile situation experienced until recently, when daily attacks were still the norm." He continued: "While hostilities have generally eased, criminality appears to have increased, aided by the thousands of weapons of in circulation." [43c](p4) (See also Section 6c 'Security Situation'.)

4.53 By March 2004 the FNL faction of Agathon Rwaswa remained the only armed movement outside the peace process and fighting between FNL (Rwaswa) and joint Burundian Armed Forces/CNDD-FDD (Nkurunziza) units was still continuing and was seriously affecting security in Bujumbura Rural. The capital city had remained under

curfew. [43c](p3-4) According to Amnesty International's report of 13 January 2004, "Though numerically quite small, [FNL (Rwasa)] has shown it is capable of maintaining low-level action as well as launching sustained attacks. From its position in the hills encircling the capital it may be able to sustain its operations relatively easily." [5m](p2) However, the UN Secretary-General reported in December 2003 that FNL (Rwasa) had been 'considerably weakened and isolated' since its attacks on Bujumbura in July 2003 and that, consequently, its ability to hinder the peace process was considered to be limited. [43b](p5) In February 2004 fighting between the army and FNL (Rwasa) displaced thousands of people in Bujumbura Rural. [16cp] At the same time members of the international community had continued to facilitate discussions in an effort to bring FNL (Rwasa) into the peace process. [43c](p3) For example, President Ndayizeye and an FNL delegation led by Agathon Rwasa held talks in the Netherlands between 18 and 20 January 2004, but a compromise was not reached. The FNL reportedly reiterated there that it did not recognise the government set up by the Arusha process and accused the President of being a lackey of the Tutsis. [16ck][41f] On 21 April 2004 FNL (Rwasa) announced that it had decided to suspend hostilities against the Transitional Government of Burundi. Its spokesman said "We have decided to stop fighting immediately but if attacked we will defend ourselves." The Government communication minister reacted by saying that there would be no military offensive by government forces if the FNL stopped attacks. [16cl] However, the next day (22 April) there was a clash between government and FNL (Rwasa) forces in Bujumbura Rural, each side blaming the other for an unprovoked attack. It was speculated that the clash may have resulted from news of the truce not yet being communicated down the lines on one or both sides. [41f]

4.54 On 20 December 2003 the smaller FNL faction, led by Mugabarabona, announced that it had transformed itself into a political party known as Front national de liberation icanzo (FNL icanzo) and would apply to the Interior Ministry for registration. [16cj]

4.55 On 29 December 2003 the Apostolic Nuncio in Burundi, Monsignor Michael Courtney, died after sustaining gunshot wounds in a road ambush in Minago, 50km south of Bujumbura. [16cj] The assailants were unidentified and it was not clear whether the Nuncio was the victim of a targeted attack. [2c](p11) President Ndayizeye and the Vice-Chairman of the Catholic Bishops' Conference, Archbishop Ntamwana, blamed FNL (Rwasa) for the killing, but the rebel group denied responsibility and reportedly threatened Ntamwana for having accused them. [16cq][16cr] At the meeting between President Ndayizeye and the FNL (Rwasa) delegation in the Netherlands in January 2004 it was agreed that an international commission of enquiry should be set up to investigate the incident. [16ck]

4.56 It was estimated in 2003 that there were 800,000 Burundian refugees in Tanzania, of whom over 324,000 were in UNHCR camps. A further 23,000 Burundian refugees resided in other African countries. [2c](p12) The UNHCR announced on 22 January 2004 that Burundian, Tanzanian and UNHCR officials had signed a repatriation agreement, paving the way for a larger-scale return of Burundian refugees from Tanzania. (see Section 6c 'Refugees outside Burundi'.) An additional border crossing point was opened at Makamba-Giseru in late-January 2004, bringing to three the refugee crossing points between Tanzania and Burundi. [16cn] A UNHCR spokesman reported on 20 February 2004 that over 12,000 Burundian refugees had

returned home from camps in Tanzania during January-February 2004. [62b] As stated above, people in certain areas were still becoming displaced in early-2004 as a result of hostilities between the FNL (Rwasa) and the armed forces. It had been estimated by UNFPA in January 2003 that there were 281,000 internally displaced persons (IDPs) in permanent sites and another 100,000 people temporarily displaced. [44](p35) (see Section 6b 'Internally Displaced Persons'.)

Forthcoming elections

4.57 Under the Arusha Agreement, the transitional period ends with the indirect election of a new President by the National Assembly and the Senate. However, prior to the indirect election of the President, it is expected that there will be a general election, by universal adult suffrage, for members of the National Assembly and new local councils. The election for the new National Assembly is to be on a system of proportional representation - based on the population of each province - and the use of party-determined lists of candidates. According to the Arusha Agreement, these lists must provide for ethnic and gender balance; of every three candidates on any political party's list, only two can be from the same ethnic group, and at least one in five must be a woman. [43c](p11)(48c)(p10)

4.58 The UN Secretary-General noted in his report of 16 March 2004 that a legal framework for elections, which should include an electoral code, a law on political parties and a law on the reorganisation of communal administration, had not yet been adopted. (A draft electoral code was submitted to the National Assembly by the President on 10 January 2004 [487c](p10).) In addition to the necessary legislation, a number of other preparatory tasks would have to be completed, including a civic education campaign and the registration of voters. Armed groups could only be transformed into political parties after the completion of cantonment, though the cantonment process was currently 'stalled'. [43c](p12) Thus the Secretary-General commented in this March 2004 report: "With less than eight months left in the transitional period, the organization of credible elections represents one of the greatest political and practical challenges ahead." [43c](p11)

4.59 South African Deputy President Jacob Zuma, the facilitator of the Burundi peace process, arrived in Bujumbura on 23 March 2004 and held talks with a broad range of political stakeholders, including the leaders or representatives of political parties and armed movements. He said on 26 March: "All parties, without exception, want to see elections going ahead...All parties want to see favourable conditions for free and fair elections. We must work on the conditions." (Zuma also met with FNL faction leader Agathon Rwasa during this trip, but declined to comment to the press on the substance of that discussion.) [16cx]

4.60 A meeting of the registered political parties and armed movements which were signatory to ceasefire agreements was held in late-March 2004 under the chairmanship of President Ndayizeye to discuss current issues, including the Arusha Agreement and the forthcoming elections. Most parties and movements agreed that the G7 and G10 ethnic political groupings should be scrapped because 'these sacrificed Burundi on the altar of tribalism'. [8g](16cw)

For more detailed information regarding history prior to 2000 refer to the Europa

5. STATE STRUCTURES

The Constitution

5.1 A transitional Constitution was adopted by the National Assembly on 29 October 2001. It included principles incorporated into the previous Constitution of 1992 and the Arusha Agreement of August 2000. [1c][p156]

5.2 The transitional Constitution defined those organs of government which were officially installed on 1 November 2001, to remain in place for a three-year period. [1c][p156] (see 'Political System' below.) This Constitution contains a charter of human rights and provides for a multiparty political system and an independent judiciary. It gives the President authority to declare a state of emergency by decree after consulting with the National Assembly Speaker, the Constitutional Court and the National Security Council. [2a][1c]

5.3 A post-transition Constitution, the principles of which are contained in the Arusha Accord of August 2000, is due to be in place by 31 October 2004. [45]

[Back to Contents](#)

Citizenship and Nationality

5.4 The National Assembly passed a dual citizenship law on 3 May 2000 allowing Burundian citizens to hold a second nationality. Prior to the adoption of this new law, those that had fled the country and become citizens of their countries of asylum had lost their Burundian citizenship. [16a] The British Embassy Liaison Office in Bujumbura provided the following clarification in April 2004: "Burundi Nationals who have acquired other nationalities after July 2000 can automatically recover Burundian citizenship. Those who lost their nationality before [this] date need to make a new application at the Ministry of Justice. The Ministry has to check that the applicant has no criminal record or a case pending against him. This is not the case for politicians returning from exile who benefit from the law on provisional immunity". [23] A 'Code de la nationalité Burundaise' took effect on 18 July 2000, though the rules relating to acquisition had not changed from the previous law introduced in 1971. Acquisition of citizenship remained a voluntary and individual initiative and was subject to the conditions that the applicant was not less than 21 years of age, had no criminal record, had resided in the country for not less than 10 years and was attached to the Burundian nation and its values - or had married a Burundian national. Once those conditions were met Burundian citizenship was sanctioned by a presidential decree. According to the Code, being a refugee under the Geneva Convention was not a criterion of eligibility for Burundian citizenship. [33a][23] In September 1999 the Danish fact-finding delegation were informed by one western diplomat that it was particularly difficult for foreigners to obtain Burundian citizenship. [11b] The British Embassy Liaison Office advised in April 2004 that it was 'still difficult, but not impossible' for foreigners to obtain Burundian citizenship provided they fulfilled the required criteria. [23]

[Back to Contents](#)

Political System

5.5 Under the terms of the Transitional Constitution executive power is vested in the President, who is Head of State and Chief of Staff of the armed forces. The President appoints a Council of Ministers in consultation with the Vice-President. Thus the transitional government installed on 1 November 2001 was a multi-party administration in which Tutsi and Hutu groups were both accorded representation. Under the transitional arrangements the President would transfer office to the incumbent Vice-President after a period of 18 months i.e. for the second half of the three-year transitional period - accordingly, the presidency was transferred from Pierre Buyoya (a Tutsi) to former Vice-President Domitien Ndayizeye (a Hutu) on 30 April 2003. [1c][p156][16c]

5.6 The Transitional Constitution provides for a bicameral legislature. The National Assembly (Assemblée nationale) comprises members of major political parties which were signatory to the Arusha Accord, as well as representatives of civil society - and includes those deputies who were elected in 1993 and served in the previous parliament. Following the Pretoria Protocol, it also includes representatives of CNDD-FDD (Nkurunziza). According to the British Embassy Liaison Office in Bujumbura the National Assembly had a total of 212 deputies by April 2004. The Senate is the upper house and has 54 members, most of whom are nominated from the country's provinces, with balanced representation between the ethnic groups. [23][1c][p156,141][45]

5.7 Under the Constitution the President guarantees the independence of the judiciary, the highest judicial power being vested in the Supreme Court (see 'Judiciary' below.) The Constitutional Court interprets the Constitution and ensures the conformity of new legislation. Judges are nominated to the Supreme Court and the Constitutional Court by the President. (see 'Judiciary', below.) [1c][p156]

5.8 There were 22 recognised political parties at end-2003. FRODEBU and UPRONA were the largest parties and, in coalition, could control most transitional government positions, according to USSD 2003. Political parties operated under significant restraints and police often prevented or disrupted political demonstrations and arrested opposition politicians, USSD 2003 has reported. [2c][p18]

5.9 Under the terms of Arusha Agreement, the transitional period is due to end with the indirect election of a new President, by a two-thirds majority of the National Assembly and the Senate. (The transitional period is scheduled to end on 31 October 2004.) However, prior to the ballot for the President, it is required that the Burundian people will directly elect members of the National Assembly and new local councils. The election for a new National Assembly is to be on a system of proportional representation - based on the population of each province - and the use of party-determined lists of candidates. According to the Arusha Agreement, these lists must provide for ethnic and gender balance - of every three candidates on any political party's list, only two can be from the same ethnic group, and at least one in five must be a woman. [43c][p11] The Arusha Agreement stipulates that all subsequent presidential elections must be by direct ballot. [2c][p12]

[Back to Contents](#)

Judiciary

5.10 According to the US State Department report for 2003 (USSD 2003): "The Transitional Constitution provides for an independent judiciary; however, in practice the judiciary was not independent of the executive and was dominated by members of the minority Tutsi community. The judicial system was inefficient and subject to bribes and other forms of corruption; many citizens had no confidence in its ability to provide even basic protection. Judicial reform was a priority of the Arusha Accord, and some progress was made [in 2003]. According to the Ministry of Justice, 70 per cent of the reforms provided for in the Arusha Accord had been implemented by year's end [2003]." [2c](p6)

5.11 The judicial system consists of criminal and civil courts; the highest judicial power is vested in the Supreme Court. The Constitutional Court interprets the provisions of the transitional Constitution and ensures the conformity of new legislation. [1c](p156)[2c](p6) The armed forces have a separate judicial system, and there is a labour court. According to USSD 2003, all trials are conducted before a jury. Defendants are, in theory, presumed innocent and have a right to legal counsel, but in practice few defendants had legal representation during 2003. According to the law all defendants, except those in military courts, have a right of appeal to the Supreme Court and, in capital cases, a right to appeal to the President for clemency. In practice, however, the inefficiency of the courts system has extended the duration of the appeals process, effectively limiting the possibility of appeal. [2c](p6)

5.12 An international human rights organisation estimated in 2002 that ethnic Hutu accounted for only 10 percent of the country's lawyers and 5 percent of judges; in lower courts 10% of judges were Hutu - while Hutu constitute an estimated 85 percent of the population. This discrepancy was due in part to unequal access to education. [2a](p6) In April/May 1999 a western diplomatic source had commented to a Danish fact-finding delegation that the imbalance between Hutu and Tutsi at university led to very few Hutu lawyers being trained. [11a]

5.13 The UN Secretary-General, in his report to the Security Council dated 16 March 2004, noted that the Arusha Agreement called for reforms to the judicial sector in order to improve the balanced and fair exercise of the rule of law. Inequities in the ethnicity of judges and judicial personnel remained a serious matter. The Transitional Government had established a Commission on Judicial and Administrative Reform in October 2002, which was currently [in March 2004] reviewing legislation. [43c](p6)

5.14 The Secretary-General's March 2004 report added that a lack of transport and communications systems, as well as understaffing and inadequate budgets, remained a serious problem for the exercise of justice in Burundi. There were only some 60 defence attorneys available in Burundi, located mainly in Bujumbura and unable to serve much of the outlying area. The UN High Commissioner for Human Rights and the organisation Avocats sans Frontieres were providing some assistance to the judicial process. [43c](p6)

5.15 USSD 2003 reported as follows:

During the year [2003], the Transitional Government instituted three major judicial and administrative reforms that were provided for in the Arusha Accord, including efforts to reduce

the President's influence over the judiciary and to correct ethnic imbalances in it. First, on September 22, the Transitional Government began decentralizing the judiciary to allow citizens wider access to the appeals process and prevent citizens from having to travel more than 30 miles to reach a court of law. Second, the Transitional Government ended the practice by which members of the High Council of Magistrates were named by the President and allowed the members to be elected by judges, the National Assembly, and the President; in addition, the High Council's seats must be ethnically and regionally balanced. Finally, the seven judges of the Constitutional Court must be nominated by the President and confirmed by the Senate in consultations with the National Assembly. The Constitutional Court must also be ethnically balanced. By year's end, the judiciary had not been fully decentralized or ethnically balanced. The lack of Hutu judges and lawyers remained a problem. (2c)(p6)

5.16 According to Amnesty International's 'Summary of human rights concerns' of 22 September 2002, Burundian law allows for a full appeal of conviction and sentence from judgements rendered by lower courts; however those who are accused of crimes which are punishable by life imprisonment or death are tried at first and last resort by the criminal chambers of the Court of Appeal. Additionally, the Supreme Court tries people who qualify for a privileged status by reason of their position (magistrates, communal administrators or high functionaries), at first and last resort. Defendants tried by the criminal chambers of the Court of Appeal could only apply for review through the 'cassation procedure' at the 'cassation chamber' of the Supreme Court, which allowed only for a limited review on questions of law and substantial violations of form. Therefore those tried by the criminal chambers of the Court of Appeal could not have the factual basis of their convictions and sentences reviewed by the Court of Appeal. (57)(p3) AI's report further noted that trials in Burundi were often lengthy and might even last years as a consequence of multiple postponements. In practice, the time lapse between the initial accusation and the court hearing would sometimes make it difficult to trace witnesses. Once a case had been heard there could be a lapse of over 12 months before the verdict was announced. (57)(p3)

5.17 "The traditional system of communal arbitration under the guidance of elders, the 'Bashingantahe', stressed settlement and reconciliation of disputes and was officially recognized by the Transitional Government. A Bashingantahe opinion often was necessary before access was granted to the formal civil court system. The Bashingantahe was limited to civil and minor criminal matters and had no jurisdiction over serious criminal matters. Community elders presided over deliberations under this system", reported USSD 2003. (2c)(p6)

5.18 During September and October 2003, judges in Burundi went on strike for 50 days, attempting to secure, inter alia, better working conditions and equality of the judiciary with other branches of government. The strike brought about further backlogs in the judicial system and also apparently led to some detainees being sent to prison without the required warrants. When judges returned to work on 22 October the magistrates' union said it was to give the government more time to work out a way to meet its demands, and threatened to resume industrial action if this process took too long. [16dd][6e](p55-59)(48c)(p11-12)

Military Courts

5.19 According to USSD 2003: "The law provides for an independent military court system, which in practice was influenced by the executive and higher ranking military

forces. Courts of original jurisdiction for lower ranking military offenders were called 'War Councils', and one existed in each of the five military districts. A court martial tribunal of appeals heard appeals of War Council decisions and also had trial jurisdiction for mid-ranking military offenders up to the rank of colonel. Military courts had jurisdiction over military offenders and civilians accused of offences implicating members of the military. Defendants were not provided attorneys to assist in their defence, although NGOs have provided some defendants with attorneys in cases involving serious charges. Trials generally were open to the public; however, they could be closed for compelling reasons, such as national security or 'scandalous accusations against prominent people'. "...Procedures for civilian and military courts were similar; however, military courts reached decisions more quickly, and trials generally failed to meet internationally accepted standards for fair trials. In addition, defendants in military courts are allowed only one appeal." [2c](p6)

5.20 Amnesty International's report 'Burundi: A critical time', dated 13 January 2004, included the following comments on the military justice sector:

The experience of military trials in Burundi has repeatedly demonstrated that military jurisdictions are simply not capable of bringing to justice those accused of human rights violations. However, the inherent weaknesses of military courts persist because they are tolerated by the highest authorities, who largely fail to acknowledge or condemn human rights violations by their forces. The failure to investigate, hold accountable and bring to justice members of the armed forces suspected of being responsible for gross human rights violations is almost absolute and has been extensively documented by Amnesty International.

To date, in the few cases where soldiers have been tried by military courts for serious human rights violations, including the extrajudicial execution of unarmed civilians and captured combatants, those convicted have received disproportionately lower sentences than those imposed on civilians by civilian courts for similar offences. Sentences have been so light as to reinforce the sense that the armed forces are above the law.

Insufficient training and resources undermine the quality of justice administered in military courts in Burundi. [5m](p5-6)

[Back to Contents](#)

Legal Rights/Detention

5.21 A new criminal code was introduced in January 2000 that prohibited arbitrary arrest and detention. Burundi's new penal code, enacted since the installation of the Transitional National Government on 1 November 2001, also forbids holding anyone in prison without charge. [16a](5a) However, the security forces arbitrarily arrested and detained people during 2003, according to the US State Department report. This report continues: "There were numerous arbitrary or politically motivated arrests, including the arrest of several opposition politicians, some demonstrators, and one journalist." [2c](p5)

5.22 USSD 2003 notes: "The law requires arrest warrants, and presiding magistrates were authorized to issue them. Police and gendarmes could make arrests without a warrant but were required to submit a written report to a magistrate within 48 hours. Few aspects of the code were respected [in 2003], and the section that requires that detainees be charged and appear in court within 7 days of their arrest was violated often. A magistrate could order the release of suspects or confirm charges and continue detention, initially for 15 days, then subsequently for periods of

30 days, as necessary to prepare the case for trial. The police were required to follow the same procedures as magistrates; however, the police have regularly detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. Human rights organizations, the UN, the press, and lawyers of the detained reported that incommunicado detention existed, although the law prohibits it. Bail was permitted in some cases. Limits on the length of pre-trial detention were not respected, and a magistrate's strike seeking judicial independence, more resources, and increased pay brought the already dysfunctional justice system to a standstill from September 1 through October 20 [2003]." [2c](p5)

5.23 The UN Special Rapporteur, in her report of 30 October 2003, commented: "There are also instances of people being detained beyond the time limits established under the Code of Criminal Procedure. Many remand prisoners are reported to have spent several years in detention, sometimes up to nine years, without sentence. The independent commission on issues relating to prisoners has not managed to reduce the number of prisoners held in detention centers, as was expected, while the Arusha Agreement Implementation Monitoring Committee and the Commission on Human Rights, at its fifty-ninth session, reiterated their appeals for follow-up on the report of the independent commission." She added: "The observers of the OHCHR Burundi office continued to visit the country's three large prisons. They also visited cells of police stations and the gendarmerie in the capital to monitor whether prisoners were being lawfully detained. Those visits led to the release of several illegally imprisoned persons." [42a](p16)

5.24 USSD 2003 adds: "Many of the persons arrested on criminal charges since 1993 remained in pre-trial custody [in 2003]. According to the Ministry of Justice 4,481 prisoners were awaiting trial. There were 400 communal lockups where those who were arrested were supposed to be held no longer than 1 week; however, in practice, detainees were regularly kept in these facilities for much longer periods of time. Family members were required to provide all food for these detainees. Once detainees were transferred to larger detention facilities, the Government provided food." [2c](p5)

5.25 Amnesty International's report of 2003 (covering 2002) states: "More than 4,500 people out of a prison population of approximately 8,300 were awaiting trial [in 2002]. Some had been detained since 1994, mainly on suspicion of involvement in the 1993 massacres of Tutsi civilians which followed the assassination of Burundi's only democratically elected president. Others were held for offences including belonging to armed political groups."... "Scores of soldiers and several civilians detained on suspicion of involvement in coup attempts in April and July 2001 had not been charged by the end of 2002. One suspect was killed in disputed circumstances in Ngozi prison." [5k](p2)

5.26 According to the UN Secretary-General's report of 4 December 2003: "The Minister of Justice of Burundi reported that the number of detainees had decreased from 9,000 in December 2001 to 7,889 today." The Secretary-General said also that the issue of political prisoners had remained unresolved. [43b](p12)

5.27 Under Burundian law no child under 13 years of age may be detained, while under 18s should bear diminished responsibility for crimes committed; however with

no special courts to enforce this, the reality is reportedly often different. [59] In many cases, children's births are not registered and thus they find it difficult to prove their age. Some children allege that police and gendarmes have deliberately falsified their ages so that they may be detained. [51]

5.28 While the criminal code provides for suspects' rights to a lawyer before official charges are filed and during pre-trial investigations, not all aspects of the code were respected in 2002, according to the US State Department report for that year. [2a](p7)

[Back to Contents](#)

Death Penalty

5.29 In her report of October 2003 the UN Special Rapporteur said that 443 prisoners who had been given the death penalty remained in Burundi's prisons in February 2003. [42a](p17)

5.30 No judicial executions have actually been carried out in Burundi since 2000, noted Amnesty International in a statement dated 1 March 2004. AI did, however, express concern over the prospect of renewed judicial executions following the conviction of four Rwandans for bank robbery and murder and a reported statement by the President that an example should be made of them. [37e]

[Back to Contents](#)

Internal Security

5.31 According to USSD 2003: "The security forces were controlled by the Transitional Vice President in consultation with the Transitional President, and consisted of the Burundian Armed Forces (FAB) and the gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. The Guardians of the Peace, armed paramilitary civil defense units, served in the Bujumbura area and the provinces of Bujumbura Rural, Ruyigi, Rutana, and Bururi. In June, pursuant to the Arusha Accord, a South African-led African Union Mission to Burundi (AMIB) was deployed. Civilian authorities did not maintain effective control of the security forces. Members of the security forces committed numerous serious human rights abuses." [2c](p1) The major rebel factions of the CNDD-FDD and FNL active in Burundi both stated in 2002 that they recognised the army as holding the real power in the country. [19] In addition to the core security forces the authorities have organised armed paramilitary groups called Gardiens de la Paix to serve in certain areas. Members of Gardiens de la Paix are unpaid and poorly trained. [2a]

5.32 The Pretoria Protocol of October 2003 provided that the CNDD-FDD faction of Pierre Nkurunziza, the largest of the armed rebel groups with an estimated strength of 25,000 combatants, would be incorporated into the security forces. CNDD-FDD (Nkurunziza) is to have 40 per cent of the officer core in Burundi's armed forces; its share in the military rank and file to be determined once cantonment is completed so as to achieve a 50-50 ethnic balance in the army. The police force is to be re-structured with 35 per cent of positions allocated to CNDD-FDD (Nkurunziza) and a 50-50 ethnic balance. The gendarmerie will be treated as part of FAB (Burundi Armed Forces), while the intelligence services will be under the direct control of the President. [43b](p3)[43c](p3)

The Armed Forces

5.33 In August 2001 and in 2003 the armed forces were estimated to number 45,500 in total. This included an army of about 40,000 ('Forces armées burundaises' - FAB), deployed through five military districts, and an estimated 5,500 gendarmes. [1a][43c](p4) Members of the security forces have continued to commit numerous serious human rights abuses including extrajudicial killings. [2a][2c][11a]

5.34 The Arusha Accord provided that the armed forces will be restructured so that the two main ethnic groups, Hutu and Tutsi, will provide equal numbers of troops. [1c]

5.35 On 7 January 2004 the President signed a decree to incorporate CNDD-FDD members into the Joint Military High Command. [16c] The new 35-member Military High Command would now consist of 21 officers drawn from the Tutsi-dominated armed forces and 14 members of CNDD-FDD (Nkurunziza). The President's decree stated that the creation of the high command was a prelude to the creation of a new national armed force which would include the existing army and various rebel factions, and would be called the Forces de defense nationales (National Defence Force) - FDN [48c](p9) By March 2004 the Burundi Armed Forces (FAB) and CNDD-FDD (Nkurunziza) were already conducting joint operations. The UN Secretary-General reported to the Security Council on 16 March: "While the ceasefire is generally holding and major military operations have ceased throughout most of the country...joint operations conducted by FAB and CNDD-FDD (Nkurunziza) continue." [43c](p3)

[Back to Contents](#)

Gardiens de la Paix (Guardians of the Peace)

5.36 With the advance of the CNDD-FDD into southern Burundi in 1997, military authorities began to organise armed paramilitary groups in three communes of Bururi province. They subsequently expanded this programme to a number of communes in Kayogoro, Makamba and Rutana provinces. Also initially known as abajeunes these groups were renamed Gardiens de la Paix (Guardians of the Peace) and began to play a major role in fighting the rebels. When rebel activity diminished in some areas of Burundi in 1999 some guardians were permitted to end their service. However, when the FNL attacked in force near Bujumbura in September 2000 hundreds of Gardiens de la Paix were brought from the south of the country to reinforce regular troops. [6b][39]

5.37 In response to a more serious attack on the capital in February 2001 the Burundian authorities began to expand the Gardiens de la Paix programme in March and April 2001. They organised training programmes virtually throughout the whole country. Experienced guardians from the south were used to mobilise young people and the existing programme in Bujumbura-Rural was expanded. The government published no figures for the number of guardians in Burundi but according to information gathered by Human Rights Watch in its report "To protect the people" dated December 2001 as many as 30,000 could have received military training. This report further suggested that there were up to 5,000 guardians in Bururi province, 1,000 in Makamba and hundreds in each of the other provinces where groups were organised during mid-2001. [6b] The US Department of State reported that the

Gardiens de la Paix were active in Bujumbura and its suburbs, Bujumbura-Rural, Ruyigi, Rutana, and Bururi provinces during 2003. [2c](p1)

5.38 The Gardiens de la Paix are generally unpaid and in most cases continue to live at home with their families. According to a 2001 HRW report, the Guardians are not issued with a uniform or identifying insignia though some receive cast off military clothing or parts of uniform taken from slain rebels. [6b]

5.39 Amnesty International, in their report of 13 January 2004, quoted the Governor of Kayanza province as saying that extensive recruitment into the Gardiens de la Paix had taken place. "[The Governor] told Amnesty International the authorities were conscious that in the past the militia had indeed carried out human rights violations and other criminal acts. He claimed that this would be avoided in the future by allowing the population to select people of integrity. The measure in Kayanza, as in other provinces, is apparently supported by many in the population who feel that the armed forces cannot defend them." "However, 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, particularly when accompanied by a strong message that the population should 'defend itself', should 'arrest criminals' and that the administration would 'understand' if some suspected criminals were killed during arrest." [5m](p13)

[Back to Contents](#)

African Mission in Burundi (AMIB)

(Incorporates the South African Protection Service)

5.40 South African forces have been deployed in Burundi since October 2001 when a 651 member peace-enforcing contingent called the South African Peace Support Detachment - otherwise known as the South African Protection Service Detachment - (SAPSD) arrived in the country; by August 2002 the number of troops in the force was reported to be 701. [12a](16aw) The purpose of this unit was to enforce national security and support the transitional authorities; a major task of the force was the protection of Hutu politicians who had returned from exile. SAPSD had no peacekeeping mandate and neither the right nor obligation to intervene in the civil war. [1a](12a) In March 2002 the South African press reported that 26 Hutu politicians had asked for protection and that members of SAPSD had provided this. [12a] In May 2002 the South Africans reported that the SAPSD mandate would be extended for a further six months. [12a] It was reported in August 2002 that two members of SAPSD were among the casualties in a rebel attack on the northern outskirts of Bujumbura. [16aw]

5.41 The ceasefire agreements of 7 October and 2 December 2002 called for the deployment of an international peace force and the establishment of a Joint Ceasefire Commission to assist the parties in implementing the agreements. It was subsequently agreed that this peacekeeping force, to be known as the African Mission in Burundi (AMIB), would be fielded by the African Union (AU); it was to consist of 3,500 troops to be deployed from South Africa, Ethiopia and Mozambique for an initial period of one year. The South African Protection Service Detachment of 700 troops was incorporated into AMIB on 1 May 2003 as an advance party. [43b](p5-6) By February 2004 there were 2,523 AMIB troops in Burundi and 43 international

military observers. [43c](p13)

5.42 According to the Human Rights Watch report of December 2003, 'Everyday Victims': "The AMIB mandate is to supervise the ceasefire, facilitate contact between the belligerents, secure the cantonment zones and escort parties to those zones, assist in the process of disarmament, demobilization, and reintegration, and facilitate the work of the commissions established to restructure the army and police forces. In addition, AMIB continues to be responsible for protecting political leaders during the transition period." While AMIB has no official responsibility for protecting civilians or reporting on human rights abuses, senior officers have directed that AMIB will intervene to protect civilians in particularly serious circumstances, such as in the case of mass killings motivated by ethnicity. [6e](p9-10)

5.43 South African Deputy President Zuma appealed to the UN Security Council in December 2003 to take over peacekeeping operations in Burundi, as the overall level of violence had by then fallen. [16c] In February 2004 a UN evaluation team said that it favoured converting AMIB into a UN operation. [16db]

[Back to Contents](#)

Prisons and prison conditions

5.44 According to USSD 2003: "Prison conditions remained harsh and sometimes life threatening. Severe overcrowding persisted. According to government officials and human rights observers, prisoners suffered from digestive illnesses, dysentery, and malaria, and diseases resulted in deaths, although the Government rarely, if ever, recorded the cause of death as disease. The Transitional Government provided sufficient food, and families were permitted to supplement prisoner rations. Unlike in the previous year [2002], there were no reports that prisoners died from malnutrition." Women were detained separately from men but juvenile prisoners, according to USSD 2003, were held with and often treated as adults. [2c](p4)

5.45 The UN Special Rapporteur stated in her report of October 2003 that prison overcrowding remained a serious problem. "On 28 February 2003, the prison population numbered some 8,181, against a holding capacity of 3,750 prisoners. The population included 4,469 remand prisoners, 3,468 convicted prisoners, 167 minors, 168 women and 514 soldiers.... Between the start of 2002 and April 2003, out of the 2,236 requests for release on parole, 654 were granted. On 15 March 2003, Burundi's prisons held 7,932 prisoners, of whom 4,539 were on remand and 3,393 convicted." [42a](p17)

5.46 In his report of 4 December 2003 to the Security Council, the UN Secretary-General commented: "The Minister of Justice of Burundi reported that the number of detainees had decreased from 9,000 in December 2001 to 7,889 today."... "The Transitional Government has taken steps aimed at improving the living conditions of detainees, including rehabilitation of several detention centres, especially in Rutana, Bururi and Ruyigi provinces. However, most of the other prisons, including those in Ngozi, Rutana, Bururi and Ruyigi, remain seriously overcrowded, so that prisoners are required to take turns sleeping at night." [43b](p12)

5.47 The UN Secretary-General further reported in March 2004 that magistrates had a duty to inspect prisons and police holding cells and verify the status of detainees - particularly in cases of arbitrary arrest or violations of administrative

procedure, but that such visits were not being carried out on a regular basis, largely owing to a lack of resources. [43c](p8)

5.48 USSD 2003 states: "During the year [2003], the Government permitted visits by international and local human rights monitors, and there were no reports that groups were denied access during the year. NGOs continued their efforts to monitor and improve sanitation, hygiene, medical care, food, and water."..."The ICRC was allowed access to prisoners and detained persons, including persons detained for 'reasons relating to the conflict', and conducted visits regularly during the year [2003]." [2c](p5)

5.49 The UN Special Rapporteur, in October 2003, reported that there were 167 minors in Burundian prisons, plus 42 new-born babies living with their imprisoned mothers. [42a](p17) According to a study by UNICEF and the NGO 'Libejeun', with Amnesty International - quoted in April 2002 by IRIN - regarding the children who were being held in 11 of Burundi's prisons: 62% of the children were accused of theft or extortion, almost 11% were charged with murder or manslaughter and 10% with rape. Just under 5% were accused of participation in armed groups and a similar number with 'plotting a massacre' or pillage. The majority (85%) were between 15 and 17 years old when first arrested and a further 11% were aged 13 - 14. Two of the children were under 13 years old. 93% were boys. Many of the children were accommodated with adults. The report said that children were often detained in conditions well below international minimum standards. Despite this, both Amnesty International and the ICRC had noted considerable improvements over the 'past two to three years' in the prisons which were monitored by NGOs such as the Red Cross. Other prisons, such as Rumonge and Bururi, had seen little improvement. [16v] In connection with the 2002 study, Amnesty International pointed out that children are at increased risk of physical and sexual abuse when accommodated with adults in prison, and that overcrowding was 'still a massive problem'. [16v]

[Back to Contents](#)

Military service

5.50 The British Embassy Liaison Office in Bujumbura confirmed in April 2004 that there is currently no statutory requirement to undergo compulsory military service. [23] From 1997 students finishing secondary education and, initially, also those already in their first or second year of study at Bujumbura University (almost all of whom were Tutsi) were being called up to serve in the military for a period of one year - but this requirement was abolished after 2001. [27](23)

(See also Section 6B 'Child soldiers')

[Back to Contents](#)

Medical Services

5.51 The Amnesty International report 'Burundi: A critical time' dated 13 January 2004 states as follows:

Access to health care varies considerably from one province to another, through a range of factors from the difference in quality of infrastructure to the level of past or current armed conflict. Much medical care at this point inevitably falls to humanitarian organizations

and several international organizations intervene in the medical sector. The relations of international organizations in the sector with the government appear to be frequently tense. The organizations openly complain that they repeatedly find themselves facing excessive administrative delays and procedures which impinge on their ability to intervene promptly and effectively, while the government appears to perceive international non-governmental organizations as taking the money it believed should come from international donors to the government. Vital equipment and supplies may be blocked for weeks or months, accruing large customs duties. The NGOs additionally have faced in 2003 serious security constraints, some linked to conflict, others to a dramatic increase in armed crime. Even with this assistance, many people appear not to have access to health care, due to a variety of reasons: difficult physical access to medical centres, through geography and insecurity; lack of confidence in the medical sector and, not least, prohibitive costs. Furthermore, some find it futile to walk 20 kilometres or more to the nearest health centre when they do not even know if it will have medicines or when they cannot afford the treatment. At the same time, the population's general health has been weakened by repeated displacements which disrupts access to food and clean water and exposes the displaced to conflict related injury and trauma, as well as inadequate shelter from cold and rain. Bluntly, their medical needs have grown but their ability to pay has diminished. [5m](p11)

5.52 In 2002 the Government introduced a policy of 'cost recovery' in the health sector which, according to AI, effectively excluded many people from health care. Humanitarian workers were reportedly saying that, without their intervention, people in some areas would not have received any health care. [5m](p22)

5.53 A 2002 survey conducted in three provinces by the International Rescue Committee (IRC), the results of which were published in September 2003, revealed that, despite a ten-year civil war in Burundi, diseases remained the major causes of disability and mortality in the country. The main reasons for respondents' lack of access to medical care included the high costs of care and long distances to health services. Some patients had failed to seek medical care because they believed the disease 'would disappear by itself', or they chose to consult traditional healers instead, or they went to medical centres only when it was too late. [16dH]

Malaria

5.54 Malaria is the leading cause of mortality in Burundi, killing more people than AIDS or war. At least 50 per cent of medical consultations in the country concern malaria patients. It is particularly common in pregnant women and children aged under five years, especially those living in camps for the displaced. [16dH] Over 3,500,000 cases of malaria were reported in 2002, according to Amnesty International. [5m](p10) In their report of 13 January 2004, AI quoted MSF as saying: 'In an epidemic lasting from late 2000 through summer 2001 over three million cases occurred among a total population of 6.5 million'. For the first time, even areas above 1400 metres were affected, with mortality reported to be particularly high in those areas due to low resistance to the illness and the ineffectiveness of the treatment being provided. MSF treated over a million cases during that epidemic. [5m](p10)

5.55 The UN Secretary-General confirmed in his December 2003 report that eight provinces were suffering from malaria epidemics on a continuous basis, claiming the lives of many people, particularly children. To better address this, the Ministry of Health and the World Health Organisation had introduced a new treatment protocol. [43b](p11)

5.56 In November 2003 the government had launched a new malaria treatment, a

combination therapy of artesunate and amodiaquine, and announced the stoppage of chloroquine and fansidar, to which the disease had become resistant. The Health Minister said the new medicine would be available in all public hospitals and health centres. He said the new therapy was being introduced after studies showed that chloroquine and fansidar had failed to cure more than 25 percent of patients, whereas studies showed that the new combination was 'powerful' in more than 95 per cent of patients. A dose of the new medicine for children aged under five years would cost 100 francs (\$0.10) and 200 francs (\$0.20) for adults and for children over five years. The cost of malaria treatment in Burundi has been subsidised by international donors as well as by the Government. [16d]

HIV/AIDS

5.57 According to a survey released in December 2002 by the Centre for Training and Research in Infectious Diseases, 3.6 per cent of Burundians above the age of 15 were then HIV positive; 9.5 per cent of those in urban areas and 2.5 per cent in rural areas were HIV positive. While the epidemic appeared to have stabilised in urban areas, the infection rate had increased dramatically outside of towns - from 0.7 per cent in 1989 to 2.5 per cent in 2002. [16c]

5.58 In a bid to limit the spread of HIV/AIDS, the Burundian government has set up a national structure for HIV/AIDS control, the Conseil National de Lutte contre le Sida, which has been decentralised to incorporate HIV control units in each province and in each government ministry. Commenting on progress that had been made in 2003 Dr Joseph Wakana, permanent secretary of the HIV/AIDS Council, said that access to ARVs was still limited due to lack of funds; that out of 250,000 HIV positive people in Burundi 25,000 needed to be on ARVs but only 1,500 had access them - 700 them free of charge. He said that out of 12 billion Burundi francs (US \$12 million) to be made available in 2004 for HIV/AIDS control, 53 per cent would go towards the provision of ARVs for HIV positive persons. A national strategic plan covering 2004-2006 provides for access to ARVs by 5,000 people in 2004; 12,500 in 2005 and 25,000 in 2006. [16c]

5.59 In May 2001 Burundi had reached an agreement with four pharmaceutical companies to obtain anti-retroviral drugs at a cost 90 per cent less than in the United States. The companies agreed to provide long term supplies of the drugs. The agreements were signed as part of a partnership with five UN agencies (World Bank, UNFPA, WHO, UNICEF and UNAIDS). Under the agreements the country would be able to supply a wide range of AIDS drugs at a cost of US \$700 per patient per year. Before this price reduction under the new agreement a person living with HIV/AIDS had to pay 12 million Burundi francs (12,000 dollars) each year for the triple-therapy. The agreement reduces the cost to 1.3 million Burundian francs for special drugs and 700,000 Burundian francs for generic anti-retroviral drugs. [4i] At the end of 2003 the cost of ARVs was said to be US \$30 for a month's dose. [16c]

5.60 In July 2002 the World Bank signed a US \$36-million agreement to support a project geared to support implementation of the country's 2000-2006 action plan to prevent further HIV infections and lessen the impact on those already infected or affected. [16a]

Cholera

5.61 The World Health Organisation reported on 18 February 2004 that, since the beginning of December 2003, there had been several clusters of cholera cases. As of 10 February 2004 the Ministry of Health had reported a total of 236 cases, including 6 deaths, in four provinces. As cholera transmission is closely linked to a lack of safe water supply, a specific intervention for the chlorination of drinking water had been implemented. During July and August 2002 the authorities had faced difficulties in fighting an outbreak of cholera in the northern province of Cibitoke that claimed 215 lives in the space of 7 weeks. A major problem in fighting the outbreak was a lack of water, supplies of which had been cut after the worst hit communes had failed to pay their arrears. [16a5]

[Back to Contents](#)

People with disabilities

5.62 According to USSD 2003 the Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. There are few job opportunities for the physically disabled in Burundi, where most jobs involve significant manual labour. [2c](p16)

5.63 The results of a UNICEF study into the number, category and conditions of handicapped children in Burundi were released in early 2002. It was intended that the data obtained would allow UNICEF and partners to better target programmes for the prevention of child handicaps and the treatment and social integration of handicapped people. According to the study, there were over 10,500 physically and mentally handicapped children in Burundi; the report classified these children into such categories as physical trauma related to the war, mental illness, physical handicap, blindness and deafness and speech impediment. [16b]

[Back to Contents](#)

Education System

5.64 According to USSD 2003 schooling is compulsory up to age 12, but in practice this has not been enforced [in 2003]. "The Transitional Government provided primary school at nominal cost, but it was increasingly unaffordable due to the declining economy brought about by the continuing conflict. The UN International Children's Fund (UNICEF) reported that the net primary school enrolment/attendance rate for children was 49 percent, with 44 percent of girls enrolled/attending and 49 percent of boys. Sixth grade is the highest level of education attained by most children and less than 10 percent of children of secondary school age attended school." [2c](p15) According to UNICEF there were 1,720 primary schools in Burundi in November 2002. [16bq]. Kirundi is the language of instruction in primary schools, while French is used in secondary schools. Primary education starts at the age of seven. Secondary education normally begins at age thirteen and lasts for up to seven years. There is one university, in Bujumbura. [16]

5.65 Access to education is particularly difficult in conflict areas, not only because of the general insecurity but also because armed political groups have repeatedly

attacked, looted and destroyed schools in the areas in which they operate or through which they pass. [5g] USSD 2003 adds: "An estimated 550,000 children of school age did not attend school for many reasons, including an inability by their families to afford school fees and materials, frequent displacement due to civil war, ill health, and the deaths of their parents as a result of HIV/AIDS, which left children orphaned, homeless, or both. More than 25 percent of primary schools have been destroyed in the war, and many teachers have been killed." [2c](p15). Teacher training has been interrupted, and it is difficult to find qualified teachers to work in the provinces most affected by fighting. [2c](p15) The UN Special Rapporteur, following her mission to Burundi in May 2003, reported: "In the province of Ruyigi, for example, education is in crisis. The majority of schools are closed and the drop-out rate is very high. The schools are occupied by the military. The number of destitute children attending regularly is very low. Owing to the persistent insecurity, absenteeism is also growing among the teachers, who do not hesitate to take strike action to defend their rights." [42a](p15)

5.66 School attendance rates (in 1999) were lower for girls than for boys. The Women's Commission for Refugee Women and Children was quoted by USSD 2002 as saying that girls comprised 44 per cent of primary school pupils and 30 per cent of secondary school students. [2a](p14) "Families with limited financial means usually prefer to send boys to school; girls are only chosen when they are very bright," the director in charge of secondary education in the Burundi Ministry of National Education said in 2002. [18bq]

5.67 Teachers in Burundi went out on strike on 5 January 2004 and returned to work on 15 March, putting at least one million children out of school. They threatened to resume the strike if the government refused to accede to their wage and housing allowance demands. Gendarmes arrested the leaders of the two main teachers unions during the strike (10 March) but released them after several hours. [16cz]

[Back to Contents](#)

6. HUMAN RIGHTS

6.A Human Rights Issues

General

6.1 On 16 March 2004 the UN Secretary-General reported to the Security Council: "As a result of the recent political and military developments in Burundi, the security situation has dramatically improved and calm has returned to most provinces. This is a major change from the volatile situation experienced until recently, when daily attacks were still the norm." [43c](p4) Under the terms of the Arusha Agreement, there was an orderly transfer of the Presidency from Pierre Buyoya (a Tutsi) to Domitien Ndayizeye (a Hutu) on 30 April 2003, as the power-sharing Transitional Government entered the second half of its three year term. Following the signing of the Pretoria Protocol on 8 October 2003, hostilities ceased between government forces and the largest of the armed rebel movements, the CNDD-FDD faction of Pierre Nkurunziza.

Four members of CNDD-FDD (Nkurunziza) took up places in the Cabinet of Ministers, which included representatives of a broad range of political parties and rebel groups. [16c] In March 2004 the only armed movement still outside the peace process was the FNL faction of Agathon Rwasa, and fighting between FNL (Rwasa) and joint Burundian Armed Forces (FAB)/ CNDD-FDD (Nkurunziza) elements was continuing, mainly in the Bujumbura area. [43c](p3)

6.2 However, the Secretary -General added in his March 2004 report: "Since [the 2003 report of the Special Rapporteur on human rights in Burundi], there has been little improvement in the human rights situation in the country. Historically, the human rights situation has been characterised by political assassinations, followed by the massacre of civilians, sometimes amounting to acts of genocide and mass exodus. Summary executions of civilians has decreased but torture, illegal detention and arbitrary detention persist. The civilian population, especially the elderly, women and children, are the primary victims of the acts of violence, which are committed with impunity." [43c](p6)

6.3 Amnesty International also cautioned in a press release on 12 January 2004: "[A] has observed that despite positive political changes many Burundians are yet to feel the benefit, and remain trapped in a seemingly endless cycle of violence, human rights abuses, poverty and humiliation." [51]

6.4 The civil conflict has led to massive refugee flows and substantial internal displacement. The UNFPA estimated in January 2003 that there were then over 280,000 internally displaced persons (IDPs) at 230 permanent sites, and another 100,000 people temporarily displaced. Up to 800,000 Burundians had sought refuge in Tanzania and other countries over the past 30 years, including 320,000 currently living in camps in Tanzania. [44](p35)[43cp19-20] UNHCR announced on 22 January 2004 that Burundian, Tanzanian and UNHCR officials had signed a repatriation agreement, paving the way for a larger-scale return of Burundian refugees from Tanzania; a UNHCR spokesman reported on 20 February 2004 that over 12,000 Burundian refugees had returned home from camps in Tanzania during January-February 2004. [62a][62b]

6.5 According to the US State Department report on Human Rights Practices in Burundi for 2003 (USSD 2003):

The Transitional Government's human rights record remained poor, and it continued to commit numerous serious human rights abuses. Citizens did not have the right to change their government. Security forces continued to commit numerous arbitrary and unlawful killings, including unarmed civilians, many of whom were killed during reprisal attacks on those suspected of co-operating with the insurgents. There were credible reports of disappearances, and the security forces continued to torture, beat, rape, and otherwise abuse persons. Despite some improvements, prison conditions remained very poor in general and sometimes life threatening. Impunity and the continuing lack of accountability for those who committed past abuses remained serious problems. Arbitrary arrest and detention, and lengthy pre-trial detention were problems, and there were reports of incommunicado detention. The court system did not ensure due process or provide citizens with fair trials. The Transitional Government infringed on citizens' privacy rights. The Transitional Government controlled the media and restricted freedoms of speech, the press, assembly, association, and movement. Since 1993, the civil war has caused thousands of civilian deaths and massive internal population displacement. The armed forces sometimes limited access to certain areas by human rights observers, citing security conditions. Violence and discrimination against women continued. Commercial sexual exploitation of children and the use of child soldiers were

problems. Discrimination against persons with disabilities, indigenous Twa populations, and state discrimination against Hutus remained serious problems. Societal discrimination between the Hutus and Tutsis continued. Incidents of ethnically motivated property destruction and killing occurred throughout the country. Child labor, including forced labor, was a problem. Trafficking in persons was a problem.

Rebels also continued to commit numerous serious human rights abuses against civilians, including killings, kidnappings, rapes, theft, extortion, the forcible recruitment and employment of children as child soldiers, and forced labor. [2c](p1)

6.6 Both Amnesty International and the UN Special Rapporteur noted a significant increase in the incidence of rape in 2003, the victims being women, girls and boys. The perpetrators - which have included soldiers of the regular army, members of armed rebel groups, armed criminal gangs and private individuals - have largely not been brought to justice. [5n](42a)(p9-10)

6.7 The UN Special Rapporteur stated in her report of October 2003 that the fundamental civil, political, economic, social and cultural rights of children continued to be violated, and that children have been victims of numerous acts of violence by the security forces and the armed rebel groups. [42a](p14) Several thousand child soldiers have been serving with government forces and armed rebel movements in various capacities; there has recently been some progress towards demobilising them, but this has been slow. [5o](2c)(p15) The education system, particularly in rural areas, is in crisis and more than 560,000 children do not attend school, according to the UN Secretary-General's March 2004 report. [43c](p5)

6.8 The Government retained control of most of the major media in 2003 and continued to harass and intimidate journalists and restrict their movements, according to USSD 2003. [2c](p9-10) Human Rights Watch commented in December 2003: "With Ndayizeye as president, the Burundian government repressed dissent and censored the press, much as it did under his predecessor Buyoya". [6e](p16)

6.9 Burundi has ratified several international and regional human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (African Charter) which guarantee the right to life and prohibit unlawful killings, torture and ill-treatment - AI, June 2002. [5e](p5)

[Back to Contents](#)

Torture

6.10 The Transitional Constitution Act prohibits torture and other cruel, inhuman or degrading treatment or punishment; however, the US Department of State reported that members of the security forces continued to torture and otherwise abuse persons during 2003, and that there were deaths reportedly resulting from torture during the year. [2c](p3) The Burundian Human Rights League ITEKA documented 30 cases of torture by government agents, the Burundian defence force and rebels between January and May 2003, USSD 2003 reports. Noting that human rights observers did not have access to illegal detention centres, state intelligence services and rebel camps, the League estimated that the actual number of torture victims had been much higher. [2c](p3)

6.11 Amnesty International (AI), in their report 'Burundi: A critical time' published on 13 January 2004, stated: "Ill-treatment and torture in police, gendarmerie and military custody remain widespread. Torture methods most frequently reported to Amnesty International in 2003 include severe and sustained beatings using electric cables, sticks and other heavy implements, beatings on the joints, the soles of the feet and the genitals, kneeling on bottle tops, stabbing, electric shocks, tying in excruciating positions, humiliation and intimidation, including death threats or other psychological abuse. Other techniques documented by Amnesty International include scalding with boiling water and melted plastic bags, breaking of bones and simulated executions. These torture methods have been documented by Amnesty International for many years. Some detainees have been so severely tied or beaten that their limbs have subsequently been amputated." [5m](7-8)

6.12 AI observed in their 'Summary of Human Rights Concerns' of 22 September 2002 that the failure of the courts to investigate torture allegations and their willingness to accept confessions obtained under torture had encouraged abuse. Such abuse was also facilitated by the practice of incommunicado detention. [37](p2), AI have also reported cases where children have been ill treated. A number of such cases are referred to in the AI report 'Poverty, isolation and ill-treatment: Juvenile justice in Burundi' published on 24 September 2002. [5g](p8-9)

6.13 AI's 2003 annual report, covering 2002, claims: "Scores of people were tortured or ill-treated after arrest." [5k] For example, 13 people were arrested in Bururi province in January 2002, on suspicion of links with an armed political group. At least four of those arrested were ill-treated at a military position, including two elderly women who were beaten on their hands with an iron bar. At least two people died in detention in 2002, following torture. In July 2002, Sergeant Paterné Mpfukamensabe was beaten to death in Ngagara military barracks, Bujumbura, after being arrested following a dispute with another soldier. [5k]

[Back to Contents](#)

Extrajudicial killings

6.14 The Human Rights Watch (HRW) report of December 2003, 'Everyday Victims' notes: "During the nearly ten years of civil war in Burundi, soldiers of the Burundian armed forces and combatants of the FNL and FDD rebel movements have often been responsible for the deaths of civilians in violation of international humanitarian law." [6e](p18) The report refers, inter alia, to recent reprisal killings by government soldiers. For example, in at least four cases following attacks on government soldiers by FNL (Rwasa) in 2003, government troops responded immediately with attacks on the civilian population in the vicinity. [6e](p25) USSD 2003 states: "The FAB [Burundi military] regularly committed unlawful killings, often with impunity, of Hutu and Tutsi civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels." [2c](p2) The HRW report of December 2003 refers also to killings and abuses by government soldiers for reasons other than reprisal. "Members of the Burundian armed forces stationed in relatively small posts around the country lived in close proximity to civilians and often appropriated their property or extorted services from them. Some deliberately killed or otherwise injured civilians in the course of robberies or as punishment for non-compliance with their orders. If such crimes were reported to the commanding officers of the accused, military authorities rarely investigated and, more rarely still, prosecuted such crimes." For example, a

soldier from the Gitoko post reportedly killed a man in Bujumbura in 2003 because he had refused to carry water for him. [5e](p31)

6.15 In early August 2002, army spokesman Col. Augustine Nzabampema told a news conference that any civilian who did not flee from rebel forces, often called assailants, "will be treated as an assailant". According to Burundian human rights observers, the Minister of the Interior and Public Security expressed similar sentiments - HRW briefing paper, November 2002. [5d](p1)

6.16 Amnesty International stated in its report of 13 January 2004, 'Burundi: A critical time': " More than 500 unarmed civilians including scores of children were extra-judicially executed in 2002. At least 100 unarmed civilians were extra-judicially executed in 2003". [5m](p7) A massacre occurred in Itaba commune on 9 September 2002. The following is AI's account of it in their January 2004 report:

At least 173 and possibly as many as 267 unarmed civilians, including large numbers of women, children and the elderly, were deliberately and unlawfully killed by government soldiers in Itaba commune, Gitega province, on 9 September 2002. Most of the victims had been shot at point blank range. Others had been shot as they attempted to flee, or burnt alive in houses where they had hidden. Following national and international outrage, as information that had initially been hidden began to emerge, two army officers were arrested and accused of murder. On 22 February 2003, they were convicted by a military court (*conseil de guerre*) of the lesser charge of failing to follow orders, sentenced to four months' imprisonment (the time they had already served) and released.

Although the Burundian armed forces had admitted the killings, during the two day trial, for reasons that are not clear, the charge of murder was dropped and lesser charges of breaching public solidarity ('*anquement à la solidarité publique*') and failure to follow orders ('*violation de consignes militaires*') were introduced. Acquitted of the first charge, the officers were found guilty of failing to follow orders on the grounds that they had failed to give a report of the incident, and that even though they had received orders to fire on combatants in the area it should have been clear that they were firing on an unarmed civilian population. The military prosecutor had reportedly argued that as civilians had been given the order to leave the area whenever combatants were present, those who stayed behind were correctly considered as combatants. Reflecting concern that justice had not been done, the civilian State Public Prosecutor ordered the Military Prosecutor's Office to reopen the case. However, no further investigations into the killings are known to have taken place. [5m](p6-7)

6.17 With regard to Itaba, the UN Special Rapporteur stated in her report of 20 October 2003: "In response to the Special Rapporteur's questions on that case at the fifty-ninth session of the Commission on Human Rights, the representative of the Burundian Government said that the Office of the Principal State Prosecutor of the Republic had appealed the sentence originally handed down. During her mission to Burundi [in May 2003], the Special Rapporteur found that neither the Principal State Prosecutor of the Republic nor the Chief Military Prosecutor, with sole jurisdiction to lodge appeals, had done so. The judiciary authorities, however, affirmed their willingness to continue the inquiry." [42a](p16)

6.18 According to the AI 2003 annual report (covering 2002), 23 children were among more than 30 unarmed civilians extrajudicially executed by government forces in Rutegama and Kiganda communes in Muramvya province in July and August 2002. The victims were relatives of three men suspected to belong to the CNDD-FDD. No one was reportedly arrested in connection with these killings. [5k](p1)

6.19 USSD 2003 reported: "On January 19 and 20 [2003], in Ruyigi province, FAB soldiers killed between 32 and 89 civilians, including children, the leader of Esebu church, and several church members who were conducting a prayer vigil; the soldiers reportedly suspected them of collaborating with rebels. The soldiers also looted and burned at least 400 homes, raped women and girls, and denied humanitarian aid agencies access to the population displaced by fighting, according to numerous NGO and humanitarian agency reports. Several of the victims were killed by clubs and bayonets. There were no reports of any investigation or punishment of those responsible for these killings." [2c](p7)

[Back to Contents](#)

Disappearances

6.20 According to USSD 2003: "Although precise numbers were unavailable, there were frequent reports of kidnappings during the year. Rebels were responsible for many of the disappearances." [2c](p3)

6.21 The Amnesty International 2003 report (covering 2002) states: "Several people reportedly 'disappeared' after their arrest and were feared dead. On 4 September [2002], Diedudonne Nzisabira, Renovat Mvuyekure and Leopold Bucumi were arrested by soldiers from Kamesa military position, Nyabiraba commune, Rural Bujumbura, and accused of being members of an armed political group. They were reportedly transferred to a nearby military position in Gisovu, but were not seen thereafter." [5k](p2)

[Back to Contents](#)

Abuses by rebel groups

6.22 Amnesty International, in their report 'Burundi: A critical time' dated 13 January 2004, reported that members of the CNDD-FDD (Nkurunziza) had been responsible for 'scores' of unlawful and deliberate killings of unarmed civilians and abductions, as well as rape. The report also states that CNDD-FDD (Nkurunziza) combatants harassed, abducted and killed members of local government administration during 2003, as well as other people suspected of collaborating with the authorities. According to AI, after the entry of the CNDD-FDD (Nkurunziza) into the Government in late-2003, its members were responsible for 'scores' of killings of suspected FNL supporters. In December 2003, 24 bodies found in a house in Bujumbura were suspected of being FNL supporters killed by the CNDD-FDD (Nkurunziza). In December 2003 CNDD-FDD (Nkurunziza) apparently carried out a number of 'arrests' of FNL supporters and of people accused of armed robbery, apparently with the blessing of the Burundian authorities. Human rights groups expressed concern that these people were being held outside the framework of the law. [5m](p4-5)

6.23 Amnesty International's report of 13 January 2004 also stated that serious human rights abuses have continued to be committed by members of the FNL faction of Agathon Rwasa, including unlawful killings of scores of unarmed civilians, suspected collaborators and government officials. FNL(Rwasa) had also shelled targets in Bujumbura without taking evident steps to protect the civilian population, thus causing civilian casualties. According to the report, "Scores of members of the local government administration as well as people suspected of belonging to rival opposition factions were deliberately and unlawfully killed by the FNL in Rural

Bujumbura province. Scores of civilians suspected of passing information to the administration were also killed or ill-treated. The FNL continued to 'try' civilians in the area for numerous offences including theft, adultery and drunkenness. It is not known how many people were summarily executed as a result." [5m](p17) AI reported, for example, that a series of executions took place in Kabezi province after the FNL attack on Bujumbura in July 2003, including the summary execution of children who admitted to having been paid - with bread and peanuts - by the Burundi armed forces for providing information on the presence of FNL in the area. The FNL attack on Bujumbura on 7 July 2003 had displaced about 30,000 people and caused the deaths of about 200, including civilians. [5m](p17)

6.24 The UN Special Rapporteur to Burundi stated in her report of 20 October 2003: "Mass rapes, often gang rapes, perpetrated by members of armed groups and soldiers of the regular army, and also by unknown persons or deserters from both types of forces, have recently increased considerably." [42a](p9)
(See the section 'Violence against Women' in section 6B.)

6.25 Armed rebel groups have recruited and used child soldiers in various capacities - see section 6B 'Child soldiers'.

6.26 Throughout In 2002 there were numerous reports that Hutu rebels ambushed minibuses travelling on national highways and robbed and killed the occupants - USSD 2002. [2a](p8)

6.27 Rebel groups were responsible for many of the 'disappearances' that occurred during 2003; USSD 2003 cites the following examples:

In June [2003] rebels kidnapped and held for ransom Etienne Bigirimana, the Rusaka Commune administrator in Mwaro Province. Bigirimana was released shortly afterward, although no ransom had been paid.

On June 29 [2003] CNDD-FDD rebels kidnapped three members of parliament (M.P.s) and seven citizens in the eastern province of Ruyigi. The rebels released the citizens shortly following the abduction, and the M.P.s on July 26.

On July 10 [2003] bandits kidnapped an employee of the International Rescue Committee (IRC) and demanded a ransom of \$20,000 (21.5 million francs). The victim was released on July 18, although the ransom reportedly had not been paid. [2c](p3)

The UN Special Rapporteur noted in her report dated 20 October 2003 that she had been informed of many cases of abduction carried out by armed rebels. [42a](p9)

6.28 The UN Special Rapporteur also cited extortion by rebel groups in her October 2003 report: "The rebels are reportedly continuing to impose taxes on the people. In the town of Ruyigi, rates are said to have reached 10,000 Burundian francs for officials of non-governmental organizations, 5,000 francs for members of the civil service and 1,000 francs for farmers. Even certain military staff feel obligated to pay the taxes to prevent their houses from being looted. Six houses were reportedly looted at Ruyigi because the owners had not paid the taxes. [42a](p9) USSD 2002 stated that rebel forces reportedly often killed persons for their refusal to pay 'taxes' to the rebels. [2a](p8)

[Back to Contents](#)

Impunity and provisional immunity

6.29 The UN Secretary-General noted on 16 March 2004: "At the core of the peace process is the question of impunity. Horrendous abuses of human rights and

violations of international humanitarian law have been committed by all sides in the Burundi conflict". His report referred to measures in the Arusha Agreement to be put in place to promote national reconciliation and fight genocide and exclusion. [43c](p23,7)

6.30 The UN Special Rapporteur stated in her report of 20 October 2003: "Impunity persists, especially with respect to acts of violence committed by elements of the regular armed forces and armed rebel groups. Thus, responsibility for the Itaba incident, in which more than 170 civilians were killed by the regular army, in September 2002, and other similar incidents has not yet been determined." [42a](p16) (See the section 'Extrajudicial killings' for further information on the Itaba incident.)

6.31 The Special Rapporteur also noted in 2003 that widespread incidents of rape by both members of the security forces rebel groups remained unpunished. [42a](p16)

6.32 USSD 2003 commented: "Impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability." [2c](p5)

6.33 During 2003 both the National Assembly and the Senate adopted a law for the ratification of the Rome Statute - including article 124, which would permit the State to prevent consideration by the International Criminal Court of crimes committed by its armed forces for a period of seven years. The law was forwarded to the President in August 2003 but, by April 2004, had not yet been promulgated. [43c](p8)[23] According to the Human Rights Watch report of December 2003, 'Everyday Victims', the National Assembly adopted a resolution in August 2003 guaranteeing provisional immunity for alleged political crimes for a period of two years - it excluded immunity for war crimes, crimes against humanity and genocide. As of early November 2003 the Senate had not yet adopted this resolution. However, the Government and the FDD, in a protocol signed in Pretoria on 2 November 2003, agreed to grant provisional immunity to all leaders and combatants of CNDD-FDD and all members of the government security forces (including the army and police) - it did not specify a time limit. It was also agreed to set up a commission to re-examine the cases of civilians currently in prison to determine whether they should have the right to provisional immunity, and to support the provisions in the Arusha Accord concerning the creation of an international tribunal and a national commission of truth and reconciliation. [6e](p54)

[Back to Contents](#)

Promotion of human rights

6.34 The UN Special Rapporteur noted in October 2003 that the Burundi office of OHCHR (Office of the UN High Commissioner for Human Rights) had increased its number of human rights training sessions. Training and awareness sessions were to be offered to women leaders and members of the regular armed forces and demobilised rebel forces, as well as to returning refugees and 'sinistres' (survivors). OHCHR was co-operating with UNHCR to prepare for the return of refugees and to train civil society and the police in refugees' rights. [42a](p17-18)

6.35 The Government Commission on Human Rights has been restructured and receives UN financial assistance. However the Commission has claimed to be constrained by insufficient resources. [42a](p18)

Freedom of Speech and the media

6.36 USSD 2003 states: "The Transitional Constitution provides for freedom of speech and of the press, despite a law requiring journalists to submit articles for government approval prior to publication; however, the Transitional Government restricted these rights in practice." [2c](p9) In her report of October 2003, the UN Special Rapporteur commented: "The problems encountered by representatives of the media are many, including difficulties of access to information, censorship and intimidation." [42a](p12)

see 'Media Institutions' and 'Journalists', below.

6.37 There have been government restrictions on freedom of speech, according to USSD 2003. For example Charles Mukasi, former leader of UPRONA, was arrested for criticising the December 2002 ceasefire negotiations between the Government and rebel groups; he was subsequently released in March 2003. [2c](p9)

6.38 No laws or regulations limit academic freedom, and no action was taken against persons at the University of Burundi in 2003 for what they published or said. There were no reported tensions between Tutsi and Hutu students - USSD 2003. [2c](p10)

[Back to Contents](#)

Media Institutions

6.39 In 2003 the Government continued to control major media. It owned the only regularly published newspaper and the only television station, as well as two of the nine radio stations. According to USSD 2003, the Government exercised strong editorial control. The government-owned newspaper 'Le Renouveau' was published three times a week. Political tracts circulated, and two private faxed news sheets, Azania and Net Press, were published regularly and represented mainly Tutsi political viewpoints. [2c](p9)

6.40 Radio reaches more people in Burundi than any other medium and is thus the most important medium of public information. During 2003 the government-owned stations broadcast in the Kirundi language, French, and Swahili, and offered limited English programming. The seven privately owned radio stations included Radio Isanganiro, Bonesha FM, and African Public Radio (RPA). [2c](p9) African Public Radio (Radio Publique Africaine) was launched in March 2001, broadcasting in French, Kirundi, and Swahili. It has both Hutu and Tutsi staff members working side by side. Within a few months it had secured the highest audience rating ahead of the state radio and private stations. [25a] Radio Isanganiro, sponsored by the US NGO Search for Common Ground, began broadcasting in November 2002. The station was aimed primarily at people in internal displaced and refugee camps with the aim of being a meeting point for ordinary citizens, politicians and civil society. [16bs] Listeners could receive transmissions of the British Broadcasting Corporation (BBC), the Voice of America, and Radio France Internationale. [2a](p9)

6.41 USSD 2003 states: "The Transitional Government continued to restrict, through direct and indirect means, reporting on the country's internal conflict and continued to threaten independent radio stations with closure if they broadcast reports that contradicted government accounts. On March 4 [2003], President Buyoya summoned the editors of the country's private radio stations and ordered them to stop broadcasting and indirectly quoting statements made by leaders and spokespersons of rebel groups that had not signed a ceasefire agreement with the Transitional Government. [Human Rights Watch] reported that in July, Minister of Communication Albert Mbonerane prohibited the public and private media from publishing the number of persons killed or injured in a rebel attack on Bujumbura; a few days later, he and the Minister of Defense prohibited the press from reporting any information on the extent of army losses."... The Transitional Government suspended the broadcasting rights of radio stations that reported opinions about the April 30 transfer of the Presidency, which were deemed harmful to national security; aired interviews with rebel leaders; or reported on other sensitive matters. For example, on September 13, the Transitional Government imposed an indefinite suspension on Radio Isanganiro for broadcasting a discussion which included input from an FNL spokesman, Pasteur Habimana. The Government accused the station of 'endangering national unity.' Following protests by other privately owned stations and newspapers, the suspension was lifted on September 20.)" [2c](p10)[30a]

6.42 The Government closed African Public Radio (RPA) on September 16 2003 after the station aired an interview with FNL spokesman, Pasteur Habimana, on his reaction to the suspension of Radio Isanganiro. The station was accused of 'vilifying the Government and disseminating propaganda of the country's enemy.' The ban was lifted on September 19 and the station began broadcasting again on 20 September 2003. There were no reports that the Transitional Government jammed the transmissions of privately owned radio stations in 2003. [2c](p10)[30a]

[Back to Contents](#)

Journalists

6.43 Reporters without Borders, in its 2003 Annual Report on Burundi (covering 2002), stated: "The situation is not improving. A journalist was killed by the rebels, two others were physically attacked and several were threatened. The very tense political climate encourages the authorities to adopt very restrictive measures. This includes temporarily closing some news media." [58a]

6.44 USSD 2003 notes: "The Transitional Government harassed and intimidated journalists [in 2003]"..."The Transitional Government and security forces frequently prevented journalists from going to rural areas where crimes occurred, making it difficult to gather information about perpetrators or victims". There were no reports in 2003 that security forces beat journalists, as had happened in 2002. There were also no reports in 2003 of journalists being killed in fighting between government and rebel forces. [2c](p9-10) A press law requires that newspaper articles undergo review by a government censor 4 days before publication; journalists have viewed this law as a form of intimidation. [2c](p10)

6.45 At a meeting with journalists in May 2002 the Defence Minister banned all media in the country from interviewing any rebels. [30b] On 22 July 2002 the

Government banned the news media from broadcasting or publishing any information about army losses in clashes with the rebels. [58a]

6.46 In July 2002 the Government apparently threatened the manager of Radio Bonesha after it broadcast a story concerning ceasefire talks between the Government and rebels. USSD 2002 states he increased his self-censorship after the incident. On August 28, APR ceased broadcasting after the Government Communication Control and Regulation Agency on August 23 began jamming its broadcasts due to unpaid fees; APR resumed broadcasting on September 3. [2a](p9-10) Responding to this development the local human rights organisation, ITEKA accused Ndayirukiye and the state prosecutor of issuing threats at a meeting with journalists on 16 May 2002. ITEKA termed the development a restriction of civil liberties and demanded that the government revise all the injunctions imposed at the 16 May 2002 meeting, that it allow the media to inform the public freely on the peace process, and that it permit all the protagonists in the conflict to express themselves freely. [16a] On 31 July 2002 the NCC imposed a ban on the periodical 'Panafrica' because, it said, the publication had carried a lengthy interview with a politician who had advocated threats, violence and chaos. In addition, the NCC said, Panafrica had shown bias in favour of a particular ethnic group in order to exploit ethnic fears, set Burundians against one another, stir up hatred, and drive people and some state institutions into the throes of anarchy. [16ap]

6.47 USSD 2003 records that the security forces arrested at least one journalist during 2003. On 5 July, Jean Claude Kavumagubu of the Net Press news sheet was arrested for hosting a banned link on his publication's website. He was released on 10 July. [2c](p10)

[Back to Contents](#)

Freedom of religion

6.48 According to the International Religious Freedom Report of 2003 published by the US State Department (2003 Religious Freedom report): "The Transitional Constitutional Act, promulgated in October 2001, provides for freedom of religion, and the Government generally respects this right in practice, within the bounds of public order and the law. The Government at all levels strives to protect this right in full, and does not tolerate its abuse. Discrimination on the basis of religious conviction is prohibited." This report goes on to say: "There were no known abuses of religious freedom by the Government during the period covered by this report." and "The generally amicable relationship among religious groups in society contributed to religious freedom." [2d]

6.49 Religious groups are required to register with the Ministry of the Interior and Public Security, and there are penalties for those who fail to do so after being reminded. The Government also requires that religious groups have a headquarters in the country. The heads of major religious organisations are accorded diplomatic status. [2d]

6.50 On 29 December 2003 the Apostolic Nuncio in Burundi, Monsignor Michael Courtney, died after sustaining gunshot wounds in a road ambush in Minago, 50km south of Bujumbura. [16c] The assailants were unidentified and it was not clear whether the Nuncio was the victim of a targeted attack. [2c](p11) President Ndayizeye

and the vice-chairman of the Catholic Bishops' Conference, Archbishop Ntamwana, blamed FNL (Rwasa) for the killing, but the rebel group denied responsibility and reportedly threatened Ntamwana for having accused them. [16cq][16cr] At a meeting between President Ndayizeye and a delegation of FNL (Rwasa) in the Netherlands in January 2004, it was agreed that an international commission of enquiry should be set up to investigate the incident. [16ck] In June 2001 a nun had been killed in a road ambush in the Mutambara area, and the same month FDD rebels killed Anglican archdeacon Jodi Beheda and two others in an ambush on their van near Makamba. According to the 2003 Religious Freedom report: "Robbery was believed to be the sole motive of both attacks, as neither vehicle carried any markings that would indicate the identity of the occupants. Highway banditry is a significant problem in Burundi." [2d] Robbery also appeared to have been the motive in the killing of parish priest Peter Tondo in August 2002 by rebels from CNDD-FDD. [2d]

[Back to Contents](#)

Religious Groups

6.51 There is no state religion. Reliable statistics on the number of followers of various religions are not available. Estimates quoted in the 2003 Religious Freedom Report are that about 60 percent of the population is Catholic, with the largest concentration of adherents in the centre and south of the country; up to 10 percent is Muslim, the majority of whom are in urban areas; the remainder of the population belongs to other Christian churches or practices traditional indigenous religions or has no affiliation. There is also some overlap: a proportion of people who have access to formal religions also participate in the activities of small indigenous groups. [2d] According to the majority of estimates quoted by Adherents.Com, around 60% of the population is Catholic and 5% Protestant; only 1% - 2% are Muslim; there are about 32,000 Baptists and 6,000 Jehovah's Witnesses; estimates of the number of people practising African traditional or indigenous religions vary considerably. [47]

6.52 Foreign missionary groups of many faiths, including Baptists, Baha'is, Jehovah's Witnesses, Pentecostals, the Society of Friends and Seventh-day Adventists, are active in the country. The 2003 International Religious Freedom Report notes: "Foreign missionary groups openly promote their religious beliefs. The Government has welcomed their development assistance." [2d]

[Back to Contents](#)

Freedom of Assembly and Association

6.53 USSD 2003 notes: "The Transitional Constitution provides for freedom of assembly; however, the Transitional Government at times restricted this right in practice. The law requires permits for public meetings and demonstrations, and applications were sometimes denied to groups, including those that criticized or opposed the Transitional Government. There were fewer reports that such applications were denied during the year [2003]." [2c](p10)

6.54 According to the same report, security forces broke up some meetings and demonstrations in 2003 but, unlike in the previous year, there were no reports of demonstrators being killed. For example, on 18 January 2003 security forces broke up a meeting of the particular UPRONA party wing that opposed the Arusha peace process. Police did not arrest demonstrators in 2003. [2c](p10)

6.55 With regard to freedom of association, USSD 2003 states: "The Transitional Constitution provides for freedom of association; however, the Transitional Government restricted this right in practice and arrested members of organizations and political parties... Registration was required for private organizations and political parties. Private organizations were required to present their articles of association to the Ministry of Interior for approval; however, the Transitional Government routinely failed to complete the approval process for private organizations whose purposes the Transitional Government opposed. The Transitional Constitution permits political parties to operate; however, the Transitional Government placed restrictions on groups that criticized its policies. For example, it did not allow groups to advocate negotiations with the FNL rebel group." [2c](p10)

6.56 The UN Special Rapporteur confirmed in her report of 20 October 2003 that former President Bagaza and members of his party (PARENA) had been released (on 7 May) and that the (6 month) ban on the party's activities had been lifted. Those released were not allowed to leave Burundi but were given provisional release pending trial. Six members of the group advocating the Framework Agreement for the Restoration of a State of Law and opposed to the Arusha Agreement were apprehended on 28 May 2003 and held in Mpimba prison, apparently without a warrant. They were granted provisional release a few days later. [42a](p11)

[Back to Contents](#)

Political Activists

6.57 Developments regarding the implementation of the Arusha peace agreement and the establishment of the Transitional Government during the latter part of 2001 has resulted in many political figures who had been living in exile returning to Burundi, some taking up positions within the Transitional Government. [8e](18)(16c)]

6.58 The Government holds political prisoners. USSD 2003 states that, according to the UN, the Government held approximately 4,000 political prisoners during 2003. Charges against defendants convicted for non-political crimes were sometimes politically motivated. [2c](p6-7) According to the Human Rights Watch report of December 2003, 'Everyday Victims', the Transitional Government and CNDD-FDD had agreed in Pretoria in November 2003 to proceed with the establishment of a commission to examine the cases of civilians currently in prison, to determine whether they should have the right to provisional immunity. [6e](p54)

[Back to Contents](#)

Employment Rights

Trade unions and the right to strike; conditions of work

6.59 USSD 2003 notes that the Labour Code protects the rights of workers to form unions - with the exception of the army, gendarmerie, and foreigners working in the public sector. It quotes the International Confederation of Free Trade Unions (ICFTU) as saying that less than 10 per cent of the formal private sector workforce and only 50 per cent of the public sector was unionised in 2003. Most workers are in the unregulated informal economy, in which unrecognised workers have little or no legal

protection of their labour rights. Employers are prohibited from dismissing or otherwise discriminating against a worker because of union affiliation or activity - this right was upheld in practice in 2003. In 2003 Tutsis continued to dominate the formal sector of the economy and the trades unions, but Hutus reportedly became more involved in the formal economy and the unions during the year. [2c](p16)

6.60 While the Labour Code recognises the right to collective bargaining, workers in the public sector may not bargain collectively in connection with their wages. According to USSD 2003, the Labour Council arbitrates disputes; if arbitration fails, the matter can go to the Labour Court, which would hand down a binding ruling. "The Labor Code provides workers with a conditional right to strike. All other peaceful means of resolution must be exhausted prior to the strike action; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given. The Ministry of Labor must determine if strike conditions have been met. The Labor Code prohibits retribution against workers participating in a legal strike, and unlike in the previous year, there were no reports of retribution against striking workers." - USSD 2003. [2c](p16-17)

6.61 Teachers in Burundi went out on strike on 5 January 2004 and returned to work on 15 March, apparently putting at least one million children out of school. They threatened to resume the strike if the government refused to accede to their wage and housing allowance demands. Gendarmes arrested the leaders of the two main teachers' unions during the strike (10 March) but released them after several hours. [16cz]

6.62 In 2003 the legal minimum wage for unskilled workers was 160 francs (\$0.15) per day in Bujumbura and Gitega, and 105 francs (\$0.10) elsewhere. These wages did not provide a decent standard of living for a worker and family. Unionised workers generally earned significantly more than the minimum wage. [2c](p18)

6.63 According to USSD 2003, the Transitional Government enforced labour laws only when a complaint was filed - and there were no reports of complaints being filed in 2003. [2c](p18)

[Back to Contents](#)

Equal Employment Rights

6.64 USSD 2003 noted that women continued to face discrimination in the workplace: "By law, women must receive the same pay as men for the same work, but in practice they did not. Women were far less likely to hold mid-level or high-level positions". According to the same report, "In rural areas, women performed most of the farm work, married and had children at early ages, and had fewer opportunities for education than men". [2c](p14)

[Back to Contents](#)

Child Labour

6.65 The Labour Code states that children under 16 cannot be employed by 'an enterprise', although it also states that they may undertake occasional work that does not damage their health or interfere with their schooling. [2c](p17) USSD 2003 reported that, in practice, children under the age of 16 in rural areas undertake heavy manual labour in the daytime during the school year. While the law prohibits children from working at night, many in the informal sector do so. Most of the population lives by

subsistence agriculture, and children are obliged by custom and economic necessity to participate in subsistence agriculture and family-based enterprises. Burundi ratified ILO Convention 182 in 2001, covering the worst forms of child labour. [2c](p17-18)

[Back to Contents](#)

Forced Labour

6.66 The law prohibits the performance of forced or compulsory labour by adults or children. In 2003, both the security forces and rebel groups used persons, including children, to perform various tasks without compensation. [2c](p17)

People Trafficking

6.67 The law does not specifically prohibit trafficking in persons, but traffickers can be prosecuted under existing laws which prohibit kidnapping, rape, assault, prostitution and fraud. According to USSD 2003, the Transitional Government had not investigated or prosecuted any cases of trafficking. In 2003 the Government supported public awareness campaigns and programmes to combat trafficking. [2c](p18)

6.68 There is no reliable data on the extent of people trafficking. In 2003 children continued to be trafficked by CNDD-FDD and FNL factions to serve as child soldiers (see Section 6B). [2c](p18) Large numbers of women and girls have been abducted by the armed groups during the period of the civil war to be forced into 'marriage' or domestic servitude, or to provide sex, or to become combatants - Amnesty International, March 2004. [5o](p14-15)

Freedom of Movement

6.69 The Transitional Constitutional Act provides for the freedom of movement but USSD 2003 noted that this right has, in practice, been restricted. Local populations had their movements restricted by fighting in their area, or threats of violence, or by FAB (military) checkpoints. [2c](p11)

6.70 USSD 2003 reported that security forces sometimes restricted humanitarian relief agencies access to certain areas, citing insecurity as a reason. [2c](p11)

(See also 'Internally Displaced Persons', Section 6c)

Identity Cards

6.71 The authorities issue identity cards, these are issued in the district where the applicant lives. [11b] ID cards are issued on presentation of evidence (e.g. names, parents, date of birth, residence) by the 'chef de colline' (the smallest local authority entity). In the period 1978 -2004, ID cards of three different designs have been issued. [23]

[Back to Contents](#)

Immigration and Embarkation

6.72 The majority of citizens can travel legally in and out of the country. [2c](p11) Passports are issued by the Police de l'Air, des Frontières et des Etrangers (PAFE).

In 2000 the office in Bujumbura was the only place in Burundi where a passport application could be submitted, and applications had to be submitted in person. A Danish Immigration Service fact-finding mission report published in January 2000 contains information provided by the Director-General of PAFE. According to this an applicant for a passport must state a reason for their journey in order to obtain a passport and must provide documentary proof that they intend to travel. It was acknowledged by the official interviewed that passports could be obtained by illegal means. Passports may not be issued to persons with a criminal case pending against them. [11b] (A previous Danish report issued in November 1999 had contained conflicting information on this point. [11a]) The British Embassy Liaison Office in Bujumbura advised in April 2004: "Passengers with valid passports and entry visas are free to enter and leave Burundi unless there is a warrant of arrest resulting from an unsettled criminal offence. Co-operation with rebels is one of the crimes." [23]

6.73 No exit permit is required to leave Burundi. A freelance journalist for Reuters based in Bujumbura advised the Danish fact-finding delegation in September 1999 that, in his view, it would not be possible to depart from the International Airport against the wishes of the authorities and that staff working at the airport are not open to bribery. [11b]

[Back to Contents](#)

Recognition and treatment of refugees from other states

6.74 USSD 2003 states: "The law does not provide for the granting of refugee status or asylum to persons who meet the definition of the 1951 UN Convention Relating to the Status of Refugees or its 1967 Protocol. However, there was a special ad hoc administrative body in the Transitional Government that co-ordinated refugees. In practice, the Government generally provided protection against refoulement and granted asylum status. The Government co-operated with the UNHCR and other humanitarian organizations assisting refugees. During the year [2003], approximately 39,000 refugees were residing in the country, including 27,000 citizens of the DRC, of whom 3,800 were registered with the UNHCR, and 1,000 Rwandan refugees." ... "[In 2003] the Transitional Government [also] provided protection to certain individuals who did not fit the definition of the 1951 UN Convention Related to the Status of Refugees or its 1967 Protocol." [2c](p12)

[Back to Contents](#)

6.B Human rights - Specific Groups

Ethnic Groups

6.75 The population of Burundi is composed of three ethnic groups, the Hutu (estimated 85%), the Tutsi (est.14%) and the Batwa (1-%). [1a][20] There is a history of ethnic tension between the majority Hutu and minority, but traditionally dominant Tutsi. [1b] Incidents of ethnically motivated property destruction and killing occurred throughout the country again in 2002 and 2003. [2a](p2)[2c](p2)

[Back to Contents](#)

Hutu/Tutsi relations

6.76 USSD 2003 notes: Burundi's majority ethnic Hutu and minority ethnic Tutsi

populations have violently competed for power for 30 years. A relatively small number of Tutsi elite, primarily from the south west province of Bururi, have historically held power, dominated the economy and controlled the security forces. [2c](p16) Military crackdowns led to the slaughter of hundreds of thousands of Burundians during the 1970s and 1980s. The targeted victims were overwhelmingly Hutu. [1a] In 1993 democratic elections led to a first Hutu president. His assassination the same year resulted in incidents of violence and killings of both ethnic groups. The civil war that has continued since then has seen further ethnic genocide on both sides. [1a][1b] Burundi's civil conflict thus stems from almost four decades of violence and systematic societal discrimination, which compounds the fears by both Hutu and Tutsi of genocide and exclusion. [2a](p16)[2c](p16)

6.77 During 2003, according to the US State Department report, "State discrimination against Hutus, who constituted an estimated 85 percent of the population, affected every facet of society, but most strikingly in higher education and certain branches of the Government, such as the armed services and the judicial system. Northern and eastern Tutsis also had a more difficult time acceding to positions of power." [2c](p16)

6.78 The Human Rights Watch report 'Everyday Victims', published December 2003, has observed: " Since the Frodebu leader Ndayizeye assumed the presidency on April 30 as agreed in the Arusha Accords, his predominantly Hutu party has operated increasingly closely with its former Tutsi-dominated rival Uprona. In the meantime Frodebu faced a growing challenge from the also largely Hutu CNDD-FDD which steadily won favour with former Frodebu supporters. The growth of CNDD-FDD as a political force transformed the political scene from one dominated by the former two leading parties, Frodebu and Uprona, into one where three leading contenders struggle for predominance, two of them predominantly Hutu, one of them largely Tutsi. Ndayizeye said several times that Frodebu was determined to move to elections as quickly as possible, apparently hoping to do so before the CNDD-FDD further increases its base of power." The FNL faction of Agathon Rwasa has, however, continued to stress the ethnic nature of the war - and remains the only armed rebel movement not to have concluded a ceasefire agreement with the Government. [6e](p15)

6.79 The UN Secretary-General said in his report to the Security Council of 4 December 2003: "The year 2003, which has witnessed the transfer of power at the level of the head of State and intensive ceasefire negotiations, has created a new hope for a democratic and peaceful Burundi, transforming the nature of politics in the country from one characterised by ethnic-based exclusion to one based on peaceful competition between political alliances, and the transitional institutions are working well." [43b](p13)

6.80 A meeting of registered political parties and armed movements which are signatory to ceasefire agreements was held in late-March 2004, under the chairmanship of President Ndayizeye, to discuss current issues including the Arusha Agreement and the forthcoming elections. Most of the political parties and armed movements present at the meeting agreed that the G7 and G10 ethnically-based political groupings should be scrapped because 'these sacrificed Burundi on the altar of tribalism'. [5g](p16cw)

The Batwa (Twa)

6.81 The Batwa (Pygmies), also referred to as the Twa, are believed to be the region's earliest inhabitants. [2c](p16) The UN Special Rapporteur on human rights in Burundi estimated in 2003 that Batwa represent at least 2% of the population; there are 10,000 Batwa in Gitega province. [42a](p12)

6.82 USSD 2003 states: "[The Twa] generally remained economically, socially, and politically marginalized. Most Twa live in isolation, without formal education, and without access to government services, including health care and the judicial system." [2c](p16) A Refugees International report on the Batwa of the Great Lakes Region, released in December 2003, observed that the popular perception of the Batwa as barbaric, savage, ignorant and subhuman had seemingly legitimised their exclusion from mainstream society and left them with little support or outside resources in their current state of forced displacement. [49a]

6.83 The UN Special Rapporteur noted in October 2003 that the Batwa do not have access to health care and adequate food, and generally do not possess land. They have hardly any relations with other communities. They often fall foul of the law, frequently being accused of theft. Large numbers do not have identity cards. Some action is being taken by NGOs and UN agencies to help Twa to look after themselves and live alongside other Burundian communities, but it has apparently not had much effect. War and poverty accentuate the Batwa community's backwardness. [42a](p12)

6.84 The Secretary-General of the Union for the Promotion of Batwa was quoted in an article on 30 March 2004 as saying some 90 per cent of Batwa did not own land, thus exposing them to all sorts of exploitation, including something akin to serfdom. [16da]

6.85 With regard to education the Special Rapporteur observed:
Their children do not go to school because of a lack of means but also for fear of being rejected by the others. When they do go to school they usually do not complete the first year, since the school is far from where they live and they do not have the means to spend on accommodation or food while being educated. Cultural atavism explains why they have difficulty finding tutors to come to their aid. Today the Batwa manifest an extraordinary degree of backwardness in the school attendance levels of their children, especially girls. [42a](p12)

6.86 In May 2002 an appointed Twa member of the National Assembly, Senator Jean-Bosco Rutagengwa, was among eleven people killed when rebels ambushed two vehicles near Bujumbura; he was not thought to have been a specific target. [16aa]

Women

6.87 In its report of July 2000 to the UN Committee on the Elimination of Discrimination against Women (CEDAW), the Burundian Government stated:
The traditional society is a patriarchal and patrilinear one, in which a woman is constantly under the protection of a father, brother, uncle, husband or family council. Women have more

duties than rights and must subordinate themselves to the customs and practices governing the relations between men. [55a](p7)

The same report detailed legislative and other measures taken by the Government to try to establish de facto equality and eliminate prejudices and customary practices harmful to women. For example, a decree law adopted in 1991 abolished polygamy and unilateral repudiation of marriage and introduced legal divorce and regulation of age at marriage. Revisions to the Labour Code in 1993 addressed discrimination in the workplace and provided, inter alia, for women's rights during pregnancy and maternity. However, the report acknowledged problems in the implementation of such measures. [55a] CEDAW, in its Concluding Observations published in February 2001, acknowledged the steps taken and observed:

48. The Committee recognizes that the civil war and the economic crisis in Burundi pose serious challenges to the full implementation of the Convention. It also notes that deep-seated prejudice and stereotypical perceptions of the role of women and some customary and traditional practices pose significant obstacles to implementation. [55b](p3)

CEDAW's Concluding Observations outlined several areas of concern, including the existing gap between de jure and de facto equality, low level of schooling of girls, the high rate of maternal mortality and the persistence of stereotypes that confine women and girls to traditional roles. [55b](p3-5)

6.88 Amnesty International, in a document published in February 2004, stated: Discrimination against women in Burundi remains widespread. The husband is the head of the household and women often have little influence in decisions affecting their lives. A large proportion of women in Burundi are believed to be the victims of violence within the home and family. Women customarily do not own property or the land they work, placing them in positions of dependency, nor do they customarily inherit their husband's property or land making them dependent on his relatives. The level of education of women is generally much lower than that of men. [5n](p2)

6.89 USSD 2003 noted that women continued to face discrimination in the workplace: "By law, women must receive the same pay as men for the same work, but in practice they did not. Women were far less likely to hold mid-level or high-level positions". According to the same report: "In rural areas, women performed most of the farm work, married and had children at early ages, and had fewer opportunities for education than men". [2c](p14)

6.90 According to USSD 2003 there are no legal restrictions on the participation of women in the political process, although they are underrepresented. [2c](p12) The Cabinet of Ministers announced on 23 November 2003 includes women. [16c] Two of the nine members of the Supreme Court in 2003 were women, as were three of the seven Constitutional Court members, including its president. [2c](p12) However, the UN Special Rapporteur to Burundi, on 20 October 2003, pointed out that provisions in the Arusha Agreement concerning the appointment of women to decision-making posts (at least 30 per cent) had not been respected. [42a](p13)

6.91 In a telephone interview with the Canadian Immigration and Refugee Board in September 2002, the Executive Secretary of the Burundian Human Rights League (ITEKA) said that females had been among the combatants in Hutu insurgent attacks. He said it was well known that persons, including females, were often kidnapped by Hutu rebels who used them as soldiers, forced labourers, or even as human shields. [33b]

6.92 According to the Women's Commission for Refugee Women and Children,

quoted in USSD 2003, the ongoing conflict has forced many women into prostitution to feed their children. [2c](p14) The Criminal Code provides that a person found guilty of engaging in prostitution may be ordered by a local court to comply with certain restrictions for a period not exceeding one year. Such restrictions may include:

- Not leaving a specified area;
- Undergoing measures of examination, treatment or care, if necessary in a hospital.

There are more severe penalties specified in the Criminal Code for persons found guilty of incitement to - or financial exploitation of - prostitution, or of facilitation (pimping). [55a](p13-15)

6.93 Abortion is prohibited in Burundi and is punishable by law, except when the mother's life is at risk. For many, abortion also contravenes religious beliefs. [5n](p2)[55a](p31)

6.94 Several local NGOs were working in support of women's rights in 2003, including the Collective of Women's Organizations and NGOs of Burundi, and Women United for Development. [2c](p14)

Violence against Women

6.95 In a special report published in February 2004, "Rape - the Hidden Human Rights Abuse" [5n] Amnesty International stated as follows:

Like all human rights abuses in Burundi, rape has become an entrenched feature of the crisis because the perpetrators - whether government soldiers, members of armed political groups, or private individuals - have largely not been brought to justice. Not one of the women whose cases are detailed in this report has been able to successfully pursue a criminal prosecution for rape. Rape has, however, also been exacerbated by widespread discrimination against women and its consequences have been aggravated by poverty, internal displacement and a failing health system.

In 2003, national and international non-governmental human rights and humanitarian organizations, international agencies, and government authorities reported an alarming increase in the number of cases of rape in the context of Burundi's armed conflict. A concomitant increase in HIV/AIDS and other sexually transmitted diseases has affected victims of such violations.(2) Accurate statistical comparisons are in fact impossible as it is only recently that information on rape began to be recorded, despite its endemic nature. Even now, when the scale of the violence has forced the issue into the open, many cases go unreported due to the stigma and fear attached to reporting rape officially, lack of access to medical care and the lack of systematic recording of cases. Testimonial evidence supports the view that sexual violence has in fact been a significantly underreported element of Burundi's 10-year human rights crisis.

The perpetrators are largely members of the Burundian armed forces and armed political groups, as well as armed criminal gangs who not only rob but also rape... Even from the limited evidence available, the scale of rape indicates a deliberate strategy in some parts of the country by belligerents to use rape and other forms of sexual violence against women as a weapon of war to instil terror among the civilian population and to degrade and humiliate it.

Rape more generally appears to be on the increase in Burundi and rape of young girls, sometimes in the mistaken belief that it will provide protection from or cure of HIV/AIDS, is also common... Rape is not confined to the areas most affected by the conflict. [5n](p1)

And.. If a woman's status [in Burundian society] is low, that of a widow or a rape victim is even worse. The negative attitude to rape victims is not exclusive to men. Several women told Amnesty International how they had been mocked, humiliated and rejected by women relatives, classmates, friends or neighbours and their confidences betrayed, adding to their trauma. [5n](p3) ...The women who do admit to being raped risk abandonment or social exclusion including by their own families. [5n](p13)

6.96 The UN Special Rapporteur to Burundi said in her report of 20 October 2003: "Mass rapes, often gang rapes, perpetrated by members of armed groups and soldiers of the regular army, and also by unknown persons or deserters from both types of forces, have recently increased considerably." ... "[Rape victims from Ruyigi] noted a number of things, including the lack of protection provided for women by their husbands (who often ran away from the attackers) and by the authorities, and the trauma suffered by adolescents and young children after witnessing the rape of their mothers (when they are not victims themselves)" ... "Women keep silent about what they have suffered or seen because they fear abandonment by their partners (which is very likely) or social shame." ... "This violence contributes to the spread of HIV/AIDS and the increase in unwanted pregnancies. It is at the root of enormous psychological damage, especially in young victims, as is often the case in recent times." [42a](p9-10)

6.97 Article 385 of the Burundian Penal Code prohibits rape - either by violent means or through threats or by deception or any other cause - and provides for a prison sentence of between 5 and 20 years. The commission of any indecent act also carries a substantial prison sentence, particularly if the victim is a minor. However, according to AI, "Most victims of rape in Burundi currently face insurmountable obstacles in trying to bring suspected perpetrators to justice. Many women who have been victims of rape or other forms of sexual abuse are too intimidated by certain cultural attitudes and state inaction to seek redress. To do so can often lead to hostility from the family, the community and the police, with little hope of success. Those who do seek justice are confronted by a system that ignores, denies and even condones violence against women and protects perpetrators, whether they are state officials or private individuals. In a situation of armed conflict, the likelihood of cases being brought, and successfully prosecuted, further diminishes. In addition to the general weaknesses of the judicial system, there is a lack of any systematic, co-ordinated approach to gathering, storing, receiving and using essential medical evidence" ... "In addition Amnesty International has been told that police and magistrates have ridiculed and humiliated women who have come forward, in one case a magistrate actually instructing a woman to deliver the summons to her alleged rapist." [5n](p7)

6.98 Rape and other forms of sexual violence by combatants, including in a civil war situation, is recognised as a war crime under both the Geneva Convention and the Rome Statute. [5n](p5) But Amnesty International states: "There is no doubt that the impunity which the security forces have enjoyed for rape and other human rights violations, and the lack of accountability of armed political groups, has been a key factor in allowing rape and other forms of sexual violence to reach the current alarming proportions". [5n](p10) In an interview with a Human Rights Watch researcher in October 2003 Brigadier Niyoyankana, army chief of staff, said he did not believe that government soldiers committed rapes. However the Human Rights Watch report

contains accounts of rapes committed by government soldiers as well as by armed rebels. [6e](p39-42)

6.99 The Amnesty International report of 24 March 2004 on child soldiers added: Sexual violence, by all belligerents, has been a consistent feature of the armed conflict and other political violence. This has included abduction, rape and sexual slavery (where women and girls are forced into "marriage", domestic servitude or other forced labour that ultimately involves forced sexual activity including rape by their captors). [5o](p14)

6.100 Various humanitarian organisations are providing medical care to rape victims in some areas but, according to AI, such care is not available in many provinces. [5n](p14) The US State Department Report for 2003 (USSD 2003) notes that some victims do not seek medical treatment due to the intimidation caused by certain cultural attitudes, but that domestic human rights groups such as League Iteka and APRODH have continued to encourage women to seek medical care and to press charges. The report adds that international NGOs have increasingly provided free medical care in certain areas. [2c](p14)

6.101 Amnesty International stated in 2004: "A large proportion of women in Burundi are believed to be victims of violence within the home and family". [5n](p2) USSD 2003 notes:

Domestic violence against women was common; however, no credible statistics were available. Wives had the right to charge their husbands with physical abuse, but rarely did so. Police normally did not intervene in domestic disputes, and the media rarely reported incidents of violence against women. The law does not specifically prohibit domestic violence; however, persons accused of domestic violence could be tried under assault provisions of the law. No known court cases have dealt with the abuse of women. The Transitional Government rarely investigated such cases. According to League Iteka, women have been beaten by their husbands, forced out of their homes, denied basic food necessities, and denied freedom of movement. [2c](p14)

6.102 The UN Special Rapporteur has commented that that the majority of women, particularly in rural areas, do not have the means to seek the advice of a lawyer if they have to deal with the justice system. Women who are disadvantaged through lack of material means, or because of ignorance of their rights, often have to deal on their own with problems caused by sexual violence. [42a](p13)

[Back to Contents](#)

Children

6.103 The US State Department report for 2003 (USSD 2003) observed: "The law provides for children's health and welfare, but the Transitional Government could not satisfy adequately the needs of children, particularly the large population of children orphaned by violence since 1993 and by HIV/AIDS". [2c](p14) The armed conflict and the related human rights and humanitarian crises in Burundi has particularly affected children, according to Amnesty International. "Their most basic civil, political, economic, social and cultural rights have been routinely and massively violated by government security forces, as well as by armed political groups." [5g](p1)

6.104 According to UNICEF, the chronic malnutrition rate for under-five-year-olds rose from 48 per cent in 1987 to 56 per cent 2000. [57b] The following are some of the

estimates given by UNICEF in its 2004 report 'The State of the World's Children' (57a) (In each case the most recent available estimate is given - usually up to 2001)

- over half of the estimated population of Burundi is under 18 years (3,604,000 children) and there are 1,161,000 children under 5 years;
- 45% of under-fives are moderately or severely underweight, compared with an average of 29% for Sub-Saharan Africa;
- The incidence of exclusive breastfeeding has dropped from 89% in 1987 to 62% in 2002;
- The under-five mortality rate in 2002 was 190 per '000, one of the highest in the world;
- 55,000 children, 0-14 years, had HIV/AIDS in 2001; 237,000 had been orphaned by AIDS.

[57a]

6.105 In its report of September 2002 on Juvenile justice in Burundi, Amnesty International pointed out: "The definition of a child under Burundian law varies. Under Civil law, a child reaches the age of majority at 21; a child under the age of 16 may not be employed; however the age of marriage is 21 for men and 18 for women. The age of electoral majority is 18. The age of criminal majority is lower and the Penal Code states that in this respect it is reached at 13, although in recognition of the diminished responsibility of a child, [provision is made] for reduced penalties for convicted defendants' aged between 13 and 18 at the time of the offence". Under Burundian law, no child under the age of 13 may be detained. Despite increasing sensitivity towards respecting this principle, children younger than 13 were still being detained, particularly by the police and gendarmerie. [59](p6)

6.106 According to a study by UNICEF and the NGO 'Libejeun', in conjunction with Amnesty International (quoted in April 2002 by IRIN) of the children who were then incarcerated in 11 of Burundi's prisons: 62% of the children were accused of theft or extortion, almost 11% were charged with murder or manslaughter and 10% with rape. Just under 5% were accused of participation in armed groups and a similar number with plotting a massacre or pillage. The majority (85%) were between 15 and 17 years old when first arrested and a further 11% were aged 13-14. Two of the children were under 13. 93% were boys. A total of 97% of the children in detention were from Burundi, the remainder from the DRC. Many were accommodated with adults, making them more vulnerable to physical and sexual abuse, according to AI. [16v] The UN Special Rapporteur, in October 2003, reported that there were 167 minors in Burundian prisons, plus 42 new-born babies living with their imprisoned mothers. [42a](p17) AI, in its Summary of Human Rights Concerns released in September 2002, stated that some of the children in detention were arrested in violation of arrest and detention procedures. Some were reportedly tortured after their arrest; some had been detained for up to three years without trial. Few of the children who had been tried had benefited from legal counsel. AI also observed that children are vulnerable to sexual abuse and exploitation while in prison. [57](p4)

6.107 The UN Special Rapporteur has reported on the continuing problem of determining the age of minors who are in trouble with the law. Generally detainees have no civil status documents and the age they claim is 'always different' from that mentioned in their criminal file. [42a](p19)

6.108 In May 2002 the Watch List on Children in Armed Conflict reported that war,

disease and HIV/AIDS had orphaned approximately 620,000 children in Burundi and that, according to UNAIDS, almost 230,000 of those children were HIV/AIDS orphans. [5g](p3)

6.109 According to USSD 2003:

The UN International Children's Fund (UNICEF) reported that the net primary school enrolment/attendance rate for children was 49 percent, with 44 percent of girls enrolled/attending and 49 percent of boys. Sixth grade is the highest level of education attained by most children, and less than 10 percent of children of secondary school age attended school.

An estimated 550,000 children of school age did not attend school for many reasons, including an inability by their families to afford school fees and materials, frequent displacement due to civil war, ill health, and the deaths of their parents as a result of HIV/AIDS, which left children orphaned, homeless, or both. More than 25 percent of primary schools have been destroyed in the war, and many teachers have been killed... Teacher training has been interrupted, and it was difficult to find qualified teachers to work in the provinces most affected by fighting. [2c](p15)

[Back to Contents](#)

Child care arrangements

6.110 In July 2002 it was reported that as part of a World Bank funded project to combat HIV/AIDS, orphans would be integrated into society through placement with extended families. The objective was said to be to raise the standard of basic education, social integration, and nutrition for the most vulnerable groups of orphans to that enjoyed by other children in the community. Under the same project it was intended that orphans would receive subsidised education up until the age of 16. [16an]

6.111 In Burundi's eastern province of Ruyigi, it was reported in February 2003 that a shelter for child victims of war and AIDS was all but overwhelmed by the arrival of new-born babies rescued from the combat zones. Most of their mothers had died during childbirth, others were killed while fleeing the fighting, leaving their babies helpless in the bush. Of 18 babies brought in one week, five had died. [16bu]

[Back to Contents](#)

Child Soldiers

6.112 Amnesty International published a report 'Child soldiers - the challenge of demobilisation' on 24 March 2004. It notes:

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. The Cape Town Principles and Best Practices 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". [5o](p2)

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. [5o](p3)

6.113 USSD 2003 states: "Local NGOs reported that an estimated 4,500 children were serving as soldiers in the FAB [Burundian army], 2,000 in the Guardians of Peace [Gardiens de la Paix], and 3,500 serving rebel groups." [2c](p15) According to the above Amnesty International report:

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 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. [5o](p8-9)

6.114 Some children voluntarily attached themselves to armed units, while some were abducted or forcibly removed from their families. [5o](p1) [2c](p15) Most of the volunteers were orphans or IDPs who had no independent means of survival - USSD 2003. [2c](p15) Some children have acted as fully-fledged combatants; others have been used as lookouts and informants, or for menial duties. [5i](5o) The children initially generally graduate from what amounts to household chores to full integration into the military environment. [37a] According to a Human Rights Watch report of December 2003 - quoting sources dated 2000 and 2001: "The Burundian army has recognised that hundreds of children, called 'Doriya', are used for various services, including to gather information. Some, including children twelve years old, serve as porters and guides." [6e](p44) Amnesty has commented: "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." [5o](p2) Child soldiers themselves have also been accused of human rights abuses, including unlawful killings and rape as well as widespread pillaging and looting. [5o](p4)

6.115 AI also reports that many of the initial recruits into the Gardiens de la Paix were former child soldiers from armed political groups. Members of the Gardiens de la Paix are unpaid and poorly trained, and many are reported to have been killed in combat. Several have since been arrested, largely in connection with armed robberies. [5o](p7)

6.116 The Burundian Government and UNICEF signed an understanding in October 2001 to demobilise child soldiers. It covered the demobilisation and reintegration of an estimated 2,500 government child soldiers; 1,000 from the armed forces (FAB) and 1,500 from the Gardiens de la Paix, as well as a total of 500 child soldiers from the CNDD-FDD (Ndayikengurukiye) and FNL (Mugabarabona) factions. [5o](p6, p12). The Arusha Peace Accord of 2000 as well as the Ceasefire Agreement of December 2002 also included provisions against the use of child soldiers. However, in October 2003 the UN Secretary-General reported: "Despite these steps, all parties to the

conflict mentioned in the annex of my previous report continue to use or recruit child soldiers. In addition, armed opposition groups have recruited children from refugee camps in the western part of the United Republic of Tanzania." [43d](p9)

6.117 Amnesty International reports that, following the October 2001 agreement, progress in preparing for the demobilisation of child soldiers was slow, and there were reports that their recruitment had continued. [5o](p6,p11) But, in late January 2004, the Government announced the demobilisation of 23 CNDD-FDD (Ndayikengurukiye) child soldiers, aged approximately between 14 and 17, from Muyange demobilisation camp. The demobilisation of child soldiers from the Burundian armed forces has also begun; the AI report of 24 March 2004 stated: "According to the Burundian Ministry of Human Rights some 300 child soldiers have been demobilised and returned to their families since January 2004". The October 2001 agreement provides for former child soldiers to receive assistance for at least 18 months after being demobilised - in addition to material assistance, psycho-social support and medical care are to be provided to former child soldiers and their families. [5o](p12)

6.118 FNL (Rwasa) remains outside the peace process, and AI has received testimony that many children are used in various capacities by the FNL. [5o](p10) The Human Rights Watch report 'Everyday Victims', published in December 2003, carries the following account under the heading 'Child Soldiers':

Both boys and girls took part in the FNL attack on Gatoke in Bujumbura city on July 12. Local residents heard their voices, singing religious songs as the bands of combatants passed through the streets. FNL combatants frequently sing religious songs during attacks to assure themselves of divine protection. The next day residents found the bodies of between ten and twenty children, aged about ten to fourteen years old, lying among the dead on the ground. The number of children killed was unusually high, but it is not unusual for children to participate with adults in FNL military operations. [6e](p43)

[Back to Contents](#)

Homosexuals

6.119 The website of the International Lesbian and Gay Association stated in March 2004 that, according to the Amnesty International publication of 1997 'Breaking the Silence', homosexuality is not punishable as such under Burundian law; however it is punishable as an "immoral act". [2e]

6.C Human Rights - Other Issues

Security Situation

6.120 The UN Secretary-General reported to the Security Council on 16 March 2004: "As a result of the recent political and military developments in Burundi, the security situation has dramatically improved and calm has returned to most provinces. This is a major change from the volatile situation experienced until recently, when daily attacks were still the norm. Nevertheless, ...continued hostilities between the joint FAB/CNDD-FDD (Nkurunziza) forces and FNL (Rwasa) in

Bujumbura Rural continue to seriously affect security in those areas. For this reason, the capital city remains under curfew." [43c](p4)

6.121 The Secretary-General continued: "While hostilities have generally eased, criminality appears to have increased, aided by the thousands of weapons of in circulation. Attacks, ambushes and harassment of individuals or groups along the main roads are commonplace, particularly in Cibitoke, Bubanza and Bururi provinces, as well as in areas along the border with the United Republic of Tanzania. Refugees and internally displaced persons have also reported cases of rape and general insecurity during the return process. Furthermore, some uncontrolled FAB [Burundi military] elements are allegedly involved in criminal activity, and elements belonging to armed parties regrouping in assembly areas have been cited as harassing local civilians." ... "The Government of Burundi, whose security personnel, including the gendarmerie has an estimated strength of approximately 7,000, has not been in a position to effectively control this criminal activity, mainly for lack of adequate command and control structures, especially at the local level, combined with poorly trained personnel, insufficient funds and equipment. The [UN] assessment mission considered that tensions and insecurity were likely to heighten in some areas as disarmament, demobilisation, reinsertion and reintegration and the electoral process proceed in the short implementation period left in the Arusha timetable." [43c](p4)

6.122 Amnesty International commented in their report of 13 January 2004, "The proliferation of small arms contributed to a dramatic rise in violent armed crime in 2003. Armed criminal gangs multiplied, some formed by members of the armed forces or Gardiens de la Paix or by armed civilians sometimes with the complicity of the security forces. Others were 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." [5m](p12)

6.123 On 17 September 2003 the Burundian government imposed a curfew on five zones on the outskirts of Bujumbura - residents of Kinama, Buterere, Kamenge, Kanyosha and Kibenga Rural were to remain indoors during the daily 7:00pm - 5:00am curfew. The curfew was imposed following further clashes between FNL(Rwasa) and CNDD-FDD(Nkurunziza) in Bujumbura Rural province. The Interior Minister was reported as saying, "It is one in a series of preventative measures for a better control of people's movements". [37e] Bujumbura has been under curfew at various other times since 1999. [7a](2a)

See also section 4, History: 'The Security Situation and Return of Refugees'.

[Back to Contents](#)

Internally Displaced Persons (IDP's)

6.124 In March 2003, the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) reported a total of over 525,000 internally placed persons in Burundi, of whom 387,499 were registered in 226 sites. Then in June 2003 OCHA adopted the same IDP figure reported in a UNFPA survey of January 2003: 281,000 IDPs in permanent sites and another 100,000 temporarily displaced. [44](p35) The UN Secretary-General quoted the figure of 281,000 in his report of March 2004 as being the most recent estimate. [43c](p5)

6.125 According to an Amnesty International report of September 2002, the displaced fall mainly into the categories known in Burundi as *déplacés*, "displaced people" and *dispersés*, "dispersed people". 'Déplacés' are predominantly members of the Tutsi ethnic group who have fled since 1993 to camps protected by the military and many never returned home. [59](p2) As stated above, there were estimated in 2003 to be 281,000 people in such sites. [44](p35) Conditions in camps for the displaced vary, but are generally described as harsh and in some cases appalling. In some camps IDP's do not have access to clean drinking water and sanitation facilities even after many years. [59](p2) Soldiers did not restrict the movement of residents of IDP camps during 2002 and provided a measure of protection. However, security forces prevented access by international humanitarian aid agencies to some of the IDPs in remote sections of Bujumbura Rural and Ruyigi provinces. There have previously been reports of abuses against IDP's by the soldiers that guard the camps; however, there were no reports of any abuses committed against IDP's during 2002. Camp inhabitants often were required to perform labour for the soldiers without compensation - USSD 2002. [2a](p11)

6.126 'Dispersés' are described by AI in the above report as predominantly members of the Hutu ethnic group, who have fled their homes but sought shelter away from camps and the military whom they perceive to be a threat rather than a source of protection. [59](p2) Approximately 200,000 IDP's lived outside displacement sites during 2001, either staying with friends, families or on their own. [2a](p11)(1a) Some persons who remained outside the sites reportedly were killed both by Hutu rebels, allegedly for collaborating with authorities, and by the armed forces on suspicion of collaborating with the rebels. Some IDP's have been living beyond the reach of aid programmes. [2a](p11)

6.127 The number of IDPs surged in the second part of 2002 and first half of 2003, particularly in the central province of Gitega and south-eastern provinces of Ruyiga, Rutana and Makamba. [44](p38-44) Up to 60,000 people were reported to have fled fighting between the army and CNDD-FDD in January 2003 as both sides tried to capture as much territory as possible ahead of the resumption of ceasefire talks. [7n]

6.128 UN OCHA reported on 2 December 2003: "The people of Bujumbura Rural continued facing widespread insecurity due to clashes opposing the FNL (Agathon Rwasa) and the Army. The clashes lead to constant movements of the population searching for safety. The Ruyiga area (Kanyosha Commune), for instance, has been emptied of its populations since the evening of 18 November when FNL rebels attacked the military brigade of Ruyiga. The armed clashes caused the displacement of thousands who took refuge at Buhonga parish; others were regrouped at the national monument of unity. Since the conflict resumed in October, approximately 30,000 people living in the province have been recurrently displaced." [41d](p2-3)

6.129 In February 2004, fresh fighting between the army and FNL (Rwasa) displaced thousands of people in Bujumbura Rural. An official estimated that up to 20,000 people - the entire populations of two sub-counties - had fled their homes on 26 February, adding to 10,000 people who had fled Muhuta Commune earlier in the month. [16cp]

6.130 UN OCHA has noted that some IDPs returning home - particularly those who had to leave their homes in a hurry - had lost their identification papers/cards and sometimes also the papers that proved they are owners of their homes. One local administration told OCHA that it would take some time for identity cards to be re-issued, as this had to be done on an individual basis. [44](p95)

6.131 UN OCHA assessed in November 2002 that populations in displacement camps, particularly women, were more vulnerable than the general population to HIV/AIDS. [44](p76) Malaria, acute respiratory infections, measles, diarrhoea and maternal mortality are also major health hazards among IDPs. [44](p75-76)

6.132 The World Food Programme (WFP) reported in September 2002 that most of the people then relying on food aid were IDPs. [44](p72) In March 2004 WFP issued a press release saying that continuous insecurity and fighting in Bujumbura Rural had prevented the delivery of food assistance to thousands of newly displaced people. In particular WFP had to cancel food deliveries to 13,000 people in Muhuta commune, to whom they had not had access for over two weeks. [41e]

[Back to Contents](#)

'Regroupment' camps

6.133 As rebel military strength increased during the late 1990s, government authorities responded by forcing up to 800,000 Hutu civilians into about 50 designated "regroupment camps" to deprive rebels of support in rural areas. [1a][44](p28,51) Having closed most such forced relocation camps in 1998, the authorities responded to renewed rebel attacks near Bujumbura by re-establishing dozens of new regroupment camps in September 1999. [1a][44](p29,52) The government reportedly forced more than 320,000 mainly Hutu civilians to leave their homes in Bujumbura-Rural province and occupy the new sites. [1a][44](p52) Conditions in the regroupment camps were reported to be appalling and the relocated population at times lacked access to food, safe drinking water, shelter, basic sanitation and health care. [1a] The Government received severe criticism from the international community in relation to their regroupment policies and the camps subsequently began to be closed. [1a]

6.134 On 1 August 2000 it was announced in the press that the closure of the 36 regroupment camps in Bujumbura-Rural had concluded. [9b] There were no fresh reports of forced regroupment during 2001; however, UNICEF and Human Rights Watch reported that over 30,000 civilians had been forcibly regrouped into camps in Ruyigi province from April to June 2002. [44](p50-51)

[Back to Contents](#)

Humanitarian Situation

6.135 It is estimated that, since 1993, the hostilities in Burundi have claimed between 250,000 and 300,000 lives, mostly civilians. [43b](p10) The civil conflict has led to massive refugee flows and substantial internal displacement. The UNFPA estimated in January 2003 that there were then over 280,000 internally displaced persons (IDPs) at 230 permanent sites, and another 100,000 temporarily displaced. Up to 800,000 Burundians have sought refuge in Tanzania and other countries over

the past 30 years, including 320,000 currently living in camps in Tanzania. [44](p35)[43c](p19-20) In early 2004 there has been a substantial increase in the rate at which refugees have been returning to Burundi from Tanzania. [62a](62b) According to the UN Secretary-General's report of 16 March 2004 to the Security Council, the UNHCR has estimated that as many as 500,000 refugees could return to Burundi in the next three years [2004-2006], depending on the security situation; some 120,000 to 150,000 could do so in 2004 with UNHCR assistance. The Secretary-General warned: "The return and resettlement of internally placed persons and refugees will constitute the major humanitarian challenge in the coming months". [43c](p5)

6.136 The UN Special Rapporteur noted in her report dated 20 October 2003:

Poverty has increased and spread right across the country. Poverty rates have not changed since the previous report, and a substantial proportion of urban and rural households are living beneath the poverty line, a situation exacerbated by pillaging by armed gangs, members of the regular army and armed bandits, during which women and children are often assaulted and raped.

At the social level, war and a fragile economy have continued to alter the social fabric. The number of children, women and the elderly weakened by an unstable life and the violent conflict has increased, while their protection and care have not been effectively guaranteed. These still constitute the bulk of victims of human rights violations. What is more, the difficult living conditions of the Burundian people, and the State's financial problems have evidently made it impossible to ensure adequate respect for economic, social and cultural rights, even when the will was there. [42a](p6-7)

6.137 The World Food Programme (WFP) reported in March 2003 that more than one million people were in need of relief food due to late rains and the security situation; its assessment noted that twice as many people were then in need of relief food compared with the same period in 2002. [44](p71) According to the UN Secretary-General's report of December 2003, the deteriorated security situation that prevailed in 2003 prior to the signing of the Pretoria Protocol in October 2003 severely impeded access to large numbers of civilians in need of humanitarian assistance. Insecurity had forced the WFP to cancel 287 of their planned 787 distributions, representing 12,000 tons of commodities. [43b](p10) Insecurity and fighting in Bujumbura Rural in February-March 2004 prevented the delivery of food assistance to thousands of newly displaced people. [41e] In its 2003 Human Development Index, the United Nations Development Programme (UNDP) ranked Burundi 171 out of 175 countries, reflecting the accumulated impact of deteriorating indicators, such as the percentage of the population undernourished (69 per cent in 2000, compared with 49 per cent in 1998), access to safe drinking water (down from 55 per cent in 1992 to 43 per cent in 2002 in rural areas), primary school attendance (down from 70 per cent in 1993 to 48 per cent in 2002), and an under-five mortality rate of 190 deaths per 1,000 live births (unchanged since 1990). [56]

6.138 The UN Secretary-General confirmed in March 2004 that insecurity had limited humanitarian access to large parts of the country and deprived the population of protection and assistance. [43c](p5)

6.139 Many Burundians do not have proper access to health care for various reasons, such as lack of funds, insecurity in certain areas, or distances to travel to medical centres. [42a](p15)[5m](p11) The incidence of malaria has reached alarming proportions and a survey released in December 2002 indicated that 3.6 per cent of

Burundians aged above 15 years were HIV positive. [5m](p10-11)[16cy] (see Section 5 'Medical services') Life expectancy, at birth, was estimated in 2003 to be 43.2 years - one of the lowest ages in the world. [32]

See also Section 3: 'Economy'

[Back to Contents](#)

Refugees outside Burundi

6.140 Quoting UN figures, USSD 2003 provided the following estimates: "More than 324,000 Burundian refugees, most of them Hutus, remained in UNHCR camps in Tanzania. The total number of Burundian refugees living throughout Tanzania at year's [2003] end was estimated to be 800,000. Approximately 170,000 "old caseload" refugees, many of whom fled as early as 1972 or following the October 1993 assassination of former president Ndadaye, were residing in Tanzania and were not assisted by the UNHCR. An additional 23,000 refugees, most of them Hutus, resided in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia." [2c](p12)

6.141 In January 2001 Burundi, Tanzania and the UNHCR arrived at a tripartite agreement on the voluntary repatriation of Burundian refugees in Tanzania; this was signed on 8 May 2001. [26a] In March 2002 the UNHCR commenced an exercise that facilitated the voluntary repatriation of refugees based in the camps of western Tanzania. [19c] By August 2002 the number registered for this repatriation scheme was reported to be 80,000. [16a] The Governments of the Burundi and Tanzania had initially stated that it was their objective to repatriate all voluntary returnees within six months. [19c] A group of 10 American NGOs subsequently expressed concern over the voluntary repatriation of Burundian refugees from Tanzania. In a statement issued in May 2002 for the attention of the office of the UNHCR and the US government, the group said: "Current conditions in Burundi do not appear conducive for refugee return." [16x] In June 2002 Burundi and Tanzania announced their intention to send a joint delegation to Geneva to request that the UNHCR facilitate the return of all Burundian refugees in Tanzania. However, the UNHCR position was to facilitate repatriations only to safe areas, while extending "limited assistance" to refugees insisting on going elsewhere in Burundi. Under this programme of facilitated repatriation, UNHCR registered refugees, provided them with going-home packages, money and drugs, and organised their transport. [16a] But during September 2002 UNHCR reported in excess of 3,000 new refugee arrivals in Tanzania; the organisation said this represented a ten-fold increase and reflected an escalation in the conflict. At the same time UNHCR reported that in the first nine months of 2002 at least 45,000 refugees had returned to Burundi, 25,000 of them with UNHCR assistance. [16b]

6.142 The UN High Commissioner for Refugees held talks with the Tanzanian authorities in November 2003. He appealed to the government to review its new policy of restricting the movement of refugees within that country, who had previously been permitted to move within a four-kilometre radius of their camps. Regarding the voluntary repatriation of Burundian refugees, he was quoted as saying: "I am here to consolidate a positive process, because building peace has now come to such a level that it has become possible for us to advise people, to inform them that it safe

enough to come back [to Burundi]"

6.143 The UNHCR announced on 22 January 2004 that Burundian, Tanzanian and UNHCR officials had signed a repatriation agreement, paving the way for a larger-scale return of Burundian refugees from Tanzania. Under the agreement, UNHCR would gradually move from helping those going back with logistical arrangements - to actually promoting returns. The meeting also agreed on measures to make return movements more efficient and less uncomfortable for refugees. Since starting its assisted voluntary repatriation operation in March 2002, UNHCR had focussed on facilitating returns to safer areas in northern and central Burundi. Now that security had improved in certain other areas of the country, it was possible that many more Burundians would be able to return with UNHCR's assistance. UNHCR, however, warned that refugees would be returning to a country devastated by war: "The majority return to find their houses in ruins, many lack land to cultivate. Basic services, health, education [and] water are lacking" The spokesperson added that the situation was further complicated by the presence of hundreds of thousands of internally displaced people and tens of thousands of people under arms. [62a]

6.144 It was reported that an additional border crossing point had been opened at Makamba-Giseru in late-January 2004, bringing to three the refugee crossing points between Tanzania and Burundi. This opened the way for UNHCR-assisted returns to certain areas which had previously been inaccessible. [16cn]

6.145 A UNHCR spokesman reported on 20 February 2004 that over 12,000 Burundian refugees had returned home from camps in Tanzania during January-February 2004. There were still more than 320,000 Burundian refugees in those camps. In all, from 2001 to 2003 some 148,000 Burundi refugees had returned home, about 70,000 of them on UNHCR-facilitated repatriations. [62b]

[Back to Contents](#)

Conflict in the DRC

6.146 The war in Burundi has been intertwined with conflicts in neighbouring DRC and Rwanda. For several years Burundian rebels, particularly those of the CNDD-FDD, had launched attacks from bases within DRC. The DRC government reportedly supported the rebels in return for assistance in their fight against a rebel movement backed by Rwanda. [6a] Human Rights Watch has reported that Burundian rebels based in the DRC have sometimes attacked Congolese civilians, usually to steal their property. In some cases they have killed civilians and in others, they raped women. The HRW report cites examples of attacks on Congolese civilians that occurred in 2003. [6a] [p38] In October 2002 Burundi agreed to withdraw its remaining two battalions of troops from the neighbouring DRC; the Kinshasa authorities had pledged that its territory would no longer serve as a base for Burundian Hutu rebel groups. [16be]

[Back to Contents](#)

Treatment of humanitarian and human rights organisations

6.147 According to USSD 2003: "A number of local and international NGOs, including human rights groups, generally operated without government restrictions; however, the Government cited insecurity in rural areas in denying journalists,

international relief workers, and human rights observers access to some areas of the country ... Government officials, although limited by capacity and resources, co-operated with these groups by providing access to information and other resources." ... Domestic human rights groups received varying degrees of co-operation from government ministries; the ministries provided them at times with information and facilitated visits to areas of interest. While well-established groups with international linkages and a presence in Bujumbura had a measure of protection from government harassment, indigenous NGOs in the countryside were more susceptible to government pressure. In addition, government security services - even if willing - were unlikely to be able to protect NGO members from private reprisals. Although the Transitional Government did not directly take action based on local NGO recommendations, local NGOs continued to engage in advocacy. The most prominent local human rights group, League Iteka, continued to operate and publish a newsletter." [2c](p13)

6.148 Amnesty International's report of 13 January 2004, 'Burundi: A critical time', stated:

Humanitarian organizations were again in 2003 frequently denied access, sometimes for lengthy periods, to certain areas, in particular in Ruyigi province ostensibly for security reasons. In some cases, it appeared the obstruction may have been designed to prevent aid from being given to a population deemed by the armed forces likely to pass it on voluntarily or forcibly to armed political groups, or to prevent independent observers witnessing human rights abuses. Increasing lawlessness in 2003 became a major security concern for humanitarian organizations, which were repeatedly the subject of violent crime or attack. All international NGOs, however small, within the context of the Burundian economy, represent an enormous source of revenue. The health sector appears particularly sensitive. Humanitarian response is also complicated, and made more dangerous, by endemic and increasing corruption. [5m](p15)

USSD 2003 adds: " The FAB (Burundi armed forces) frequently denied human rights observers access to areas where it was accused of committing human rights violations. Human rights NGOs frequently were unable to investigate reports of killings because of these restrictions, which they said were arbitrary. Many areas of the country, particularly near Bujumbura and the borders with the DRC and Tanzania, remained off limits for humanitarian operations." [2c](p13)

6.149 Dr Kassi Manlan, the World Health Organisation representative in Burundi, was killed in November 2001. Four guards from his office and house were immediately arrested; his assistant, Gertrude Nyamola, was arrested on 21 December as she tried to leave the country, apparently for medical treatment. [5m](p7) Human Rights Watch reported that a government commission set up to investigate Manlan's death moved slowly and published no findings; a new commission was created in September 2002. [6c] According to Amnesty International, rumours circulated potentially implicating people close to President Buyoya and linking the murder to allegations of corruption and medicine trafficking. In October 2003 four more suspects were arrested in connection with the murder - they included senior officers of the intelligence and police services. [16c][5m](p7) It was reported in March 2004 that two detainees in Mpimba prison, who were alleged to have participated in the murder, had 'escaped' - the Deputy Director of the prison was then arrested, accused of having facilitated their escape. [41c]

6.150 On 25 April 2003 Médecins Sans Frontières (MSF) suspended operations after government health authorities prevented its team from gaining access to

medical supplies. [2c](p11) An article on the Guardian(UK) website on 29 December 2003, titled 'Doctoring by stealth in Burundi', described some of the difficulties incurred by MSF and other relief agencies in Burundi. For example, political pressures forced MSF to disguise its hospital at Kamenge, on the outskirts of Bujumbura, as a makeshift clinic, an MSF official explaining "Officially we are not a hospital, because the authorities don't want one". (The government subsequently gave formal recognition to this centre.) The reporter and the MSF official initially could not reach the hospital due to gunfire in the streets. "The hazards to staff and patients come in many forms: mortar shells, bullets, harassment, raids and pillaging. Add to that the more subtle dangers of exhaustion, stress and depression." [61a]

6.151 During her mission to Burundi in May 2003, the UN Special Rapporteur was 'informed of the continuing difficulties in gaining access to sinistres (survivors) and human rights violations, tied not only to the lack of security but also to obstacles placed by the Burundian authorities themselves'. [42a](p18)

See also 'Humanitarian Situation'

[Back to Contents](#)

ANNEX A

Chronology of Events

1890

The Tutsi kingdom of Urundi and neighbouring Ruanda (Rwanda) became part of German East Africa.

1916

Belgian forces from the Congo occupied the territory.

1923

Belgium was granted a League of Nations mandate to administer Ruanda-Urundi.

1958

Union pour le progrès national (UPRONA) formed by 'Ganwa' (Prince) Louis Rwagasore, son of the reigning 'Mwami' (King) Mwambutsa IV.

1961

Elections in September 1961, conducted under UN supervision, were won by the Union pour le progrès national (UPRONA). As leader of UPRONA, Prince Rwagasore became Prime Minister later that month, but was assassinated after only two weeks in office. His brother-in-law, Andre Muhira, succeeded him.

Independence

1962

On 1st July 1962 Urundi was separated from Ruanda-Urundi, became Burundi and was granted independence as a monarchy under King Mwambutsa IV.

1965

Hutu candidates won a decisive victory in parliamentary elections held in May but King Mwambutsa nevertheless appointed a Tutsi 'Ganwa' as Prime Minister. An attempted coup by Hutu police was brutally repressed; virtually the entire Hutu political establishment was massacred, together with thousands of rural Hutu who had supported the revolt.

1966

In July King Mwambutsa was deposed, after a reign of more than 50 years, by his son Charles (who took the title of Ntare V); he appointed Capt. (late Lt-Gen.) Michel Micombero as Prime Minister. In November Charles was himself deposed by Micombero, who declared Burundi a republic and himself President.

1969 – 1971

Several plots were made against the Government in 1969 and 1971.

1972 - 1973

In 1972 an abortive coup occurred, during which Ntare V was killed. Hutu activists were held responsible and there followed a series of large-scale massacres of the Hutu. The final death toll was estimated at over 100,000. Large numbers of Hutu

fled to neighbouring countries. Michel Micombero restructured the executive, which in 1973 resulted in an appointed seven-member Presidential Bureau, led by himself. Nearly all Hutu elements were eliminated from the armed forces.

1974

In July the Government introduced a new republican Constitution which vested sovereignty in UPRONA, the sole legal political party. Micombero was elected Sec-Gen of the party and re-elected for a seven-year presidential term.

1976

On 1 November an army coup deposed Micombero, who died in exile in July 1983. The leader of the coup, Lt-Col Jean-Baptiste Bagaza (a Tutsi), was appointed President by the Supreme Revolutionary Council (composed of army officers), and a new Council of Ministers was formed.

1978 - 1980

In October 1978 Bagaza abolished the post of Prime Minister. The first national congress of UPRONA was held in December 1979 and a party Central Committee, headed by Bagaza, was elected to take over the functions of the Supreme Revolutionary Council in January 1980.

1981

A new Constitution made Burundi a one-party state.

1982 - 1984

Legislative elections were held in October 1982. Bagaza, having been re-elected President of UPRONA (at the party's second national congress in July 1984), was elected President of Burundi by direct suffrage in August 1984 - as the sole candidate.

1987

On 3 September a military coup led by Maj. Pierre Buyoya (a Tutsi) deposed Bagaza, accusing him of corruption. A Military Committee for National Salvation (CMSN) was immediately formed to administer the country, pending the appointment of a new President. The Constitution was suspended and the National Assembly was dissolved. On 2 October Buyoya was sworn in as President of the Third Republic. His Council of Ministers included mostly civilians, retaining no minister from the previous regime.

1988 - 1989

In August 1988, Hutu, claiming provocation, slaughtered hundreds of Tutsi in the towns of Ntega and Marangara. The Tutsi-dominated army was dispatched to the region and large-scale tribal massacres occurred. In October Buyoya announced changes to the Council of Ministers, the majority of which were Hutu. He appointed a Hutu, Adrien Sibomana, to the newly restored post of Prime Minister. A Committee for National Unity (comprising equal numbers of Hutu and Tutsi) was established to investigate the massacres. Buyoya announced plans to combat all forms of discrimination against the Hutu and regulations to ensure equal opportunities in education, employment and the armed forces. Despite these efforts political tension remained at a high level in 1989.

1990

In December at a national congress of UPRONA, the CSMN was abolished, its functions transferred to an 80-member Central Committee. Buyoya was Chairman, with a Hutu, Nicolas Mayugi as Sec-Gen.

1991

In February a referendum was conducted, which overwhelmingly approved the draft charter on national unity. A ministerial shuffle saw Hutu appointed to 12 of the 23 government portfolios. In March a commission was established to prepare a report on the democratisation of national institutions and political structures, in preparation for the drafting of a new constitution. The commission's report was presented in September.

1992

The commission's proposals received the support of more than 90% of the voters in a referendum held on 9 March. The new constitution, providing for a multiparty system, was promulgated on 13 March. There was an extensive ministerial reshuffle in April, 15 of the 25 portfolios appointments were Hutu. Buyoya approved legislation creating new political parties in accordance with the provisions of the new constitution. In October Buyoya created the National Electoral Preparatory Commission (NEPC), a 33-member body comprising representatives of the eight recognised political parties, together with administrative, judicial, religious and military officials. The NEPC convened for the first time in November. By December Buyoya had appointed a new 12-member technical commission, charged with drafting an electoral code and a communal law.

1993

In February Buyoya announced presidential and legislative elections would be held in June, with elections for local government officials to be held in November. The presidential election was won by Melchior Ndadaye of FRODEBU with the support of the Rassemblement du peuple Burundien (RPB), the Parti du peuple and the Parti liberal, with 64.8% of the votes cast. Buyoya received 32.4% of the vote as the UPRONA candidate, with support from the Rassemblement pour la democratie et le developpement economique et social (RADDES) and the Parti social democrate. On 29 June legislative elections for 81 seats in the national assembly were held. FRODEBU received 71% of the votes and 65 seats and UPRONA received 21.4% and the remaining 16 seats. None of the other four contesting parties secured the 5% minimum of votes needed for representation in the legislature. On 10 July Ndadaye, Burundi's first Hutu Head of State, assumed the presidency. The new Prime Minister, Sylvie Kinigi, was one of seven newly appointed Tutsi ministers. On 21 October President Ndadaye and several prominent Hutu politicians and officials were detained and subsequently killed by insurgents, who proclaimed Francois Ngeze (UPRONA) as head of a National Committee for Public Salvation (CPSN). A state of emergency was declared by the armed forces, with national borders and the capitals airport being closed. The coup received unanimous international condemnation and there was renewed tribal violence, which undermined the support for the insurgents from within the armed forces and precipitated the collapse of the CPSN, which disbanded on 25 October. Kinigi announced the ending of the curfew. On 28 October the government reassumed control of the country. Ngeze and 10

coup leaders were arrested. In December a 27-member commission of judicial inquiry was created to investigate the insurgency. Also in December Sylvestre Ntibantunganya (who succeeded Ndadaye as leader of FRODEBU) was elected Speaker of the National Assembly.

1994

In January FRODEBU deputies in the National Assembly approved a draft amendment to the constitution allowing a President of the Republic to be elected to the National Assembly, in the event of the Constitutional Court's recognition of a presidential vacancy. UPRONA deputies boycotted the vote and challenged the validity of the amendment. Cyprien Ntaryamira was elected president and assumed the post in February. Anatole Kanyenkiko, a Tutsi, was elected Prime Minister. Ethnic tension was renewed. On 6 April Ntaryamira was killed when the plane in which he was travelling, along with the President of Rwanda, who was widely acknowledged to be the target of an attack, crashed over Kigali airport. Sylvestre Ntibantunganya was made interim president. On 30 September Ntibantunganya was elected to the presidency and formally inaugurated on 1 October. Kanyenkiko was reappointed as Prime Minister. In December UPRONA announced its intention to withdraw from the Government following the election of Jean Minani as Speaker of the National Assembly. UPRONA accused Minani of inciting Hutu attacks against Tutsi in the aftermath of the October 1993 coup attempt. Ethnic tension persisted in the second half of 1994.

1995

A political crisis was averted in January when Minani assumed the role of FRODEBU party leader as part of a compromise. UPRONA declared its willingness to rejoin the government. On 22 February, Antoine Nduwayo was appointed Prime Minister by a presidential decree. Political stability was undermined in early March following the murder of a Hutu Minister, Ernest Kabushemeye. An escalation in the scale and frequency of incidents of violence during 1995 prompted renewed concern that the security crisis would precipitate a large-scale campaign of ethnic massacres similar to that in Rwanda during 1994. In May humanitarian organisations suspended their activities in Burundi for one week in an attempt to draw international attention to the deteriorating security situation in the country. In June an AI report stated that national security forces had collaborated with extremist Tutsi factions in the murder of thousands of Hutu since 1993.

1996

By early 1996 reports of atrocities perpetrated against both Hutu and Tutsi civilians by rogue elements of the Tutsi-led armed forces, including militias known as the *Sans échec*, and by extremist Hutu rebel groups, had become commonplace in rural areas. In February the UN Special Rapporteur on Human Rights concluded that no improvement had been made in the protection of human rights since mid-1995 and that a state of near civil war existed in many areas of the country. In April despite Ntibantunganya undertaking to establish a human rights commission and a comprehensive reform of the security forces, violence continued to escalate. In early June the International Committee of the Red Cross (ICRC) suspended all activities in the country following the murder of three of its workers. On 25 July, in a bloodless military coup, the armed forces were extensively deployed in the capital. The National Assembly was suspended, as was all political activity. A nation-wide curfew

was imposed and the national borders and Bujumbura airport were closed. Former president Buyoya was declared the interim president of a transitional republic. Pascal-Firmin Ndimira, a Hutu member of UPRONA, was appointed as Prime Minister at the end of July. In early August a new 23-member, multi-ethnic Cabinet was announced. Also announced was an expanded transitional national assembly, which would be inaugurated in September for a three-year period. Buyoya was formally inaugurated as president on 27 September. In early October the National Assembly was formally reopened, but the majority of FRODEBU legislators boycotted the event. A report issued by the UN High Commissioner for Refugees (UNHCR) in December estimated that 1,100 individuals, predominantly Hutu refugees, had been killed by the armed forces in October and November alone. Also in December, AI alleged that the army had massacred as many as 500 Hutu civilians earlier in the month. The Burundian government denied the reports.

1997

In January the UNHCR reported that the army had, over a period of seven weeks, massacred more than 100,000 (mainly Hutu) civilians in 'regroupment' camps. Although the authorities asserted that the 'regroupment' programme was voluntary, and that members of all ethnic groups were seeking the protection of the camps, it was widely believed that Hutu civilians were being coerced into camps by the armed forces. According to government figures around 200,000 civilians had been regrouped into about 50 camps, while non-governmental organisations variously estimated the number affected at around 350,000 - 500,000. In late May the UNHCR appealed to bordering countries to cease repatriating Burundian refugees because of renewed massacres, notably in regroupment centres. Also in May 79 military officers accused of involvement in the October 1993 coup attempt were put on trial. An AI report in July appealed to the Buyoya regime to end the regroupment policy. It was estimated that as many as 250,000 people, mainly civilians, had died since the outbreak of hostilities in 1993. At the end of July it was reported that six people, convicted of acts of genocide in 1993, had been executed. Between July and August the Burundian courts issued 30 death sentences in relation to such crimes. In December the government suspended FRODEBU from political activities for six months, but reversed the decision later that same day. Civil unrest continued in late 1997.

1998

On 1 January more than 1,000 Hutu rebels attacked Bujumbura airport, which resulted in at least 250 deaths. On 28 January Minister of Defence Firmin Sinzoyiheba was killed in a helicopter crash. On 18 February the second stage of Burundian peace talks was held. In June the government and the National Assembly signed a political accord and a new Transitional Constitution was promulgated on 6 June replacing the law enacted by Buyoya after he took power in July 1996. In accordance with the Transitional Constitution Buyoya was inaugurated as president on 11 June, with the new National Assembly inaugurated on 18 July. Peace talks opened in Arusha on 15 June following by further talks in July and October.

1999

Fighting continued throughout 1999. Starting in September 1999, almost 350,000 people were reported to have been forcibly resettled into around 60 regroupment camps. Further rounds of peace talks are held. In December former South African

President, Nelson Mandela, was named as the new mediator in the Burundi peace talks, following the death of Julius Nyerere in October. Mandela's appointment was welcomed by the Burundian Government and main opposition parties.

2000

Peace talks continued in February and March 2000. In February two committees set up to decide on how to deal with genocide suspects in Burundi were still unable to decide on the way forward. In March 2000 President Buyoya agreed to gradually dismantle the controversial resettlement camps. On 28 March the authorities in Burundi said they had closed 23 of the estimated 60 camps. On 3 May the National Assembly passed a dual citizenship law allowing Burundian citizens to hold a second nationality. In July the closure of thirty-six regroupment camps concluded in Bujumbura-Rural. In August peace talks continued and a peace agreement was signed on 28 August. Following the signing, violence between Hutu rebels and the army continued. All regroupment sites were closed by August. In October two soldiers were executed for murder without having had legal representation during their trial or a chance to appeal their convictions. These were the first executions carried out since July 1999.

2001

On 29 January Radio Umwizero changed its name to Radio Sans Frontiers (RSF) Bonesha FM. In February two weeks of heavy fighting took place between the Burundi army and the FNL. On 4 March a curfew (2000 to 0600) was imposed in Bujumbura. Also in March a new radio station called African Public Radio was launched. In April a new newspaper called *Al Fatwa*, was launched. Also in April it was reported that the school year due to begin in January had still not begun due to the ongoing war in the country. On 18 April there were reports of a failed coup attempt by junior army officers. In May Burundi reached an agreement with pharmaceutical companies to help reduce the cost of anti-retroviral drugs to HIV/AIDS sufferers in the country. In July the National Resistance Movement party was created. On 23 July mutineers tried to release those held in prison following the April coup attempt. Also in July it was announced that President Buyoya would remain as president for the first 18 months of the country's transition. At the end of August over 320 soldiers were discharged from the army following both the April and July incidents. The Parliamentary Monarchist Party was created in August. Also in August a new constitution for the three-year transitional period was concluded. In October South Africa agreed to provide troops for a protection force demanded by opposition politicians before they would join the transitional government. Meanwhile the rebel CNDD-FDD faction was reported split. Meanwhile, the IMC moved from its former base in Arusha in advance of the instillation of the Transitional Government on 1 November; the inauguration of which proceeded as per the agreed timetable with Buyoya sworn in as president and Ndayizeye as vice-president. During the latter part of 2001 several political figures who were living in exile returning to Burundi.

2002

In February the CNDD-FDD agreed a framework for negotiations designed to lead to a ceasefire. In March reports also suggested that FNL were ready to enter into dialogue. April saw delegations from the two CNDD-FDD factions and the FNL travel to South Africa for various separate talks. During May and June both CNDD-FDD

factions continued to attend talks with little substantive protest; the FNL however remained reluctant to participate. At the end of the month former president, Jean-Baptiste Bagaza returned from 4 years exile. In July Mathias Hitimana of the PRP became the first minister to be dismissed from the Transitional Government; meanwhile there were reports of discontent among the smaller parties of the G7 and G10 political groupings. In early August it was first reported that the FNL faction had split - the lesser faction led by Alain Mugabarabona signalled it was prepared to participate in peace negotiations which took place later in the month. In September a massacre which was reportedly carried out by the army claimed the life of at least 173 people in Gitega province. At a regional summit in October the lesser factions of both the FNL and the CNDD-FDD signed formal ceasefire agreements; the main factions were given 30 days to do likewise. Burundi announced it would withdraw its remaining forces from neighbouring DRC. A ceasefire agreement with Nkurunziza's CNDD-FDD was signed on 3 December 2002 and was due to take effect on 30 December 2002 - but was delayed, the Foreign Minister saying that its implementation would be contingent upon the arrival of an African mission to monitor the ceasefire, setting up of cantonment camps, and the establishment of a joint ceasefire commission. Rwas'a's FNL faction remained outside the process.

2003

Mid-January: 60,000 people fled their homes in Gitega province due to clashes between the army and CNDD-FDD (Nkurunziza) [44]

27 January: President Buyoya and the leader of the main faction of CNDD-FDD, Pierre Nkurunziza, met in Pretoria to discuss the implementation of the ceasefire provided for in the Arusha Accord; a memorandum of understanding was signed. [16c] But fighting between the CNDD-FDD and the army subsequently continued in Bubanza and Ruyigi and certain other provinces. [1c]

13 February: Following years in exile, Jean Bosco Ndayikengurikiye, the leader of the smaller faction of the CNDD-FDD, and Mugabarabona, the leader of one faction of the Palipehutu-FNL rebel group, returned to Burundi to take part in the implementation of the ceasefire accord signed with the government in October 2002. [16c]

2 March: CNDD-FDD and the Transitional Government signed a joint communique in Dar es Salaam re-committing themselves to implementing the ceasefire, but the conflict between their forces continued unabated. [1c][16c]

26 March: The African Union and the government of Burundi sign an agreement on the statutes for the AU peacekeeping force due for deployment to Burundi. [16c]

28 March: Buyoya announced that he would transfer the presidency to Vice President Ndayizeye of FRODEBU, when his 18-month period of office expired at the end of April. [1c]

4 April: Jean Baptiste Bagaza, the leader of the suspended Tutsi opposition Parti pour le redressement national (PARENA), was released from house arrest. Bagaza, a former president of Burundi, was placed under house arrest in November 2002 for allegedly plotting to kill President Buyoya. [16c]

17 April: Some 80,000 people fled Kanyosha Commune, southeast of Bujumbura, following heavy fighting between the army and CNDD-FDD (Nkurunziza) [16c]

30 April: Domitien Ndayizeye was inaugurated president of Burundi, to lead the second half of the three-year transitional power sharing government. Alphonse Marie Kadege of Uprona became vice-president [16c]

31 May: Representatives of FNL (Rwasa) and the government met in Switzerland to discuss the possibility of holding peace negotiations. [16c]

24 June, IRIN reported that an unknown number of rebels had been killed in fighting against government troops in northern Burundi, forcing approximately 65,000 civilians to flee the area. [16c]

26 June: The first group of fighters of FNL (Mugabarabona) were cantoned at Muyange. [16c]

28 June: CNDD-FDD (Nkurunziza) rebels kidnapped four Members of the National Assembly and seven others. The deputies were subsequently released on 26 July. [16c]

7 July: Thousands of civilians were displaced when heavy fighting erupted again between the army and FNL (Rwasa), in the southeastern part of Bujumbura. [16c]

4 August: WPF announced significant food insecurity in Rugazi in Kayanza Province. [16c]

20 August: Burundi, Tanzania and the UNHCR signed an agreement on refugees, under which Burundi and Tanzania agreed to open more border crossings to facilitate the voluntary return of refugees from camps in Tanzania. [16c]

27 August: Parliament passed a new law granting temporary immunity to political leaders returning from exile. [16c]

17 September: A 19:00-05:00 curfew is imposed in five zones on the outskirts of Bujumbura. [16c]

25 September: 47,500 civilians had become displaced after fighting between two rebel groups in east and northwest Bujumbura. [16c]

8 October: President Ndayizeye and Nkurunziza (main faction of CNDD-FDD) signed an agreement in Pretoria to implement a ceasefire and integrate the armed forces, police and intelligence services - the 'Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi'. Parliament approved the Pretoria Protocol on 22 October. [46][16c]

20 October: A CNDD-FDD commander announced that 1000 of their fighters had assembled in Makamba province in preparation for cantonment, in line with the ceasefire agreement. [16c]

1 November: Further talks between the Government and CNDD-FDD to finalise outstanding issues ended in Pretoria on 1 November. A 'technical forces agreement' was signed. [37d]

23 November: Ndayizeye reshuffled his Cabinet to include CNDD-FDD ministers. [16c]

4 December: 6000 fighters from Nkurunziza's CNDD-FDD have assembled in Makamba Province in preparation for cantonment. [16c]

6 December: Nkurunziza arrived in Bujumbura to take up his cabinet post. [16c]

20 December: the FNL (Mugabarabona) announced that it has transformed itself into a political party known as Front national de liberation icanzo (FNL icanzo). [16c]

29 December: Monsignor Michael Courtney, the Apostolic Nuncio in Burundi, died after sustaining gunshot wounds in a road ambush. [16c]

2004

7 January: The President signed a decree to incorporate CNDD-FDD members into the Joint Military High Command [16c]

18 January: President Ndayizeye and a delegation of the FNL faction led by Agathon Rwasa held talks in the Netherlands between 18th and 20th January without a compromise being reached. [16c]

18 February: UNHCR announced that over 10,000 refugees returned to Burundi in the first six weeks of 2004. [41c]

26 February: Fresh fighting between the army and FNL (Rwasa) displaced thousands of people in Bujumbura Rural. [16c]

[Back to Contents](#)

ANNEX B

Political Parties and Organisations and Armed Rebel Movements

Political parties in Burundi

Political parties are required to demonstrate firm commitment to national unity and impartiality with regard to ethnic or regional origin, gender and religion, in order to receive legal recognition. [1c] The principal political associations which have participated in the peace negotiations have comprised a grouping of 10 Tutsi-dominated parties, (G10) (formally known as G8) and seven Hutu-dominated organisations (G7). [1b] Where known, the details of the group each party was affiliated to during the talks is included in the information below.

A meeting of registered political parties and armed movements - which are signatory to ceasefire agreements - was held in late-March 2004 under the chairmanship of President Ndayizeye to discuss current issues, including the Arusha Agreement and forthcoming elections. Most parties and movements agreed that the G7 and G10 groupings should be scrapped because 'these sacrificed Burundi on the altar of tribalism'. [8g][16cw]

Alliance burundaise-africaine pour le salut (ABASA)

Formed in 1993

Leader: T rence Nsanze

English translation: Burundo-African Alliance for Salvation

ABASA were a member of the G10 (Tutsi-dominated) grouping of parties.

The party reportedly involved in the violent *villes mort s* - violent general strikes and paralysis of city life - that characterised life in Bujumbura between 1994 and 1996.

[1c][5b] Athanase Gahungu of ABASA is Minister of Finance in the cabinet announced on 23 November 2003.

Alliance nationale pour les droits et le d veloppement  conomique (ANADDE)

Formed in 1992

Leader: Patrice Nsababaganwa

English translation: National alliance for Law and Economic Development

ANADDE was a member of the G10 (Tutsi-dominated) grouping of parties and is one of three political parties that declined to sign the peace agreement on 28 August 2000 but did so the following month. Has a seat in the Cabinet of ministers announced on 23 November 2003. [1c][5b]

AV-Intwari

Formed in 1993

Leader: Andr  Nkundikije

English translation: Alliance of the Brave (or the Valiant)

French Translation: Parti vert-intwari

AV-Intwari was a member of the G10 (Tutsi-dominated) grouping of parties.

The party has a small following, according to AI they were not formed until 1996. [1b][5b][12f]

Conseil national pour la defense de la democratie (CNDD)

[See also CNDD-FDD (Nukurunziza) and CNDD-FDD (Ndayikengurukiye), which are separate organisations listed below under 'Armed Rebel Movements'.]

Leader: Leonard Nyangoma

Originally the military wing of FRODEBU, CNDD-FDD itself came into being in December 1993. The FFD armed wing under Jean-Bosco Ndayikengurukiye then broke away in early 1998, after claiming that Nyangoma was remote from the armed struggle.

The CNDD was a member of the G7 (Hutu-dominated) group of parties during the peace talks.

The political wing of the CNDD is said to largely comprise Hutu intellectuals from the Southern Bururi area. [1b][1c][5b][36a]

Forum démocratique (FODE)

Formed in November 1999

Leader: Deogratias Baburifato [1b]

Front national de liberation Icanzo (FNL Icanzo)

On 20 December 2003 the FNL faction led by Mugabarabona announced that it had transformed itself into a political party known as Front national de liberation Icanzo (FNL Icanzo) and would apply to the Interior Ministry for registration. [16c]

Front pour la démocratie au Burundi (FRODEBU)

Officially recognised in 1992, split in June 1999

Chairman: Jean Minani; Secretary-General: Domitien Ndayizeye (President of Burundi from April 2003) [1b][5b]

Is one of the two mainstream governing parties - the other being UPRONA. [32]

English translation - Front for Democracy in Burundi

FRODEBU were a member of the G7 (Hutu-dominated) grouping of organisations and, as the majority party in the National Assembly controlling a 65 of the 121 seats were also represented in the Government delegation. Though formed in the mid-1980s FRODEBU were not officially recognised until mid-1992. Many of its founder members, including former presidents Melchior Ndadaye and Sylvestre Ntibantunganya, were also founder members of the Burundian human rights organisation, Ligue ITEKA. [1c][5b]

Front pour la libération nationale (FROLINA)

Leader: Joseph Karumba

English translation: Front for National Liberation

FROLINA were a member of the G7 (Hutu-dominated) grouping of organisations. A small breakaway faction of PALIPEHUTU and also believed to date from the 1970's. Karumba left Burundi after the 1972 massacres of Hutu and was based in Dar-es-Salaam, Tanzania. The group's armed forces are known as the *Forces armées populaires* (FAP), Popular Armed Forces. The group has been mainly based in Tanzania but largely inactive militarily. [5b] In March 2004, FROLINA combatants were reported to be preparing for cantonment in Makamba province. [41e]

Inkinzo y'Ijambo Ry'abarundi (MSP - Inkinzo)

Formed in 1993

President: Dr Alphonse Rugambarara

English translation: Guarantor (or Shield) of Freedom of Speech in Burundi

Inkinzo were member of the G10 group of parties.

A small Tutsi-dominated party MSP-INKINZO was critical of the Government's policy of regroupment on human rights and humanitarian grounds. MSP-INKINZO was also reported to have been heavily involved in the *villes mortes*. [16][56][17]

Mouvement de la résistance pour la réhabilitation du citoyen

Formed in July 2001

Leader: Colonel Epitace Bayaganakandi

English translation: Resistance Movement for the Rehabilitation of the Citizen

Kirundi translation: Murundi rema wisubize icubahiro (MRC)

The party was created by a group of six pro-Tutsi political parties known as the G6.

The parties all supported the candidacy of Bayaganakandi for presidency of the transitional period. Bayaganakandi was unanimously elected to lead the new party and formally signed in front of around 300 members and sympathisers of the movement. Bayaganakandi stated that the party was political in nature but peaceful. He also said the aim of the party is to gather together those who are demanding change in the country and effectively fight against extermination, genocide and the agreement signed in Arusha on 23 July 2001. [1a][17][24a]

Parliamentary Monarchist Party (PMP)

Formed in 2001

There are seven founder members who, in August 2001 applied for official permission to hold public meetings and establish the leadership organs of the new party. [18c]

Pajude-Intazimiza

Formed in 2002

President: Pascal Nkuzumwami; Deputy: Leopold Ndayisaba

English translation: Party for Justice and Development

A regionally and ethnically balanced party that does not describe itself as opposition but rather as a "complementary party to what is positive in what already exists". [12g]

Parti indépendant des travailleurs (PIT)

Formed in 1993

Leader: Etienne Nyahoza

English Translation: Independent Labour Party

PIT were a member of the G10 grouping of parties and is one of three political parties that declined to sign the peace agreement on 28 August 2000 but did so the following month. [16][56]

Parti Liberal (PL)

Formed in 1992

Leader: Joseph Ntidendereza

English translation: Liberal Party

PL was a member of the G7 grouping of organisations.

According to information dating from March 2001 the party is split. Nikobamyé, a lawyer and businessman had fled the country because his business activities "apparently placed him in danger". [16][16][56] However, Nikobamyé returned to the country in 2001 and subsequently held the position of Minister of Country Planning, Environment and Tourism. [16a][16]

Parti de libération du peuple Hutu (PALIPEHUTU)

(Separate from Palipehutu-FNL: see 'Armed Rebel Movements' below.)

Formed in 1980

Leader: Etienne Karatasi

English translation: Party for the Liberation of the Hutu People

PALIPEHUTU were a member of the G7 (Hutu-dominated) group of organisations.

Formed clandestinely in 1980 - earlier according to some sources - by Rémy Gahutu to fight against Tutsi domination and seek to advance the interests of the Hutu ethnic group. PALIPEHUTU are the longest established Hutu rebel group in Burundi, originating from the central Muramvya area of Burundi. [16][56]

The CNDD split with its armed wing in 1998 and there is rivalry between PALIPEHUTU and the breakaway PALIPEHUTU-FNL groups. PALIPEHUTU has no control over the PALIPEHUTU-FNL (more commonly referred to as FNL), of Agathon Rwasia. [16][56]

The Burundian Human Rights League ITEKA reported on 2 March 2004 that PALIPEHUTU had changed its name to **Palipe-Agakiza**. This decision was taken at a co-congress that Palipehutu held with the political parties SONOVI, ABASA, and Rusangi. [63a]

Parti du peuple (PP)

Formed in 1992

Leader: Shadrak Niyonkuru (external) Séverin Ndikumugongo (internal)

English translation: People's party

PP was a member of the G7 grouping of organisations.

Allied to FRODEBU and also in favour the abolition of the death penalty. According to information dating from March 2001 the party is split, Niyonkuru who had fled the country following the 1996 coup leads one faction, Séverin Ndikumugongo who is based in Bujumbura leads the other. [16][56] Niyonkuru has now returned to Burundi and in January 2002 won the second deputy speaker's seat in the Transitional National Assembly. [8a]

Parti de réconciliation du peuple (PRP)

Formed in 1992

Leader: Mathias Hitimana

English translation: **People's Reconciliation Party**

PRP were a member of the G10 grouping of parties.

Formerly the *Parti royaliste parlementaire* (same acronym) translated as the Parliamentary Monarchist Party. The PRP leader had been living in exile in Belgium but is now Minister of Energy and Mines in the Transitional National Assembly.

[16][56][16q]

Parti pour le redressement national (PARENA)

Formed in May 1994

Leader: Jean-Baptiste Bagaza

English translation: Party for National Recovery

PARENA were a member of the G10 (Tutsi-dominated) grouping of parties.

Jean-Baptiste Bagaza was president of Burundi from 1976 to 1987; he was also Deputy Chief of Staff of the armed forces in 1972 when as many as 100,000 Hutu were killed by members of the armed forces following a Hutu uprising in the south of the country. [5b] Since its creation Parena has reportedly been linked to armed movements or militias within Burundi which have incited violence against FRODEBU members and Hutu civilians in general. [1b][5b]

Since signing the Arusha Accord in August 2000 in PARENA boycotted the subsequent negotiations on implementation. [15b] However, on 29 June 2002 Bagaza returned home after a period of self-imposed exile, saying he wanted to take part in Burundi's political life. He was put under house arrest in Bujumbura on 4 November 2002, accused of plotting to kill Buyoya; this was extended by 60 days on 4 February 2003 and he was eventually released on 4 April. Bagaza announced on 5 November 2003 that PARENA was preparing to join the transitional government. [16c]

Parti social démocrate (PSD)

Formed in 1993

Leader: Godefroid Hakizimana

English translation: Social Democratic Party

PSD were a member of the G10 grouping of parties.

Members of the PSD are suspected of involvement in the *villes mortes*. Despite sometimes taking different positions from UPRONA, the party is generally perceived to be an UPRONA satellite. [1b][5b]

The Rally of Communities in Burundi for Democracy (RADECO) - based in Belgium

Formed: April 2002

Members of the Burundi Tutsi community formed RADECO in Belgium. The group aims to work for the promotion of security, political autonomy and equality for Hutu and Tutsi communities. [12b]

Rassemblement pour le démocratie et le développement économique et social (RADDES)

Formed in 1992

Chairman: Joseph Nzenzimana

English translation: Rally for Democracy and Economic and Social Development

The party was openly involved in the *villes mortes* and associated violence during the 1994-1996 period. When RADDES joined the negotiations in February 2000 it became a member of the G8 (Tutsi-dominated) - subsequently re-named the G10 - grouping of parties. RADDES are one of three political parties that declined to sign the Arusha peace agreement on 28 August 2000 but did so the following month. There is one RADDES member in the Cabinet announced in November 2003.

[1b][5b][32]

Rassemblement du peuple Burundian (RPB)

Formed in 1992

Leader: Balthazar Bigirimana

English translation: Rally of the Burundian People

RPB were a member of the G7 grouping of organisations.

The current leader of this FRODEBU-allied party, Bigirimana, has spent a period of time living in exile in Paris though now holds the post of Minister of Public Works and Equipment in the Transitional National Assembly. He had fled Burundi in late 1996 shortly after the arrests of close party associates. He had been actively pushing for investigations into the death of Ernest Kabushemeye, former Minister for Mines and Energy, who was gunned down in Bujumbura in March 1995 and the "disappearance" of Etienne Mvuyekure after his arrest by members of the armed forces in November 1997. The party is led in Bujumbura by Philippe Nzobonariba.

[1b][5b][16q]

Solidarité pour la défense des minorités (SORJEDEM)

English translation: Youth Solidarity for the Defence of Minorities

Déogratias Niyonzima was formally the leader of SOJEDEM that is no longer believed to exist. It is understood that the party served as a front for Tutsi militias in Bujumbura from 1994 onwards and was actively involved in the *villes mortes*. Niyonzima, who fled Burundi in 1997 after being briefly detained on suspicion of threatening state security and as of March 2001, was reported to be living in Kampala, Uganda. He was a member of the PRP delegation during the peace talks. [5b] Niyonzima returned to the country on 3 December 2001. [18j]

Union pour le progrès national (UPRONA)

Founded in 1957, legally recognised 1960

Leader of the main moderate wing: Alphonse Kadege

English translation: Union for National Progress

UPRONA became a member of the G10 (Tutsi-dominated) grouping of parties after its pro-government wing joined what had been previously known as G8. Is one of the two mainstream governing parties - the other being FRODEBU.

Following the 1961 elections the numerous small parties that had been defeated merged with UPRONA, which became the sole legal party in 1966. Party activities were suspended following the coup of September 1987, but resumed again in 1989. The party currently occupies 16 seats in the National Assembly, aside from FRODEBU they were the only other party to win seats in the elections of June 1993. [1b][5b] Charles Mukasi, former leader of UPRONA and now leader of an extremist faction of the party which opposes peace negotiations, has been arrested on three occasions for criticising the Transitional Government's ceasefire negotiations with the armed rebel movements. He was arrested on 17 October and released again on 24 October 2004. [16q]

Kadege became Vice-President of Burundi in April 2003.

Charles Mukasi, former chairman of UPRONA and now leader of an extremist wing of the party which opposes peace negotiations, has been arrested - and subsequently released - on various occasions for criticising the Transitional Government's ceasefire negotiations with the armed rebel movements. He was, for example, arrested on 17 October and released again on 24 October 2003. (see section 4: History) [16q]

Political alliances (other than G10 and G7)

Alliance nationale pour le changement (ANAC)

Formed in December 1999

ANAC were formed in response to the creation of CNPR (see below) and primarily consist of the external wing of FRODEBU and PARENA. [1b]

Convergence nationale pour la paix et la réconciliation (CNPR)

Formed in October 1999

President: Augustin Nzujibwami [1a]

This alliance brings together UPRONA, the internal wing of FRODEBU and most of the minor Tutsi parties that made up G10 (previously known as G8). [1b] The CNPR was perceived as a mouthpiece of the government and largely took the same positions as the Government during the negotiations in Arusha. [5b]

MRC-Rurenzangemero

Formed: 2002

Chairman: Col Epitace Bayaganakandi; Vice-Chairman: Basile Gateretse

English translation: National Resistance Movement for the Rehabilitation of the Citizen.

The party was formed when a non-profit making organisation of the same name changed its legal status. The party is in fact a coalition of pro-Tutsi parties. In a speech at the inaugural constituent assembly held in June 2002 Bayaganakandi indicated that the organisation stood for the restoration of peace, fighting crime and addressing poverty. [12a]

Armed rebel movements

The following are the major armed groups which have been active in Burundi:

Conseil national pour la défense de la démocratie - Forces pour la défense de la démocratie (CNDD-FDD)

English translation: National Council for the Defence of Democracy - Forces for the Defence of Democracy.

Formed in 1998 when Jean-Bosco Ndayikengurukiye, former commander of the FDD - the armed wing of CNDD - broke away from the original movement, taking many FDD fighters with him.

In October 2001 Pierre Nkurunziza deposed Jean-Bosco Ndayikengurukiye from the leadership of CNDD-FDD, and the movement split into two factions under Nkurunziza and Ndayikengurukiye respectively. [10]

CNDD-FDD (Nkurunziza)

In 2003 CNDD-FDD (Nkurunziza) was by far the largest of Burundi's armed rebel movements, with an estimated 25,000 combatants. [43c]

The CNDD-FDD (Nkurunziza) signed a power-sharing agreement (the Pretoria

Protocol) with the Transitional Government of Burundi on 8 October 2003 and is now part of the new inclusive government which came into being in November 2003. According to the Protocol, CNDD-FDD (Nkurunziza) has been allocated four cabinet minister's posts; Nkurunziza has been appointed Minister of State in the President's Office. CNDD-FDD (Nkurunziza) will also have 15 seats in the National Assembly and will appoint the Governors of three provinces. In addition, the Pretoria Protocol provided for CNDD-FDD (Nkurunziza) to have 40 per cent of the officer core in Burundi's armed forces; its share in the military rank and file to be determined once cantonment was completed so as to achieve a 50-50 ethnic balance in the army. The police force is to be re-structured with 35 per cent of positions allocated to CNDD-FDD (Nkurunziza). In early 2004 CNDD-FDD combatants were preparing for cantonment. Most are expected to be integrated into the Burundian armed forces; those unsuitable will be demobilised. [43b][p3][46]

CNDD-FDD (Ndayikengurukiye)

Estimated in 2003 to have about 3,000 combatants. [43c] Ndayikengurukiye signed a ceasefire agreement with the Transitional Government in October 2002 and he returned to Burundi in February 2003. There has been intense rivalry between the two CNDD-FDD factions. [43b][10] Has one member in the Cabinet of Ministers announced on 23 November 2003.

Forces nationales de libération (FNL)

The PALIPEHUTU-FNL is most commonly referred to as the FNL (as is the case throughout this report).

Palipehutu's armed wing, the FNL, split from the party in 1999. In 2001 Agathon Rwasa replaced Kossan Kabura as leader - Kabura, himself, retaining control of a small faction which became inactive.

In August 2002 the FNL again split into two factions, which are currently under the leadership of Agathon Rwasa and Alain Mugabarabona respectively. [44]

FNL (Rwasa)

The larger of the FNL factions, was estimated in 2003 to have 3000 combatants. By March 2004 the FNL faction of Agathon Rwasa remained the only armed rebel movement outside the peace process; fighting between FNL (Rwasa) and joint Burundian Armed Forces/CNDD-FDD (Nkurunziza) units was still continuing, mainly in Bujumbura Rural. [43c] On 21 April 2004 FNL (Rwasa) announced that it had decided to suspend hostilities against the Transitional Government of Burundi. Its spokesman said "We have decided to stop fighting immediately but if attacked we will defend ourselves." [16d]

FNL (Mugabarabona)

Entered into peace negotiations with the Transitional Government in August 2002 and signed a ceasefire agreement in October 2002.

On 20 December 2003 the FNL (Mugabarabona) announced that it had transformed itself into a political party known as Front national de liberation Icanzo (FNL Icanzo) and would apply to the Interior Ministry for registration. [16c]

Front for Democracy and the Nation in Burundi - FRODEBU-Mparaniragihugu

Formed in June 2000

Leader: Christian Sendegeya

The former vice president of the CNDD-FDD deserted the movement to set up his own group. According to a press statement at the time supporters of the new group felt that they could not opt for peace and reconciliation, and at the same time support war. The statement gave this as the reason why they had withdrawn from the coalition of the armed movement. [16b]

[Back to contents](#)

ANNEX C

Prominent People

Bagaza, Jean-Baptiste: From Bururi Province, served as president of Burundi from 1976 to 1987. After the 1987 coup he went into exile in Libya returning in 1994. Now leader of PARENA was, together with other party members, initially accused of involvement in the alleged plot and placed under house arrest. Charges against him were dropped in the run up to the start of the Arusha negotiations and he returned to exile. In August 2000 Bagaza put his name forward as a candidate for the transitional presidency without success. [15] In June 2002 Bagaza returned from exile in Uganda and received protection from SAPSD. [16a][12d] He was placed under house arrest in Bujumbura from 4 November 2002 until 4 April 2003 for allegedly plotting to kill Buyoya. [16c]

Bah, Mamadou: Is appointed head of the African Mission in Burundi (AMIB) on 30 April 2003.

Buyoya, Pierre: President of Burundi from 1987 to 1993 and from 1996 until April 2003. First took power in a coup in September 1987, deposing President Jean Baptiste Bagaza, whom he accused of corruption. In response to international pressure led the country to its first democratic elections in 1993. Buyoya returned to power in July 1996 in a bloodless coup supported by the armed forces. Following extensive peace talks 1 November 2001 Buyoya was sworn in as President for the first 18 months of the new transitional Government's three-year term; he handed over power to Domitien Ndayizeye on 30 April 2003 according to the terms of the Arusha Agreement. [16][5b]

Dinka, Berhanu: Special Representative in Burundi of the UN Secretary-General. Appointed July 2002.

Hitimana, Mathias: The leader of the PRP and a businessman who returned from exile in Brussels to take up a ministerial portfolio in the Transitional Government. [5b][12f] However, President Buyoya sacked him from his post in July 2002 and his portfolio was passed to a member of another Tutsi party. [12f] Hitimana is alleged to have been behind the financing and arming of the *Sans échec* militia in the mid 1990s. [5b]

Kadege, Alphonse Marie: Vice President of Burundi since 30 April 2003; leader of the main wing of UPRONA. [1c][32]

Keita-Bocoum, Marie-Therese: United Nations Special Rapporteur on the situation of human rights in Burundi.

Mukasi, Charles: Chairman of UPRONA until October 1999 when he was replaced by a pro-Buyoya figure, Alphonse Kadege. He has refused to accept his dismissal, claims to be party president and to be the victim of harassment by the president and security forces. [5b] Now leader of an extremist wing of the party which opposes peace negotiations, has been arrested - and subsequently released - on various occasions for criticising the Transitional Government's ceasefire negotiations with the

armed rebel movements. He was, for example, arrested on 17 October and released again on 24 October 2003. [16c]

Minani, Jean: President of FRODEBU. Returned from exile in Tanzania in October 2001. He was accused of inciting violence in October 1993 after calling on Radio Rwanda for people to "resist" the coup. However, following the peace process [5b] In January 2002 was elected President of the National Assembly. [16c]

Mugabarabona, Alain: Leader of the smaller faction of Palipehutu-FNL. Returned to Burundi in February 2003 after years in exile to take part in the implementation of the ceasefire accord signed with the government in October 2002 [16c]

Ndadaye, Melchior: Burundi's first democratically elected President winning 64.8% of the votes in the poll on 1 June 1993. Stood as a candidate of FRODEBU but gained the support of the PP, PL and RBP. Killed during an attempted coup on 21 October 1993. Ndadaye was also a founder member of Itoka. [15][5b]

Ndayikengurukiye, Jean-Bosco: Former CNDD-FDD Commander in Chief who led a breakaway from the CNDD in 1998. [15][5b] Since October 2001 when the CNDD-FDD itself split Ndayikengurukiye remained in charge of the smaller of the two factions. [10] Ndayikengurukiye signed a ceasefire agreement with the Transitional Government in October 2002 and he returned to Burundi in February 2003.

Ndayizeye, Domitien: President of Burundi, inaugurated on 30 April 2003. Previously Vice President and Secretary General of the external wing of FRODEBU. Had legal proceedings brought against him on charges of threatening state security and involvement in the 1993 massacres. In August 2000 Ndayizeye received the backing of the G7 group of Hutu-dominated parties for the presidency during the three-year transitional period of Government. On 1 November 2001 Ndayizeye was sworn in as Vice-President for 18 months after which he would serve as President for the remainder of the transitional period [5b][16c]

Nkurunziza, Pierre: Leader of the larger faction of the 'Conseil national pour la defense de la democratie-Forces pour la defense de la democratie' (CNDD-FDD). Burundian Minister of State since November 2003. [16c]

Ntaryamira, Cyprien: Formally the Agriculture Minister in the FRODEBU government Ntaryamira was elected to replace Ndadaye by the National Assembly in early 1994 taking up office on 5 February 1994. Killed together with the President of Rwanda on 6 April 1994 after the Rwandan presidents plane was hit in a rocket attack and crashed in Kigali, Rwanda. Ntaryamira was a founder member of Itoka. [15]

Ntibantunganya Sylvestre: Succeeded Ntaryamira as interim President in accordance with the constitution. After fresh presidential elections were discounted Ntibantunganya was elected as President at a 'Convention of Government' on 30 September 1994. Buyoya deposed him on 25 July 1996 in a bloodless coup. [15]

Nyangoma, Léonard: Served as Minister of Interior under president Ndadaye; currently holds the CNDD presidency. Nyangoma, along with other senior members

of the CNDD, was charged *in absentia* with responsibility for a series of mine explosions in Bujumbura in 1997. [5b]

Nzajibwami, Augustin: leader of both the pro-government "internal" wing of FRODEBU and the National Assembly delegation during the talks Arusha. From Bururi Province, he is also a key figure in the CNPR. Nzajibwami was formerly an outspoken defender of human rights within FRODEBU and has been detained on several occasions, including in 1997, for his criticism of the regroupment policy. [5b]

Rugambarara, Dr Alphonse: A founder member of Iteka and leader of MSP-INKINZO. [5b]

Rwasa, Agathon: Leader of the larger of the FNL armed factions. By March 2004 the FNL (Rwasa) remained the only armed rebel movement outside the peace process, with fighting between FNL (Rwasa) and joint Burundian Armed Forces/CNDD-FDD (Nkurunziza) units continuing, mainly in Bujumbura Rural. [43c]

Cabinet of Ministers (as announced on 23 November 2003)

President Domitien Ndayizeye reshuffled his cabinet in November 2003 to incorporate the main faction of Conseil national pour la defense de la democratie-Forces pour la defense de la democratie (CNDD-FDD) led by Pierre Nkurunziza:

President: Domitien Ndayizeye (Front pour la democratie au Burundi - FRODEBU)

Vice-President: Alphonse Kadege (Union pour le progress national - UPRONA)

Minister of State for Good Governance and State Inspection: Pierre Nkurunziza (CNDD-FDD)

Minister of External Relations and Cooperation: Terence Sinunguruzza (UPRONA)

Minister of the Interior: Simon Nyandwi (CNDD-FDD)

Minister of Public Security: Fulgence Dwima Bakana (FRODEBU)

Minister of Justice: Didace Kiganahe (FRODEBU)

Minister of Defence: Maj-Gen Vincent Niyungeko (Burundian army)

Minister of Planning, Development and Reconstruction: Seraphine Wakana (from Civil Society)

Minister of Community Development: Cyrille Hicintuka (from the smaller faction of Forces nationales de liberation – FNL)

Minister of Reintegration for the Displaced and the Repatriated: Francoise

Ngendahayo (from Inkinko y'Ijambo Ry'abarundi - Guarantor of Freedom of Speech in Burundi)

Minister for Peace and Reconciliation: Antoine Butoyi (Alliance national pour les droits et le developpement economique – ANADDE.)

Minister of Development, Environment and Tourism: Albert Mbonerane (from CNDD-FDD faction led by Leonard Nyangoma.)

Minister of Agriculture and Animal Husbandry: Pierre Ndikumagenge (UPRONA.)

Minister of Crafts, Trade and Adult Education: Godefroid Hakizimana (Parti social democrate – PSD.)

Minister of Labour and Social Security: Dismas Nditabirye (Rassemblement pour la democratie et le developpement economique et social – RADDES.)

Minister of the Civil Service: Gaspard Kobako (from the smaller CNDD-FDD faction.)

Minister of Finance: Athanase Gahungu (from Alliance burundaise-africaine pour le salut – ABASA.)

Minister of Commerce and Industry: Thomas Minani (FRODEBU)

Minister of Education: Salvator Ntihakose (FRODEBU)

Minister of Social and Women's Affairs: Juliette Icoyitungiye (Parti de liberation du peuple hutu -PALIPEHUTU led by Etienne Karatasi.)

Minister of Youth, Sports and Culture: Barnabe Muteragirana (Rassemblement pour le peuple du Burundi – RPB.)

Minister of Public Health: Dr Jean Kamana (FRODEBU)

Minister for Communication and Government Spokesman: Onesime Nduwimana (CNDD-FDD)

Minister of Public Works: Salvator Ntahomenyereye (CNDD-FDD)

Minister of Transport, Posts and Telecommunications: Severin Ndikumugongo (from the Parti du peuple – PP.)

Minister of Energy and Mines: Andre Nkundikije (AV-Intware -Alliance of the Brave.)

Minister of Institutional Reforms, Human Rights and Parliamentary Relations: Deogratias Rusengwamiho (Parti pour la reconciliation du peuple – PRP.)

Minister of the Presidency in charge of HIV/AIDS Issues: Luc Rukingama (UPRONA)

Source: IRIN [16c]

[Back to contents](#)

ANNEX D

List of Source Material

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- a. Europa World Year Book, Volume I – 2003
- b. Africa: South of the Sahara - 2003 (32nd Edition)
- c. Africa: South of the Sahara - 2004 (33rd Edition)

[2] US Department of State:

Country Reports on Human Rights Practices in Burundi

<http://www.state.gov/g/drl/hrs/c1470.htm>

- a. 2002 - issued 31 March 2003
 - b. 2001 - issued 4 March 2002
 - c. 2003 - issued 25 February 2004
- ##### International Religious Freedom Report
- <http://www.state.gov/g/drl/rls/irf/>
- d. 2003 - issued 18 December 2003

[3] Reuters News Service

- d. 'Burundi President says army had role in killings' - 30 September 2002

[4] Pan African News Agency (PANA) (via Reuters)

- e. 'Companies to supply cheaper anti-retrovirals to Burundi' - 25 May 2001
- l. 'Burundi rebel factions call for armistice' - 13 August 2002

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website at <http://web.amnesty.org/>

- a. Annual Report 2002 - covering 2001 (Burundi Section)
- b. 'Burundi: Between hope and fear' - published 22 March 2001
Press release and pages 60-68 of full report.
- e. 'Punishing the population - reprisal killings escalate' - published June 2002
- f. Burundi: Summary of human rights concerns
Media briefing- 22 September 2002
- g. 'Poverty, isolation and ill treatment, Juvenile justice in Burundi' published 24 September 2002 [AFR 16/011/2002].
- h. Burundi: 'Alexandre Nzeyimana, aged approximately twelve' - 27 January 2003
- j. Burundi: Journalists subject to constant attacks – Press release – 20/02/03
- k. Annual Report 2003 (covering events January - December 2002) - issued 28 May 2003.
- l. Burundi: 'Donors must fund human rights protection' - Press release - 12 January 2004.
- m. 'Burundi: A Critical Time': Human rights briefing on Burundi (AFR16/002/2004) 13 January 2004.
- n. 'Burundi: Rape - the hidden human rights abuse' (AFR16/006/2004) - 24 February 2004.
- o. Burundi: 'Child soldiers - the challenge of demobilisation' (AFR 16/011/2004) 24 March 2004.

[6] Human Rights Watch

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- a. World Report 2002 - covering 2001
Burundi Section only.
- b. Burundi: 'To protect the people', December 2001.
- c. World Report 2003 – covering 2002
- d. Burundi: Escalating violence demands attention – November 2002
- e. Everyday Victims: Civilians in the Burundian War - December 2003 (Vol.15, No.20)

[7] BBC News

- a. 'Burundi curfew eased' 23 December 1999
- h. 'Hopes rise for Burundi talks' 8 August 2002
- i. 'Ceasefire call at Burundi talks' 12 August 2002
- k. 'Burundi army arrests over massacre' 4 October 2002
- l. 'Burundi peace deal signed' 3 December 2002
- m. Analysis: 'Burundi's new signs of hope' 3 December 2002
- n. 'Thousand flee Burundi fighting' 22 January 2003
- o. 'Rebels kidnap Burundi MPs' 29 June 2003
- p. 'Burundi rebels free MPs' 26 July 2003
- q. 'Deaths mount in Burundi attacks' 11 June 2003
- r. 'Ambush in northern Burundi' 22 July 2003

[8] ABP News Agency, Bujumbura (via Reuters)

- e. 'Transitional National Assembly office bearers elected' 11 January 2002
- g. 'Burundi President leads political parties in power-sharing talks' - 30 March 2004
(accessed via BBC Monitoring/LexisNexis)

[9] Radio Burundi, Bujumbura (via Reuters)

- b. 'All 199 regroupment camps in Bujumbura closed official says', 1 August 2000

[10] International Crisis Group, Nairobi/Brussels

The Burundi rebellion and ceasefire negotiations - 6 August 2002

[11] Danish Immigration Service

website at <http://www.udlst.dk/english/default.htm>

- a. Report on the roving attaché mission to Bujumbura, Burundi 22 April to 4 May 1999 - published November 1999
- b. Report on the roving attaché mission to Bujumbura, Burundi and Kinshasa, Democratic Republic of the Congo 8-18 September 1999

[12] Africa Research Bulletin

Note - month of issue for this publication is referred to; monthly issues cover events from the previous month (e.g. April covers March)

- a. Burundi SANDF in Bujumbura - April 2002
- b. Untitled - from 'in brief' section - May 2002
- d. Tension stepped up - July 2002
- e. Pro - Tutsi alliance - A new party holds its constituent assembly - July 2002

- f. Minister sacked - Hitimana claims his dismissal violates the Arusha agreement - July 2002
- g. Untitled - *from 'in brief' section* - July 2002
- h. Summit postponed - July 2002

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- a. Burundi's education mirrors old Oxbridge elitism - 15/04/02

[14] Agence France-Presse (AFP)

- a. 'Burundian government, rebels meeting in S. Africa' - 28 February 2002

[15] Foundation Hirondelle, Lausanne, Switzerland

- b. Exiled ex-president Bagaza to return to Burundi - 28 February 2002

[16] UN Integrated Regional Information Network (IRIN)

(UN Office for the Coordination of Humanitarian Affairs)

website at http://www.irinnews.org/frontpage.asp?SelectRegion=Great_Lakes

- a. Dual citizenship law passed - 26 May 2000
- b. New rebel group formed - 27 June 2001
- d. Candidates named for transitional presidency - 16 August 2000
- h. About 40 suspected coup plotters arrested - 27 April 2001.
- j. New party launched - 30 July 2001
- k. Commission proposes two-year immunity for political criminals - 29 August 2001.
- o. Concern about protection unit for returning Burundi exiles - 17 September 2001.
- q. Transitional government's cabinet - 1 November 2001.
- r. Assembly elects Minani as speaker - 10 January 2002.
- t. UNICEF launches child-soldier project - 28 February 2002.
- v. Focus on children in prison - 17 April 2002.
- x. US NGOs concerned over voluntary repatriation - 15 May 2002.
- z. Iteka concerned over freedom of speech - 23 May 2002.
- aa. Eleven killed in ambush - 24 May 2002.
- ad. Lawyers demand release of anti-genocide leader - 07 June 2002.
- ah. Joint delegation to seek repatriation of Burundian refugees - 26 June 2002.
- ai. Former president returns from exile - 1 July 2002.
- aj. Teachers end strike - 5 July 2002.
- ak. Rebels divided over peace negotiations - 9 July 2002.
- an. World Bank signs \$36 million deal to fight HIV/AIDS - 25 July 2002.
- ao. Hutu leaders condemn rebels - 31 July 2002.
- ap. Journalists' association calls for unbanning of periodical - 2 August 2002.
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- at. UNHCR says government now understands repatriation regime - 22/08/02
- au. Focus on Burundi ceasefire talks - 23 August 2002.
- av. Memorandum of understanding" signed with one Hutu faction - 26 August 2002.
- aw. Minister says at least 40 killed in Sunday's rebel attack - 27 August 2002.
- az. Focus on women in government - 11 September 2002.
- bb. Hundreds more flee as conflict escalates - 2 October 2002.
- bc. Regional leaders gather for final summit on Burundi - 7 October 2002.
- bd. Two factions sign ceasefire, others given 30 days to comply - 8 October 2002.

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- bh. Six new parties call for release of political detainees - 12 February 2003.
- bj. Implementation of cease-fire agreement delayed - 31 December 2002.
- bk. Another rebel leader signs memorandum on cease-fire implementation - 28 January 2003.
- bm. Suspension of talks threaten peace process - 24 February 2003.
- bn. Government, rebels in talks again - 3 March 2003.
- bo. FDD, FNL rebel leaders return from exile - 14 February 2003.
- bq. Focus on education of internally displaced children - 14 November 2002.
- bs. New station begins broadcasts - 19 November 2002.
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- bx. Opposition leader released from house arrest - 7 April 2003.
- bz. Parliament elects next vice-president - 25 April 2003.
- ca. President Buyoya transfers power to Ndayizeye - 30 April 2003.
- cd. First group of rebel fighters cantoned - 27 June 2003.
- ce. More rebels report at cantonment site - 7 July 2003.
- ci. Rebel group joins government in cabinet reshuffle - 24 November 2003.
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- ck. Little progress made as Ndayizeye-FNL talks end - 22 January 2004.
- cl. Ndayizeyi appoints members of joint military command - 7 January 2004.
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- cn. Additional refugee crossing point opens - 29 January 2004.
- co. Army demobilises 29 child soldiers - 14 February 2004.
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- cq. Assassination of Apostolic Nuncio blamed on FNL/Palipehutu - 30/12/03.
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[Back to Contents](#)

