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Amnesty International Report 2007

the state of the world's human rights

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BURUNDI

REPUBLIC OF BURUNDI

Head of state: Pierre Nkurunziza

Death penalty: retentionist

International Criminal Court: ratified

Continuing human rights abuses marred the hopes engendered by the 2005 elections, which heralded the end of 12 years of civil conflict. Human rights violations by government forces included arbitrary arrests and detentions, torture and ill-treatment and extrajudicial executions. Until a ceasefire agreement in September, the last armed group still engaged in fighting the government continued to commit human rights abuses, including killing civilians suspected of collaborating with government forces. The ruling party increasingly interfered with the executive and the judiciary, and sought to silence criticism in the media, by political opponents and by human rights defenders.

Background

The ruling party, the National Council for the Defence of Democracy-Forces for the Defence of Democracy (Conseil National Pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie, CNDD-FDD), was widely accused of corruption. It undermined the independence of the judiciary, and harassed and intimidated the independent news media, political opponents and human rights defenders.

In August, seven former high-level officials and opposition political leaders were arrested for an alleged coup attempt. Among them were former Vice-President Alphonse-Marie Kadege, and former President Domitien Ndayizeye, who was charged with "threatening state security". There were widespread doubts about whether there had in fact been a coup attempt.

On 6 September, the second Vice-President, Alice Nzomukunda, resigned, citing corruption and political interference by the chairman of the ruling party.

Armed conflict continued throughout the first half of 2006 between the Palipehutu-FNL, known as the FNL (Forces nationales de libération), and government armed forces (Forces de défense nationale, FDN) in the provinces of Bujumbura rural, Bubanza and Cibitoke. On 7 September, the government and FNL signed a ceasefire agreement. However, several sensitive issues remained unresolved, such as the integration of FNL officers within the FDN.

Arbitrary arrests and detentions

The intelligence services, police and army were responsible for numerous arbitrary and illegal arrests and detentions. To justify arbitrary arrests and detentions, the authorities cited national security and accused detainees of involvement with the FNL, but it appeared that many people were arrested and detained illegally.

- More than 1,000 people living in the province of Bujumbura-mairie and surrounding provinces had by April been detained for several months without being brought before a judge. Only 34 of them were prosecuted by the public prosecutor.

Arbitrary and illegal arrests by local authorities were also reported in other provinces, including Ngozi.

- On 20 April a teacher at Don Bosco secondary school in Ngozi was reportedly beaten, handcuffed and taken by police to the local cell in Kiremba. He was unlawfully detained without being brought before a judge for a few days. He was accused of having stolen firewood from the forest belonging to the local administration.

Extrajudicial executions

Throughout 2006, the intelligence services and the army were involved in extrajudicial executions of civilians.

- Between May and August, about 30 people in the province of Muyinga were arbitrarily arrested by government armed forces, in conjunction with the intelligence service and local administration. According to local sources, at least 16 were executed and their bodies dumped in rivers. Three state agents were arrested in connection with the killings, including the head of the intelligence service in Muyinga. However, the authorities failed to arrest senior officials who reportedly gave the execution orders, despite issuing arrest warrants.

- On 4 August, in the commune of Kinama, Bujumbura-mairie, four people were arrested on suspicion of being FNL members by police officers and a former CNDD-FDD fighter reportedly working on behalf of intelligence services. On 14 August, this former fighter took the four detainees away in a vehicle. The following day, their bullet-ridden bodies were found by local residents. The former CNDD-FDD fighter was detained in Mpimba prison, but several witnesses reported seeing him at large in Bujumbura.

Torture and ill-treatment

The government failed to define torture in the country's laws and to align the Penal Procedure Code and the Penal Code with international human rights standards.

Allegations of torture and ill-treatment by the intelligence services, the police and other military and security forces were documented throughout 2006.

- On 23 January, Matrenus Ciragira and his family were attacked at night by people armed with shotguns and wearing police uniforms, in the commune of Ruhororo, Ngozi province. During the attack, his wife was raped in front of their children. No investigation was carried out.

- Former Vice-President Alphonse-Marie Kadege was allegedly kicked repeatedly on his body by police officers in an interrogation room on 2 August.

- On 26 June, in the zone of Mivo, Ngozi commune, two staff members of the non-governmental organization (NGO) Population Services International involved in an AIDS awareness programme were arrested and reportedly tortured by two policemen. By the end of 2006, no investigation had taken place.

Freedom of expression under attack

The relationship between the authorities and the independent media was tense and confrontational. State agents and the ruling party repeatedly threatened journalists.

- On 17 April, after a press conference called by the CNDD-FDD parliamentarian Mathias Basabose, in Kinindo, Bujumbura, 30 journalists were summoned by the police to hand in their tapes and recording equipment so that the information could be checked. The journalists refused to comply with the orders and were prevented from leaving the premises. Other journalists turned up to report this incident. Several were reportedly beaten by police officers with gun butts and truncheons.

- On 3 September Hussein Radjabu, the CNDD-FDD chairman, delivered a speech to thousands of supporters in which he threatened journalists if they continued to criticize the CNDD-FDD and the government.

- Also on 3 September, the CNDD-FDD website published a photograph of Gabriel Nikundana, the news editor of Isanganiro radio station, saying that he had fled to Kenya. When it became clear that this story was false, another article was published on the website on 5 September, linking Gabriel Nikundana to the alleged coup attempt and describing him as "extremist".

Prisoners of conscience

Throughout 2006, human rights defenders faced harassment, and some were arbitrarily detained for peacefully expressing opinions.

- On 5 May, Térence Nahimana, director of an NGO, Cercle d'initiative pour une vision commune (CIVIC), wrote a letter to the President saying that the government was deliberately delaying peace negotiations with the FNL. He was arrested on 9 May by the national intelligence service. He was released after three hours of questioning, but the following day he was arrested again. On 15 May, he was formally charged with "threatening state security" and detained in Mpimba prison.

- On 16 August, Gabriel Rufyiri, president of an NGO, Observatoire de lutte contre la corruption et les malversations économiques (OLUCOME), was arbitrarily arrested. He was illegally detained for alleging that members of the government and the ruling party were involved in corruption. His organization had exposed the alleged improper sale of the presidential plane and irregularities in government contracts.

Violence against women

Women of all ages were subjected to sexual violence, including rape, in both rural and urban communities. Despite the end of the hostilities in most of the country, local human rights organizations reported a very high incidence of rape cases.

The state's response was characterized by inaction, and the criminal justice system provided scant protection. The police and

judiciary often dismissed rape cases and failed to investigate them unless the victim was a young child or they were put under pressure by local human rights organizations.

- V N, a 27-year-old woman living in the commune of Kamenge, was raped by two men who broke into her house on 21 February. The men beat, gagged and raped V N and her sister. Neither the local administration nor the police carried out any investigation. Subsequently, V N was rejected by her community.

Human rights abuses by the FNL

Throughout the first half of 2006, the FNL threatened and intimidated the civilian population of Bujumbura rural, Bubanza and Cibitoke, often demanding shelter, food and water. They also killed low-level government officials and civilians suspected of collaborating with government armed forces.

- On 16 January, Amélie Bapfumukeko, a council member in Nakibuye, Kanyosha commune, was abducted and killed by alleged FNL combatants. Her body was found the next day about 500 metres from her house. She was accused by local FNL members of collaborating with the government armed forces.

Administration of justice

The justice system continued to suffer from lack of resources and inadequate training. Furthermore, government authorities and CNDD-FDD members reportedly influenced judicial decisions improperly.

- On 16 February, a teacher at Gashikanwa secondary school (Ngozi province), who was also a CNDD-FDD member, was arrested by police on suspicion of having raped five of his pupils. Once his arrest became known, the public prosecutor in charge of the investigation received threatening phone calls from members of the security services and CNDD-FDD parliamentarians demanding the teacher's release. The public prosecutor eventually released him, and there were no further investigations into the rapes either by the police or the public prosecutor's office.

Mechanisms to combat impunity

The authorities sent mixed messages during the year about their willingness to tackle the issue of impunity effectively.

On 3 January the President decreed that political prisoners should be granted "provisional immunity", in accordance with clauses in the Arusha peace agreement of 2000. A few days later, the Minister of Justice announced the provisional release of 673 political prisoners. By the end of March more than 3,200 prisoners had been released. However, this decision was not followed by any concrete and targeted measures to combat impunity.

In early February the government issued a memorandum in order to commence talks with the UN on setting up a truth and reconciliation commission and a special chamber to investigate crimes committed in Burundi and bring those responsible to justice. At the end of February, a UN mission arrived in Bujumbura to prepare for negotiations on these mechanisms. Although this meeting was significant, the government's memorandum contained proposals which could hinder efforts to overcome impunity. For example, it proposed a "procedure of reconciliation" which could prevent or limit the investigation and prosecution of crimes under international law. Subsequent progress was very slow.

On 18 June in Dar es-Salaam, Tanzania, the government and FNL signed an agreement of principles towards lasting peace, security and stability in Burundi. It stated that the truth and reconciliation commission (not yet established) would be renamed the "Truth, Pardon and Reconciliation Commission". Its mandate would be to establish the facts surrounding "the dark period of Burundi history" and various protagonists' responsibilities, with a view to achieving forgiveness and national reconciliation.

Death penalty

After the release of 3,200 political prisoners, 218 prisoners remained under sentence of death. The last executions, of seven civilians, took place in 1997, but courts continued to pass death sentences.

Refugees and internally displaced people

In February, the number of Rwandan refugees in Burundi reached 20,000. By the end of 2006, about 16,000 had been repatriated by the UN refugee agency UNHCR to Rwanda. Between January and December, about 32,000 Burundian refugees returned to Burundi with UNHCR assistance. In June, UNHCR changed its policy from facilitation to promotion of the repatriation.

At the end of 2006, more than 100,000 people still lived in internally displaced people's camps, mainly in the northern and eastern provinces.

AI country reports/visits

Reports

- Burundi: Provisional immunity does nothing to end impunity (AI Index: AFR 16/001/2006)
- Burundi: Towards what reconciliation? (AI Index: AFR 16/003/2006)

- Burundi: Journalists and human rights monitors under attack (AI Index: AFR 16/004/2006)
- Burundi: Detention measures abused (AI Index: AFR 16/011/2006)
- Burundi: From Itaba to Gatumba - an imperative need for justice (AI Index: AFR 16/014/2006)
- Burundi: Briefing to the Committee against Torture (AI Index: AFR 16/016/2006)

Visits

AI delegates visited Burundi to research violence against women and the demobilization, disarmament and reintegration process in February. AI delegates also attended a workshop with human rights defenders.

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