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BURUNDI

Acting on a deteriorating
situation



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BURUNDI

Briefing for sections on the deteriorating human rights situation

I INTRODUCTION

Over the last few months, the human rights situation in Burundi has seriously deteriorated and there is a real risk of a further human rights catastrophe in the country in the near future.

Strategy discussions on how to respond to the current situation are going on at the International Secretariat, and a Crisis Preparedness Plan is being drawn up, with an emphasis on prevention. Sections should note that an increase in campaigning is anticipated and are also asked to review their crisis preparedness plans and key section status on the Great Lakes ('Crisis Preparedness: 'At Risk' Countries', AI Index: POL 50/03/99). Sections will be kept informed of the outcome of discussions.

The briefing aims to give information about the dramatic situation in Burundi and to provide background information for current and ongoing campaigning. It provides an overview of the current human rights situation in Burundi, outlines the historical and political context of the conflict and gives information on Amnesty International's concerns in the Burundi. It also provides maps and information on photographs currently available from the International Secretariat.

While we have not made this briefing external, the information contain in it may be used externally. We hope sections will adapt the briefing, or selected parts of the briefing for campaign materials. We hope this will enable sections to take action and produce materials on all these areas. We hope that the material contained in this briefing will be useful for sections in their campaigning activities, and will be used as creatively as possible, now in connection with the ongoing rapid response action on Burundi (AFR 16/26/99) and as our action plans develop.

We also hope that this briefing will enable and encourage sections who have not campaigned regularly or recently on Burundi, or who feel less than confident about the situation, to participate fully in forthcoming actions, and to incorporate Burundi into actions which are already planned. We hope that this will be a useful background tool which will be helpful over the coming months.

The IS has distributed this briefing to sections, Burundi, Rwanda and Democratic Republic of Congo (DRC) coordinators and CAFRAN coordinators.

II THE DETERIORATING SITUATION, NOVEMBER 1999

The situation in Burundi has deteriorated country-wide throughout the year, but particularly since September. The situation in Bujumbura, the capital, is particularly tense as a result of continued attacks by armed opposition groups and the active re-emergence of Tutsi militia loosely allied to extremist political parties. In Bujumbura, there is a feeling of anger and desperation that the army cannot defend those (primarily Tutsi) who live there. A number of political parties are making veiled calls for violence. Some protagonists appear to be deliberately inciting further violence, as well as exploiting the fears of those in the capital, and ethnic tension. Scores of people have been arrested and accused of collaboration with the armed opposition and there has been a significant increase in cases of "disappearance" and torture. Many human rights defenders are feeling particularly vulnerable. The desperate economic situation, which continues to deteriorate despite the lifting of the embargo earlier this year is aggravating tensions in the country.

Following repeated attacks on the capital, as a counter-insurgency measure the army has forcibly regrouped over 300,000 people in the province around the capital into temporary sites or camps, some of which are still inaccessible to humanitarian organizations. There have been a number of extrajudicial executions in the camps. Conditions are appalling and many have no access to shelter or water. In the first week of the forcible relocation of the population in September, at least 30 people, mostly women and children, are reported to have died as a result primarily of dehydration, and the mortality rate remains high. Conflict is continuing in the province and attacks have continued, albeit less frequently on the capital, as well as elsewhere in the country.

There is increased conflict in the south of the country too, in provinces along the Burundi-Tanzania border. Both the government armed forces and armed opposition groups have been forcibly displacing the population, but the extent to which this has been carried out by armed opposition groups is not clear. The motive behind it is reported to be the desire to move the population out of the country to refugee camps, where they can be easily recruited into the armed opposition. The refugee camps in Tanzania are close to the border and the Government of Burundi frequently alleges that the camps are used by the armed opposition for training and as bases. Although Amnesty International has not confirmed that military training takes place in the camps, it has confirmed recruitment, including of children, from the camps takes place. According to some sources the camps are becoming increasingly militarized and intimidation is increasing.

Another indicator of the seriousness of the situation is the scaling down of the international presence for security reasons. Following the killing in of two expatriate UN personnel in October 1999, many international humanitarian workers were evacuated out of Burundi, and the activities of the UN and international non-governmental organizations dramatically

reduced. Although the killings of the UN personnel has been largely attributed to members of the armed opposition, many questions remain and further investigations need to be undertaken before it is possible to say with certainty who is responsible. The government is currently effectively preventing some remaining organizations from carrying out their work, and strictly controlling the activities of all.

The violence - from all sides - is closely linked to the negotiations, being held in Arusha, Tanzania, aimed at finding a political settlement. There is little tangible progress in the negotiations, which started officially in June 1998, although Julius Nyerere. The talks are hampered by splits in the parties or armed groups which are represented and the lack of participation of certain armed opposition groups is having a direct, immediate negative impact on the human rights situation in the country. Armed opposition groups who are not attending the talks and political parties opposed to the negotiations have an interest in escalating tension, particularly in the face of the apparent weakness of President Pierre Buyoya.

Many international and national observers see the negotiations as the only chance to prevent a further degradation of the situation. The search for a new facilitator to replace former Tanzanian president, Julius Nyerere, who died in October 1999, is providing an opportunity to revitalise the talks. The next round of negotiations are scheduled for the end of November 1999.

III HISTORICAL AND POLITICAL CONTEXT

A history of political and ethnic conflict

The recent history of Burundi has been shaped by a power struggle between different political elites. This power struggle has often been fought along ethnic lines; political actors have sought support from members of their own ethnic group and have sometimes encouraged ethnic stereotypes and fear of the other ethnic group. This has created a deep divide between the two main ethnic groups, Hutu and Tutsi. Hutu form approximately 80 to 85 percent of the population, Tutsi approximately 15 to 20 percent, and Twa approximately one percent of Burundi's population.

Since Burundi's independence from Belgium in 1962, members of the Tutsi ethnic group have dominated the main political institutions and the security forces. The judiciary, the educational system, business and news media have also been dominated by Tutsi. Repeated challenges to Tutsi domination by armed Hutu groups have often led to reprisals against Hutu civilians by the security forces. Waves of killings occurred in Burundi in 1965, 1969, 1972, 1988 and 1991. In 1972, more than 80,000 people, most of them Hutu, were

massacred by the security forces. Educated Hutu were particularly targeted. There was virtually no reaction from the international community. In 1988, following inter-communal disturbances in Ntega and Marangara communes, in northern Burundi, in which Hutu indiscriminately attacked Tutsi civilians, killing hundreds, thousands of Hutu civilians were deliberately killed by members of Burundi's armed forces when they moved into the area to quell the disturbances. Many of those killed were young children who had been bayoneted to death. The government claimed that 5,000 people had been killed. Many independent observers, including Amnesty International estimated that up to 20,000 people may have been killed.

In the early 1990s a process of democratization began and multi-party elections were held in June 1993. The Hutu-dominated opposition *Front pour la démocratie au Burundi* (FRODEBU), Front for Democracy in Burundi, won a landslide victory over the government of Major Pierre Buyoya who had taken power in a military coup in 1987. FRODEBU presidential candidate Melchior Ndadaye, a Hutu, became Burundi's first democratically elected President ever. Less than four months later, on 21 October 1993, Ndadaye and other key members of the government, including his constitutional successor, were assassinated by army officers in a coup attempt.

President Ndadaye's assassination and its aftermath

As news of the assassination of President Ndadaye spread, Hutu civilians took revenge for President Ndadaye's death and killed thousands of Tutsi civilians as well as Hutu supporters of the Tutsi-dominated *Union pour le progrès national* (UPRONA), Union for National Progress, the former ruling party. The violence spiralled and within a few days, mass and indiscriminate reprisals for these killings were being carried out by the security forces and Tutsi civilians against the Hutu population. There has not been to date any full investigation to establish how many civilians were killed in the massacres following the assassination of President Ndadaye; it is estimated that as many as 50,000 were killed by the end of 1993. Hundreds of thousands of people fled the violence, mainly to Tanzania and Zaïre (now the Democratic Republic of Congo) and hundreds of thousands of others were internally displaced. The majority of refugees and internally displaced have yet to return to their homes.

Following strong international condemnation of the coup attempt, military leaders announced the return of weakened FRODEBU to power. The democratically elected government in reality had little power and was under heavy pressure from the former political and military Tutsi-dominated institutions, in particular the army. Tutsi youths formed militias, with the knowledge and even assistance of members of the security forces. Many government supporters, particularly Hutu, were killed by the militias; the most known militias were the so-called "Sans-Echec" ("Without Failure") and "Sans Défaite"

(*"Without defeat"*). To counter the violence and what they considered as the inability of the FRODEBU-led government to protect its members and supporters, armed Hutu groups sprang up in and around Bujumbura, involved in both political violence and criminal activity.

The growth of armed opposition groups

The FRODEBU government was further weakened when Melchior Ndadaye's successor, President Cyprien Ntaryamira, was killed in April 1994 together with Rwanda's President Juvenal Habyarimana whose death triggered the genocide in Rwanda. President Ntaryamira's successor, Sylvestre Ntibantunganya, also of FRODEBU, increasingly lost control of the situation. Violence gradually escalated into civil war, with several Hutu-dominated armed opposition groups fighting government forces. Léonard Nyangoma, a former minister in the Ndadaye administration, formed in exile with other former FRODEBU and FRODEBU-allied politicians, the *Conseil national pour la défense de la démocratie* (CNDD), National Council for the Defence of Democracy. The armed wing of the CNDD, the *Forces pour la défense de la démocratie* (FDD), Forces for the Defence of Democracy was in open conflict with the government forces from early 1995. The armed wings of the *Parti pour la libération du peuple hutu* (PALIPEHUTU), Party for the Liberation of the Hutu People, and a breakaway military faction, the *Front pour la libération nationale* (FROLINA), Front for National Liberation, were already operational. All these armed groups committed serious human rights abuses, including the killings of unarmed civilians.

UPRONA and other Tutsi opposition parties continued to undermine the government with support of the army. By early 1996 the government of President Sylvestre Ntibantunganya had effectively lost the little control of the country it had. Many civilian governors were assassinated and replaced by military officials.

From February 1996, the rural Hutu population was forcibly rounded up in areas of conflict and relocated into camps, ostensibly for their protection. Those who failed to leave their homes risked being killed as suspected members of armed groups and hundreds of men, women and children were killed in the round-up operations. Although the "regroupment" was ostensibly for reasons of protection, it was clear that it was a military strategy aimed at keeping tighter control over the Hutu population and removing potential support from the armed opposition groups.

The 1996 coup by Pierre Buyoya

The FRODEBU-led government finally was ousted when Major Pierre Buyoya returned to power in a coup in July 1996, temporarily suspending the national assembly and banning political activity. Some foreign governments supported the coup claiming that Major Buyoya would bring stability to the country. However the coup was strongly condemned by many African leaders. Regional states closed their borders in protest and imposed economic sanctions, which were lifted only in early 1999.

Major Buyoya consolidated his position through 1996 and early 1997, successfully limiting political opposition to him from all parties. Opponents were harassed, arrested and detained, placed under house arrest or forbidden to travel abroad. Armed opposition activities were reduced through a combination of the "regroupment" policy and the loss of bases in eastern DRC (then Zaïre). A period of political negotiation ensued as the mandate of the National Assembly drew to a close, and a new Transitional Constitution was adopted. President Buyoya was sworn in as president on 11 June 1998 and a new government formed, formally sharing power between the government which had come to power by force in 1996, and other political parties. FRODEBU obtained a number of portfolios including the post of first vice-president. However, the National Assembly remains weak and the government partnership undermined by distrust, unwillingness to share power and internal divisions within the majority of political parties.

The search for peace

The negotiations at Arusha, under the auspices of the late former president of Tanzania, Julius Nyerere, have been slow, with little tangible progress. Although, in theory the forum which armed opposition groups whose leaders are outside Burundi, and the presidents of political parties in exile, are able to attend, the talks have not been representative of political realities. The majority of political parties and armed opposition groups are split internally and not all factions are represented. The CNDD-FDD¹ one of the major fighting forces has yet to attend the peace talks; the leader of the group himself appears reluctant to attend, and his attendance has also been blocked - despite public statements to the contrary - by the Government of Burundi. Civil society is not represented or heard at the talks.

The talks have been held at periodic intervals; each round of talks an opportunity for armed opposition groups and government forces to escalate the violence. Both armed opposition groups and the armed forces appear to have deliberately carried out human rights abuses

¹The CNDD split in 1998, and a breakaway faction the CNDD-FDD, lead by the then FDD commander, was formed.

timed to coincide with the holding of rounds of negotiations in Tanzania, as shows of force, or attempts to derail the process.

Within Burundi, the Government of Burundi has also initiated a limited series of sensitisation campaigns around the process of internal political reform (transitional government) and proposed a series of legal reforms to key institutions such as the judiciary. In both national and international processes political concerns have overshadowed human rights concerns.

IV BACKGROUND INFORMATION ON AMNESTY INTERNATIONAL'S MAIN CONCERNS IN BURUNDI

Extrajudicial executions / deliberate and arbitrary killings

It is difficult now to give an accurate figure of how many people have been killed since the 1993 in Burundi. However, over 150,000 civilians are reported to have died in the context of political and ethnic violence since that date. Many killings have taken place in areas of armed conflict, making access to and verification of information particularly difficult. Many reports of killings are not investigated; other killings may go unreported. However, several patterns of killings are well documented.

Most killings by government soldiers of Hutu civilians, appear to take place in reprisal for insurgent activity or killings of soldiers or Tutsi civilians by Hutu-dominated armed opposition groups. Unarmed civilians have been targeted and killed on the pretext that they were believed to be armed combatants. Scores of unarmed civilians have also been killed because members of the security forces have failed to isolate combatants from civilians. In the majority of cases it appears that little, if any, attempt is made to make the distinction. Scores of other civilians have been killed by government soldiers accusing them of failing to provide information on armed opposition groups, or having in some way protected or colluded with them. Other civilians have been extrajudicially executed or have "disappeared" and are presumed to have been killed shortly after their arrest by members of the armed forces, again often in connection with accusations relating to collaboration with armed opposition groups.

Armed opposition groups have been responsible for killing scores of unarmed civilians. In many cases killings of unarmed civilians by armed opposition groups appear to be reprisal or punishment killings of alleged collaborators or potential informants of the government. Both Hutu and Tutsi civilians have been killed. Armed opposition groups have frequently attacked camps for the displaced and "regroupment" camps. It is also sometimes not clear

which of the armed opposition groups fighting in Burundi is responsible for a particular attack or human rights abuse.

Throughout 1999, there has been a high level of killings of unarmed civilians, particularly in Rural Bujumbura, and the southern provinces which are also experiencing conflict, in particular, Makamba and Bururi provinces. Many of these killings were documented in the Amnesty International report, *Burundi: No Respite without justice*. More recent killings include the killing of five unarmed civilians, including three children aged between three and eight, in Sagamba, near Ruziba, Kabazi commune, Rural Bujumbura on 23 August, and a further three unarmed civilians who had been harvesting bananas near Gitaramuka military post on 26 August. On the night of 28 August, an armed opposition group reportedly attacked several areas of Bujumbura, killing three unarmed civilians in Gihosha and up to 17 unarmed civilians in Musaga, on the outskirts of the capital, close to Kanyosha. The group also attacked the district of Kamenge and reportedly injured two policemen. Government soldiers reportedly killed three unarmed civilians in Kamenge the same night. Amnesty International is also investigating reports that over 30 people were killed on 26 September by government soldiers. Those killed had been attending mass in a chapel in Nyambye. Soldiers are reported to have shot people as they fled from the chapel. The reason for the killings is not clear. The people attending mass had come from nearby displaced camps.

"Disappearances"

There are numerous reports of "disappearances" in Burundi. Most reports are of the "disappearance" of detainees shortly after their arrest, often when the arrests are carried out by soldiers. Many of these reports are impossible to confirm, due to lack of access by relatives to detainees and the refusal of the authorities to disclose places of detention. Relatives may be told without further explanation that the detainee is no longer held or has never been held, creating fear that the detainee has been killed. In some cases, this fear is well-founded. In others, the detainee may have been transferred to a different place of detention and may subsequently "reappear". As detainees often depend on their families to supplement their meals, such isolation can have severe consequences. These detainees are also more vulnerable to torture and ill-treatment.

Particularly in 1998, Amnesty International received frequent reports of "disappearances" from zones of conflict. Many reports have come from the province of Rural Bujumbura: cases of women and children who have been arrested as they returned from the fields and who were accused of collaborating with armed groups - on the grounds that they have food on them and must therefore be feeding combatants. During 1999, human rights groups in Burundi have identified "disappearances" as a growing problem in Bujumbura and scores of "disappearances" have been reported over the last few weeks. Juvénal Niyonzima and

Michel Manirambona have not been seen since they were arrested in the Cihitoke area of the capital, Bujumbura, on 26 September 1999, reportedly by soldiers on patrol. Amnesty International is concerned for their safety following reports that Léovin Nzeyimana, who "disappeared" on 19 September, was extrajudicially executed by soldiers and buried in a secret grave in the Kamenge district of Bujumbura. At least 15 other bodies are reported to be buried in the immediate vicinity.

Population displacement

There are different groups of displaced people, which need to be distinguished carefully:

Refugees are persons who flee from their home country to another country because they are at risk of becoming victims of human rights abuses in their country. Internally displaced people (IDPs) are persons who flee their home area and go to another part of their country. A conservative estimate of the number of people who are internally displaced in Burundi is 800,000. In Burundi this divides into three categories: those who flee to camps controlled by the armed forces, known as the displaced population "*déplacé*", and those who flee their homes but are afraid of the armed forces so try to hide in the country side. They are known as "*dispersé*", the dispersed population. The third category is made up of people who have been forced by the government to leave their homes. In Burundi, this category of displaced person is called "*regroupé*", the regrouped population. "Regroupment" of the population is a forcible relocation of the population by the authorities to a given area. This population displacement is not spontaneous as is the movement of refugees and IDPs, but it is controlled by the government and armed forces. It occurs primarily in areas of conflict.

Of these categories, at the current time, refugees, the dispersed and the regrouped are primarily from the Hutu ethnic group, while the displaced are primarily from the Tutsi ethnic group.

i Refugees

The principles of refugee protection have been severely undermined in the Great Lakes region, and elsewhere in the last few years. The most dramatic examples are perhaps the mass *refoulement* of hundreds of thousands of Rwandese refugees from the Democratic Republic of Congo (DRC) and Tanzania and the forcible mass expulsion of thousands of Burundian refugees from the DRC in late 1996. The majority of Burundian refugees are now in Tanzania.

There are over 260,000 Burundian refugees in Tanzania. Another 200,000 Burundians who fled in 1972, are no longer considered by the United Nations High Commissioner for Refugees (UNHCR) as refugees, and are living in settlements in Tanzania. Following the events of 1993, there was a large influx of Burundian refugees into Tanzania and refugees have continued to arrive since.

The presence of Burundian refugees in Tanzania has caused tensions with the local communities, and government and local authorities have sometimes encouraged anti-refugee sentiments among the population. In late 1997 and early 1998, the Tanzanian authorities forced hundreds of Burundian nationals living outside refugee camps to move into the camps. These so-called "round-up" operations uprooted families who had, in many cases, been living in Tanzania since 1972 and who had integrated into local communities.

In October 1999 between 4,000 and 5,000 refugees crossed the border into Tanzania, and the UNHCR is preparing for a bigger influx. Refugee camps are already overcrowded. However, it is difficult to Burundians to flee across the border because of the heavy military presence on the border, and the government's policy of forcible relocation into regroupment camps.

The Government of Burundi has consistently claimed that refugees camps in Tanzania are used by members of the armed opposition as bases and to recruit and train. Amnesty International has not been able to establish that training has taken place in the camps. It has however confirmed that recruitment takes place in the camps (see Child combatants). It is unclear on what scale. Some sources have recently stated that they perceive an increase in militarization in the camps and an intensification of recruitment, although they have admitted to not knowing the scale. The refugee camps have a small police force, aimed at maintaining the civilian nature of the camps. However, the refugee camps are very close to the border, as well as large, and effective policing is difficult. Furthermore, the Tanzanian authorities have been lax in dealing with Burundian nationals who have been accused of links with armed opposition groups.

ii IDPs - the displaced population

During the massacres which followed the assassination of President Ndadaye, Tutsi civilians were initially targeted by Hutu government supporters and many Tutsi civilians fled their homes. Reprisal killings of Hutu by the Tutsi-dominated security forces then followed, causing Hutu to flee their homes. Thousands of both Tutsi and Hutu civilians have continued to flee their homes as a result of the armed conflict. Most have not returned home and Tutsi civilians have continued to seek protection in camps for the displaced, often guarded by soldiers and near military positions. Conditions in the camps are harsh, characterized by inadequate nutrition, health care and shelter, as well as overcrowding. In

addition armed Hutu groups have attacked camps with little regard for the civilian population within. On many occasions, *déplacés* from the camps are reported to accompany members of the security forces, and to have carried out human rights abuses against the Hutu population. While conditions in the camps for the displaced are often harsh, they are substantially better than those in "regroupment" camps.

III Forcible relocation - "Regroupment" camps

From February 1996, the rural Hutu population in areas of conflict in Burundi was forcibly rounded up by the armed forces and relocated into camps, commonly referred to as regroupment camps. By the end of 1996, up to 500,000 Hutu were reported to have been moved and put into such camps. Although this was ostensibly for reasons of protection, it is clear that it was a military strategy aimed at keeping tighter control over the Hutu population and removing potential support for the Hutu-dominated armed opposition.

Some of these original "regroupment" camps, particularly in northern Burundi, where armed conflict had ceased, were closed and the population has been allowed to return to their homes, or has been moved to smaller sites nearer to their homes. However with the intensification of the conflict the government has resorted to large scale population displacement.

In September 1999, followed weeks of attacks by the armed opposition on the capital, the Burundi government and armed forces forcibly moved approximately 80% of the population of the province around the capital into camps. In many cases people were told to leave their homes immediately and were unable to bring possessions with them. In the first week of the operation in September at least 30 people, mostly women and children, are reported to have died as a result primarily of dehydration. In less than three weeks over 260,000 people were forcibly displaced, and moved from their homes. Virtually all those affected are Hutu. In early November, at least 10 people a day were reported to be dying in the most accessible camps nearest to the capital.

The camps are under military control and eye witnesses speak of a high degree of intimidation, and voice fears of ill-treatment and punishment in the camps, by members of the armed forces. Conditions in the camps are appalling; they are overcrowded, with poor hygiene and little or no infrastructure. Some camps have no water, and the nearest clean water may be kilometres away. The death rate remains high and as little or no medical care is available, and people who were already ill were also forced to move, many more deaths are likely. There is also a self evident risk that epidemics could break out. Freedom of movement is severely restricted. The camps may be several hours from fields making access to crops very difficult at a critical time of the year. Some sites are very isolated,

accessible only on foot, making access and the provision of humanitarian assistance very difficult. In many of the camps there is no shelter and people are exposed to rain. Some of the camps are at quite high altitude and temperatures are cold at night. In some camps, where there was sanitation infrastructure nearby, including clean water, the population was denied access.

In late September, the government appealed to the international community for help in providing assistance. In early October, however, approximately half the camps were still inaccessible to humanitarian workers for a variety of reasons, including the difficult terrain. Some organisations are reluctant to provide aid which they regard as facilitating a military strategy. Other organizations have been prevented or unacceptably delayed by the government from providing aid to some camps. Others have received "warnings" that it would be safer not to work in Rural Bujumbura.

The camps in Rural Bujumbura are also vulnerable to human rights abuses by both the government armed forces and armed opposition groups. On 6 October, a "regroupment" camp in Mubimbi commune was attacked by the armed opposition. Ten people are reported to have been killed and three injured during the attack. On or around 10 October up to 13 people were killed in a "regroupment" camp in Ruvaga, Rural Bujumbura by members of the armed forces. According to people in the camp, in which around 30,000 people are contained, soldiers came to the camp and asked if members of the armed opposition where there, then started shooting. The government admitted the shooting but said that only six people had been killed. One soldier was subsequently arrested.

In the southern province of Rutana, also experiencing an intensification of the conflict, both Hutu and Tutsi civilians have been forced into "regroupment" camps. However, they have been separated, so that Hutu are in one site, Tutsi another. In the past when this has occurred, there has been a striking degree in the difference of protection offered on separate sites and in the conditions in camps, with the sites holding Hutu being much less protected and with worse conditions. There are reports - difficult to verify in the current circumstances - that on or around 21 September up to 18 civilians were taken from a camp in Mpinga Kayove commune, Rutana and killed by members of the armed forces.

Torture and ill-treatment

Torture and ill-treatment of detainees are routine in Burundi, in particular in police and military custody during the first days and weeks of arrest and during interrogations. Detainees accused of links with armed opposition groups are particularly vulnerable to torture.

Frequently reported torture methods 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, stabbings, electric shocks, tying in excruciating positions, humiliation, intimidation and threats including death threats or other psychological abuse. Other techniques documented by Amnesty International include burning by boiling water, breaking of bones and simulated executions. These torture methods have been documented by Amnesty International for many years.

Human rights groups are particularly concerned at the moment at fears of torture in the headquarters of a military intervention squad, Bujumbura, *groupeement d'intervention de Bujumbura*, which appears to be used as a secret detention centre. At night screams of pain, groaning and cries can be heard coming from the building, and that people in the immediate vicinity have heard the thuds of bodies being kicked, but no sound from the bodies. All access to the building is denied to independent observers, and no one knows how many people are held there.

Déo Nzeyimana was arrested by soldiers on 22 September 1999. He is reportedly accused of passing information on human rights violations in the country to the international media. He was arrested after a document - reported to be widely available in Bujumbura - giving details of the security situation and population displacement in the area around the capital was found in his possession. He was reportedly severely beaten on the soles of his feet and his lower legs, and is only able to walk with difficulty, while detained at the *Brigade spéciale de recherche* (BSR), Special Investigation Unit, in Bujumbura. The BSR is a gendarmerie unit but is responsible to the Ministry of Defence. Amnesty International receives frequent reports of torture from the BSR, and a military barracks immediately behind it, to which detainees are often transferred. Déo Nzeyimana was provisionally released on 12 November.

On 21 September, scores of civilians were arrested by gendarmes at Bujumbura's central market, detained in a detention centre known as "SOGEMAC" in the market and severely beaten in public before being released. The arrests and beatings appear to have been completely arbitrary and followed rumours that the market had been infiltrated by members of the armed opposition.

Unfair trials/impunity

Over 9,000 people, mainly Hutu, are awaiting trial, the majority on charges of accusation of participation in politically motivated violence. Hundreds of others have been tried in Burundi over the past few years. Whereas members of both the Hutu and Tutsi ethnic groups have been involved in killings over the past few years, virtually all those detained

or tried in connection with political violence are Hutu or supporters of political parties or groups opposed to the current government. Virtually no members of the security forces have been arrested or tried for human rights violations.

In 1996 trials began of people accused of participation in massacres of Tutsi civilians in 1993. The trials were grossly unfair, some lasting only 30 minutes. In the majority of cases, lawyers refused to represent the defendants, and trials were conducted in a hostile highly emotional environment. Although the quality of trials has improved a little since then, many trials are still unfair. In many cases, defendants still do not have legal representation, or do have a lawyer, but the lawyer has not had time to sufficiently prepare the case. Many detainees claim to have been tortured and ill-treated at the time of arrest and in many cases that incriminating statements have been made under duress. Such statements are routinely accepted in court even, in some cases where defendants have shown evidence of torture in court. Many of the trials are taking place in the criminal chambers of the court of appeal. For offences tried by these chambers there is no right to a full appeal, and prisoners may only introduce a limited appeal to the cassation chamber of the Supreme Court. Because of the complexity of the procedure, and the limited grounds of appeal it offers, virtually no appeals have been successful. For defendants who are forced to introduce an appeal without a lawyer, there is virtually no hope of making a successful appeal.

In May 1999, the trial before the Supreme Court of 79 people accused of assassinating President Ndadaye came to an end. Two lieutenants, one of them tried *in absentia*, and 28 other low ranking soldiers, were convicted for their roles in the assassination of President Ndadaye. Thirty-eight other defendants including the former head of the armed forces, the former commander of the Muha barracks where President Ndadaye was killed, were acquitted, five had since died. The trial had been marked by an apparent lack of will to clarify facts and responsibilities. Of 81 defendants only 13 were in detention in May 1999. During the trial, key defendants were appointed by the government to senior positions within the army, government, business or gained diplomatic postings abroad. The role of senior members of the armed forces was not investigated. Key witnesses did not testify. A number of appeals against the verdict have been lodged. They are yet to be held.

In addition to the civilian courts, the military justice system is weak and has failed to investigate, hold accountable and bring to justice members of the armed forces who have been responsible for gross human rights violations.

Prison conditions

Prison conditions in Burundi are harsh and aggravated by severe overcrowding. Conditions, which are sometimes life-threatening, often amount to cruel, inhuman or degrading

treatment. Overcrowding occurs in all prisons, most of which hold several times their capacity.

Conditions in Ngozi prison, northern Burundi, are particularly bad. Over 200 people died in detention in Ngozi prison between January and April 1998, averaging around 50 detainees per month. The prison, which has a capacity of 400, holds over 2,400. In 1997 over 400 inmates died in detention in the same prison. The majority of deaths in Burundi's prisons are as a result of the combined effects of malnutrition, poor conditions, and the spread of infectious diseases such as tuberculosis, malaria, dysentery and typhoid. In some cases, detainees may be more vulnerable to the conditions because they are already physically debilitated or injured after days or weeks of ill-treatment in police or military custody. So far in 1999 the death rate has been much lower, although prison authorities admit that there have been dozens of deaths, primarily as a result of lack of medical care.

Mpimba central prison in Bujumbura which has a capacity of 800, holds over 2,500. It is the prison to which prisoners under sentence of death are transferred if they appeal against their sentence. Prisoners under sentence of death in Mpimba central prison, Bujumbura, are held in what are referred to as "isolation cells". They are held in communal cells separate from other prisoners. At least 150 prisoners are held in two cells isolated from the rest of the prisoners and detainees. The cells are extremely overcrowded; for instance, one cell, in which over 40 prisoners are held, measures approximately only six by four metres. The prisoners are obliged to take turns in lying down and sleeping. They are allowed outside for only half an hour per day. Some sources say even this does not happen every day. Unlike other prisoners and detainees, who receive regular family visits, prisoners who have been condemned to death receive only one family visit per week. The isolation cells are used as punishment cells for other prisoners or detainees who have committed some sort of offence or infringed a prison rule. As a punishment they may spend up to 15 days in the isolation cells. Although other prisons hold people who have been sentenced to death, Mpimba central prison is the only prison where the prisoners are separated in a punitive manner. Since late 1998, some prisoners under sentence of death, who have exhausted the appeals process, have been transferred to the southern prison of Rumonge, to reduce overcrowding.

The death penalty

At least 270 people have been sentenced to death since 1996 when trials restarted in Burundi. Most of those sentenced to death are people accused of involvement in the massacres of Tutsi civilians and other killings which followed the assassination of President Melchior Ndadaye; the majority are Hutu. A small number of people have been sentenced to death on other capital offences, some committed prior to October 1993.

On 31 July 1997, six men convicted of participation in the 1993 massacres were executed. These were the first executions to be carried out in Burundi since the early 1980s. The six men had all been convicted following grossly unfair trials. At least one of the defendants, Stanislas Machini, was seriously tortured in detention, apparently to force a confession of guilt. None had legal representation.

Two soldiers are currently under sentence of death. Another soldier, Corporal Bonaventure Ndikumana was executed on 29 July 1999 one day after he was sentenced to death by Bugumbura military court. Corporal Ndikumana was convicted and sentenced to death after being found guilty of the murder of an officer, who reportedly was related to senior members of the armed forces, in Mabanda military camp on 21 July. Under Burundian law Corporal Ndikumana had the right of appeal, first to the Military Court of Appeal and then to the Cassation chamber of the Supreme Court and the head of state for clemency. None of these procedures were respected. He should also have been tried before Mabanda military court. Corporal Ndikumana was represented at his trial by the head of the bar, and lodged an appeal. He was transferred back to Mabanda military camp for his execution.

Child combatants

Both the armed opposition groups and government soldiers use children, either directly as combatants, or indirectly in other activities. In some cases, the participation is voluntary. All armed opposition groups are believed to recruit minors, although Amnesty International has information relating mainly to the CNDD-FDD. Both the CNDD-FDD and the government, with whom Amnesty International has raised these concerns, deny using child soldiers. However, the Burundian government forces regularly coerce civilians, including young children, to carry weapons and other equipment for them; children are often used as informants. Children are used for cooking, carrying water, coal or wood, or washing uniforms. They wear uniforms, sleep in the same room as the soldiers and are taught to use weapons. The Burundian government has set up a compulsory "civic service" for students. According to the Special Rapporteur on Burundi and others, the service is a military service. Students are reported to be teaching in schools in military uniform.

Although the CNDD-FDD has denied recruiting children, Amnesty International has received consistent information that there are many children, including some as young as 12, who have been recruited voluntarily or conscripted. One observer in Zambia in mid-1999 witnessed combatants, including Burundians, arriving in Zambia as they fled the DRC war. He estimated that 50% of the FDD were children aged between 12 and 16.

There have also been several cases in Tanzania where refugees including children have been arrested on suspicion of returning to Burundi for military activity. In January 1999, 70 Burundian refugee children and youths from Lukole refugee camp in Ngara, Tanzania, were

arrested with over 150 adults. Although they subsequently changed their stories, on their arrest they admitted that they had been recruited by the CNDD-FDD and that they were reportedly returning to Burundi for military training. The children were aged between 14 and 17 years old.

Many other children are currently in detention in Burundi on suspicion of collaboration with armed opposition groups. Some are as young as 12. They included children who have been coerced into carrying things for the armed opposition and who are then arrested by the local authorities.

V THE REGIONAL CONTEXT - WAR IN THE DEMOCRATIC REPUBLIC OF CONGO

The situation in the Great Lakes region is characterised by a number of armed conflicts in which several armed groups and governments are involved. These different conflicts are interlinked.

On 2 August 1998, a faction of the army of the DRC started a rebellion in Kivu region in the eastern part of the DRC. They formed a new armed opposition group known as the *Rassemblement congolais pour la démocratie* (RCD), and received massive support from the governments of Uganda, Rwanda and Burundi. A few days earlier, President Laurent-Désiré Kabila had ordered all foreign troops most of them Rwandese, to leave the DRC. Ugandan, Rwandese and Burundian security forces, together with the RCD, took control of the eastern part of the DRC. All three governments initially denied involvement, while the Ugandans and Rwandese have now openly declared that their troops are present in the DRC, the Burundi government is still denying any involvement. However, there is evidence that Burundian soldiers are participating in the armed conflict in South-Kivu province and that the government is transferring arms and other military equipment over the border to the RCD. It has also been reported that Congolese government opponents are using Burundi to recruit, train and arm combatants. There are also reports that Burundian soldiers have been involved in human rights violations against unarmed civilians in the DRC. During its September 1999 mission to Tanzania and Zambia, AI delegates received scores of allegations of killings by the Burundian armed forces in eastern DRC.

On the other side, the CNDD-FDD has military bases in parts of Katanga province, southeastern DRC, controlled by the army of President Kabila. There are reports that the CNDD-FDD receives weapons from Kabila's forces as well as from Zimbabwe, and that the CNDD-FDD is carrying out training in the DRC. There are reports that the CNDD-FDD collaborates in Kivu with Rwandese and Congolese armed groups in fighting against the

RCD and its allies. Some members of Rwandese armed groups belong to the former Rwandese army and the *interahamwe* militia which carried out the 1994 genocide in Rwanda. AI is investigating reports that members of the CND-FDD have received military training in Zimbabwe.

VI WHAT IS AI DOING

We hope that this section will be useful in terms of summarising AI's work on Burundi for those who are not familiar, and in providing information on current activities and plans.

Over the last few years, Amnesty International's work on Burundi has focussed mainly on the following areas:

- killings of unarmed civilians by the army and armed opposition groups
- justice-related concerns: including arbitrary arrests, torture, long-term detention without trial of political prisoners, unfair trials, prison conditions, the death penalty, impunity
- refugees and internally displaced persons

Amnesty International has been campaigning on the above mentioned areas of work primarily by publishing a series of reports and appeals cases, with accompanying membership action. The organisation has carried out extensive publicity work through international press releases, press work of its national offices, radio and TV interviews with international media, and press conferences. Amnesty International has also been lobbying western and African governments, and inter-governmental organisations to react to the human rights crisis in Burundi and to take AI's recommendations on board.

Amnesty International has also been regularly producing Urgent Actions on cases of arrest, "disappearance", torture, extrajudicial execution or deliberate and arbitrary killing. In some cases, prisoners have been released or transferred to a recognised place of detention following an Urgent Action. Urgent Actions have also been effective in alerting others to particular cases of concern.

AI Talks

Since 1997 AI has been able to establish a limited dialogue with the government of Pierre Buyoya on some areas of concern. Amnesty International has submitted as series of memorandums on questions of legal reform which have also been useful also in strengthening relations with members of the judiciary and National Assembly. However,

in relation to AI's research into cases of human rights violations, the relationship between AI and the government is mostly tense and some members of the government and military remain hostile and critical of AI. AI is also seeking to establish a more meaningful dialogue with leaders of armed opposition groups.

AI Visits

Amnesty International has visited Burundi and carried out research and work on refugees in neighbouring countries regularly: recent visits took place in February 1997 (Tanzania, refugee concerns), in April 1998 (Tanzania, research and refugee concerns), in May 1998 (Burundi, research and government talks), in February 1999 (Burundi, research) and in September 1999 (Tanzania and Zambia, where the primary focus was DRC but delegates gained substantial information on the role of Burundi in the DRC war). Other missions to the region have taken place during this time in relation to our work on Rwanda and DRC. During the missions, Amnesty International has carried out research into patterns of human rights abuse and individual cases of victims. The organisation has met with government officials to discuss AI's recommendations for the protection of human rights, as well as with UN officials and representatives of civil society such as church groups, human rights associations, journalists.

AI Campaigning

Membership activities during 1999 have focussed on the following:

- **INSURGENCY AND COUNTER-INSURGENCY PERPETUATE HUMAN RIGHTS ABUSES:** Action around the report *Insurgency and counter-insurgency perpetuate human rights abuses* (AFR 16/34/98, November 1998), focussing on killings of unarmed civilians in the context of the armed conflict, and on the plight of IDPs and refugees
- **DEATH PENALTY:** Continued action on the death penalty and conditions of detention for prisoners under sentence of death
- **NO RESPITE WITHOUT JUSTICE:** Action around the report *No respite without justice* (AFR 16/12/99, August 1999), protesting against killings of civilians by both the army and armed opposition groups, and against the failure of the military justice system to bring perpetrators of human rights violations to justice (carried out by the CAFRAN network and selected sections)

- ACTION ON FREEDOM OF EXPRESSION: following arrests of journalists and action on a repressive press law
- CHILDREN'S ACTION: action on detention of children accused of being child soldiers (in the framework of the *Children's action*)

Work on the above-mentioned areas will continue but needs to reflect certain new developments, in particular forcible relocation of hundreds of thousands of people into camps. In the current situation, these are the main objectives of Amnesty International's campaigning:

- lobbying for all military leaders in Burundi to meet in a neutral environment to discuss ways of protecting the lives of civilians
- ensure, in collaboration with national human rights groups, that human rights are an integral part to discussions on peace and an integral part of any agreement
- to address the "regroupment" camps (dismantlement, or, as a minimum, ensure the safety and the well-being of the population in the "regroupment" camps, to ensure civilian control of the camps, that freedom of movement is guaranteed, and that humanitarian organizations have free and full access)
- to get increased media attention to the situation in Burundi
- diplomatic intervention by foreign governments, the UN, the EU, the OAU etc.

Since late September 1999, the following additional actions have been undertaken:

- PRESS RELEASE on the "regroupment" camps, *Civilians dying around the capital while hundreds of thousands are forcibly moved*
- A CALL TO PROTECT CIVILIANS (AFR 16/25/99), a short external document calling upon all actors in Burundi to respect humanitarian law and to meet in a neutral environment to discuss ways how to protect civilians; at least 12 sections campaigned around this document and the deteriorating situation in Burundi in an accompanying *Rapid Response Action* (AFR 16/26/99). This is useful background to the current crisis and AI's recommendations. The action also including lobbying of a number of government and military officials, and leaders of all political parties and armed opposition groups.
- PRESS BRIEFING ON BURUNDI on 11 November 1999, accompanied by a press release, *On the threshold of disaster* (AFR 16/29/99)

Next steps

We will continue to lobby influential governments and the UN to take action and not wait until the situation deteriorates further. The UN General Assembly and the UN security council have remained notably silent on the issue, despite the fact that the UN Special Rapporteur Mrs Keita Bocoun, addressed the General Assembly in early November after her return from Burundi, painting a bleak picture of the situation, speaking about a "generalisation and accentuation of human rights violations".

In the short term we are planning to lobby intensively on human rights protection around the peace talks, through lobbying of those directly involved and governments supporting the peace process. Amnesty International will make recommendations on impunity, addressing current and past abuses, rights of refugees and the internally displaced, participation in the peace process, etc.

We are also looking at wider regional issues related to Burundi, in particular the war in the DRC. In November, an AI delegation visited eastern DRC investigating human rights abuses committed by government forces as well as armed opposition groups involved, this includes abuses by Burundi government forces as well as rebels. In September, a delegation visited Congolese refugee camps in Tanzania and Zambia, primarily interviewing Congolese refugees, as well as some Burundian refugees. As a result of that visit and other research we are preparing a report of the role of the Burundian army in human rights violations in DRC.

Strategy and action plans are still being discussed at the International Secretariat and sections will be kept informed of any further strategy decision.

VII VISUAL MATERIAL

Three maps are enclosed with the printed version of this document. They are a map of the communes of Rural Bujumbura, a map of the provinces and communes of Burundi, and a map showing the provinces of Burundi and refugee camps in Tanzania. These are available by email. Please contact Sue Wixley (swixley@amnesty.org) if you wish to receive any of these maps by email.

A photo order form (AFR 16/34/99) is also being sent to you with some general photographs of Burundi, and the refugee camps in Tanzania, as well as some photographs relating to specific cases.

VIII FEEDBACK

The Central Africa team and the Regional Campaign Coordinator at the International Secretariat would like to know more what other information or materials, sections need to be able to work on Burundi. We would be interested to receive your feedback on this briefing. Please contact the Regional Campaign Coordinator Sue Wixley (swixley@amnesty.org) with all feedback.

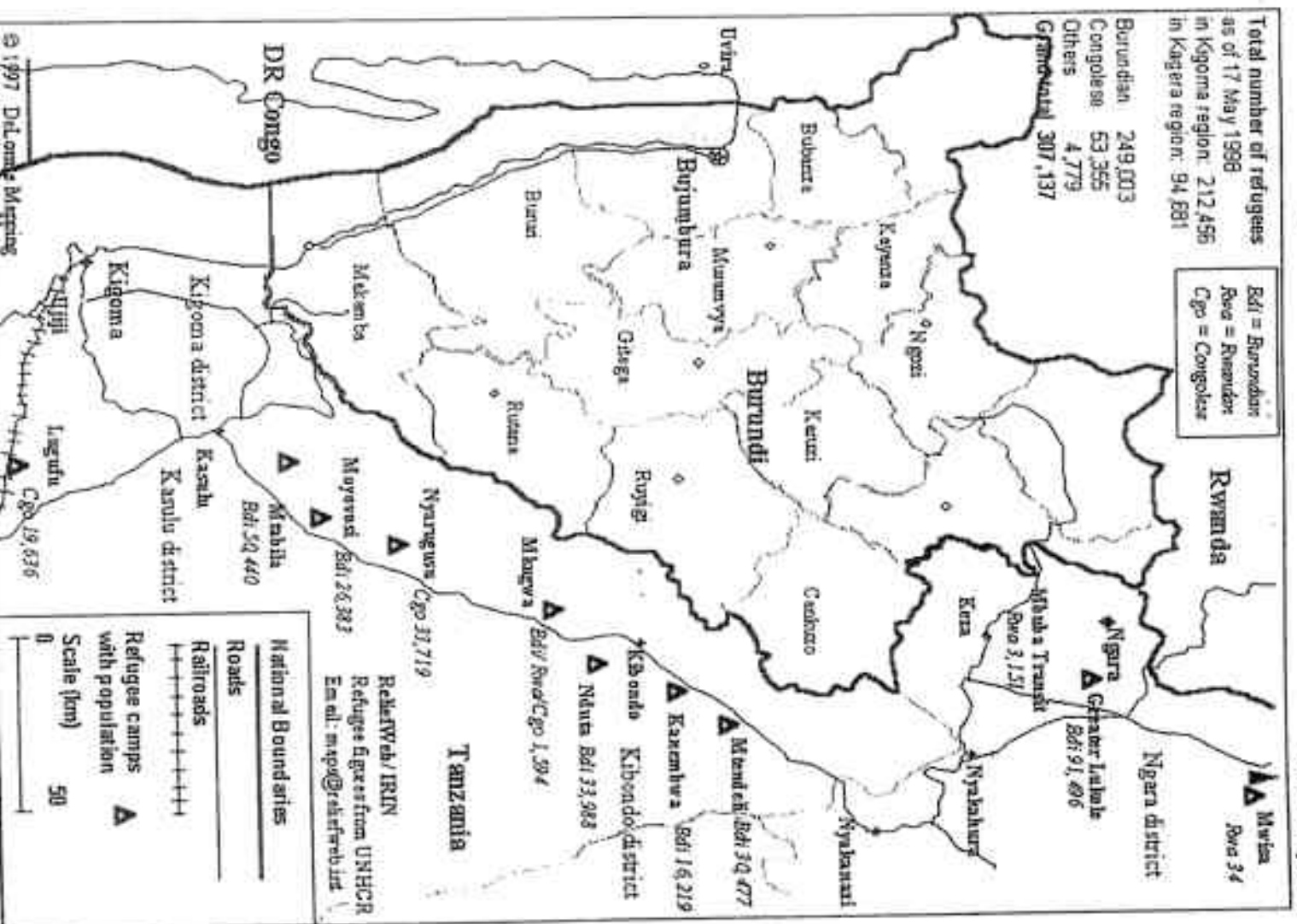
IX DOCUMENTS

Previous Amnesty International reports on Burundi (all of which are available in English and French)

- *Time for international action to end a cycle of mass murder* (AFR 16/08/94, 17 May 1994)
- *Struggle for Survival. Immediate action vital to stop killings* (AFR 16/07/95, June 1995)
- *Targeting students, teachers and clerics in the fight for supremacy* (AFR 16/14/95, September 1995)
- *Rwanda and Burundi: The return home: rumours and realities* (AFR 02/10/96, February 1996)
- *Armed groups kill without mercy* (AFR 16/08/96, 12 June 1996)
- *Leaders are changing but human rights abuses continue unabated* (AFR 16/21/96, August 1996)
- *Great Lakes Region: Still in need of protection: Repatriation, refoulement and the safety of refugees and the internally displaced* (AFR 02/07/97, January 1997)
- *Forced relocation: new patterns of human rights abuses* (AFR 16/19/97, July 1997)
- *Memorandum to the Government of Burundi on the draft law on genocide and crimes against humanity* (TG AFR 16/98.01, March 1998)
- *Justice on trial* (AFR 16/13/98, 30 July 1998)
- *Memorandum to the Government of Burundi on Appellate rights* (TG AFR 16/98.69, November 998)
- *Insurgency and counter-insurgency perpetuate human rights abuses* (AFR 16/34/98, 19 November 1998)
- *Memorandum to the Government of Burundi and National Assembly on the reform of the Code of Criminal Procedure* (AFR 16/06/99, April 1999)
- *No respite without justice* (AFR 16/12/99, 17 August 1999)
- *Civilians dying around the capital while hundreds of thousands are forcibly moved, news service* (AFR 16/21/99, 29 September 1999)
- *Call to protect civilians* (AFR 16/26/99, October 1999)
- *On the threshold of disaster news service* (AFR 16/29/99, 11 November 1999)

Refugees in Western Tanzania

Ans of 17 May 1998







REPUBLIC OF BURUNDI: COMMUNES OF RURAL BUJUMBURA PROVINCE

