Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**63**
Land:	Burundi
Kilde:	Home Office
Titel:	”Operational guidance note”
Udgivet:	25. juli 2006
Optaget på bag-grundsmaterialet:	29. november 2006

Home Office
Immigration and Nationality Directorate

OPERATIONAL GUIDANCE NOTE

BURUNDI

CONTENTS

1. Introduction

1.1 This document summarises the general, political and human rights situation in Burundi and provides information on the nature and handling of claims frequently received from nationals/residents of that province. It must be read in conjunction with any COI Service Burundi Country of Origin Information at:

http://www.homeoffice.gov.uk/rds/country_reports.html

1.2 This document is intended to provide clear guidance on whether the main types of claim are or are not likely to justify the granting of asylum, Humanitarian Protection or Discretionary Leave. Caseworkers should refer to the following Asylum Policy Instructions for further details of the policy on these areas:

API on Assessing the Claim
API on Humanitarian Protection
API on Discretionary Leave
API on the European Convention on Human Rights

1.3 Claims should be considered on an individual basis, but taking full account of the information set out below, in particular Part 3 on main categories of claims.

Source documents

1.4 A full list of source document cited in footnotes can be found at the end of this note.

2. Country assessment

2.1 Following independence in 1962, Burundi was run by a series of brutal regimes dominated by the minority Tutsi group. Massacres in 1972 killed an estimated 300,000 of which the majority were Hutu. In 1987, Major Pierre Buyoya, a Tutsi, took control in a

bloodless coup and initiated a five-year transition to democracy.[1]

2.2 Burundi's first ever election in 1993 was won by a Hutu, Melchior Ndadaye. Elements of the Tutsi-dominated army assassinated the new President a few months later, triggering the start of a long-running conflict between the army and Hutu rebel groups that has cost an estimated 500,000 lives. In 1996, Buyoya again took power but was unable to stop the violence. Under pressure from the region, negotiations between the belligerents began in 1998, and in 2000 a peace agreement was concluded in Arusha, Tanzania. It was signed by all parties except four hard-line rebel groups. Violence between these groups and the army continued until separate cease-fire agreements were concluded with three of them during the second half of 2003. Only one group the National liberation Front (FNL) remains outside of a formal, long term peace agreement. The UN deployed a peacekeeping force in Burundi (ONUB) in June 2004, following the deployment of an African Union peacekeeping force (AMIB) one year previously.[2]

2.3 The new constitution provides for an Executive Presidency and a bicameral legislature. There are 35 registered political parties. But only three are truly national parties - the Burundi Democratic Front (FRODEBU) – a predominantly Hutu party with some Tutsi members –the Unity for National Progress (UPRONA) – a Tutsi dominated party with many Hutu members and the National Council for the Defence of Democracy/Forces for the Defence of Democracy (CNDD-FDD), the largest former rebel movement, which is predominantly Hutu but contains Tutsi members.[3]

2.4 Elections marking the end of the 36 month power-sharing transitional government were due to be held before the end of October 2004, but delays forced an extension of the transitional arrangements until August 2005. A new constitution was approved by referendum in February 2005. Pierre Buyoya, the three-time Burundian President and UPRONA member who had led the Government for the first 18-month transition period, handed power to his Vice-President, Domitien Ndayizeye (Hutu), on 30 April 2003 for the second 18 months of the transition. Ndayizeye, representing the largely Hutu FRODEBU party has remained President during the period of extension.[4]

2.5 Burundian politics has long been dominated by a rivalry between UPRONA, a predominantly Tutsi party that held power in Burundi from independence until 1993, and FRODEBU, the most important of a number of relatively moderate Hutu political parties. Since late 2003 this bipartisan consensus has been shifted by the transformation of the Hutu rebel groups into political organisations. The leaders of the largest former rebel group, the National Council for the Defence of Democracy/Forces for the Defence of Democracy (CNDD-FDD), have been given positions in the transitional government. Its leader, Pierre Nkurunziza, was made Minister of State for Good Governance (essentially number three in the government).[5]

2.6 In 2005 Burundians went to the polls for the first time in twelve years, choosing a president, Pierre Nkurunziza, who declared his commitment to establishing the rule of law in a country marked by years of widespread human rights abuses. His government took office under a new constitution that guarantees power-sharing between the Hutu and Tutsi ethnic groups and among political parties. The constitution, adopted by over 90% of voters at a 28 February 2005 referendum, also requires that 30% of parliamentary seats be reserved for women, the first time they have held this much

[1] FCO Burundi Country Profile 23 December 2005 & BBC Burundi Timeline 14 April 2006
[2] FCO December 2005, BBC Burundi Country Profile 13 May 2006 & BBC Timeline April 2006.
[3] FCO December 2005
[4] FCO December 2005 & BBC Timeline April 2006
[5] FCO December 2005, BBC Timeline April 2006 & Amnesty International (AI) Burundi Annual Report covering 2005

power in the legislature.[6]

2.7 The new government is now taking steps to end the ongoing war with the FNL, a guerilla group that controls territory around Bujumbura, the capital. Some FNL combatants split from the rest of the group in October 2005, claiming to want peace, but they appear to number only about one hundred. According to some in this group, other FNL under Agathon Rwasa killed seven of those seeking peace. During 2005, soldiers and rebel combatants reportedly killed, raped, abducted, and robbed civilians although not on the scale of massacres in previous years. Some of these abuses were committed by FNL combatants and by soldiers of Nkurunziza's movement, the National Council for the Defense of Democracy-Force for the Defense of Democracy (CNDD-FDD), as they struggled to control territory near Bujumbura.[7]

2.8 As skirmishes between FNL and government soldiers increased in September and October 2005, soldiers summarily executed five civilians and detained and tortured others in Kanyosha commune, all suspected of ties with the FNL. Intelligence agents also detained dozens of persons from the Kinama neighborhood of Bujumbura and beat some of them in the weeks just after Kinama voters had preferred candidates from the Burundian Front for Democracy (FRODEBU) to those of the CNDD-FDD.[8]

2.9 Hundreds of soldiers, former rebel combatants, and members of a government-sponsored militia, Guardians of the Peace, ended military activities in 2005. Without any prospect of employment, some turned to crime. The many cases of armed robbery, sometimes resulting in death of the victims, and rape drew attention to the incapacity of the police and judicial systems. Nkurunziza promised that no one would be above the law, but as of late 2005 his government had yet to propose ways to deal with current crime or with the widespread crimes committed during the war, including those committed by combatants from his own force. [9]

2.10 Conditions in the capital Bujumbura continued to improve overall in 2006 with the lifting of a nightime curfew for the first time since the 1970s.[10] In June 2006 FNL leaders signed a "declaration of principles" with a view to negotiating a comprehensive cease fire by the start of July. However, talks stalled in July amidst allegations that government forces had killed 13 rebel fighters.[11]

2.11 After the new government and the president promised to protect human rights, there have been reports of some officials continuing to commit human rights abuses. Under the guise of searching out FNL supporters, soldiers beat and then executed four civilians in Kanyosha on 1 October 2005 and another on 5 October 2005. Intelligence agents detained dozens of persons associated with FRODEBU and beat some of them, particularly after the September 2005 local elections.[12]

2.12 Early in 2005, the forces of the CNDD-FDD, other rebel groups, and the former Burundian Armed Forces were integrated into the new National Defence Force (FDN). More than 16,000 former combatants have been demobilised but many of them rejoined the new army. Groups comprising several thousand Guardians of the Peace and other militia have been disbanded and their members demobilised. Dissatisfied with delays in disbursing the payments of US$ 100 that they are supposed to receive, former militia took to the streets several times, most recently in October 2005. Only a few hundred militia members have turned in firearms to the authorities; many weapons and grenades,

[6] AI 2005 & Human Rights Watch World (HRW) Report Burundi covering 2005
[7] AI 2005 & HRW 2005
[8] AI 2005 & HRW 2005
[9] AI 2005 & HRW 2005
[10] BBC Timeline April 2006
[11] BBC World News 7 July 2006
[12] AI 2005 & HRW 2005

in some cases distributed by the authorities themselves during the war, remain in civilian hands, posing a risk of future violence.[13]

2.13 The national judicial system, reformed in 2003, functions poorly, in part because of lack of resources and in part because of incapacity and corruption of personnel. Popular disillusionment with the failure to arrest and try criminals has led to an increase in lynchings of suspects. In an exceptional break with past patterns of impunity, the Court of Appeal found senior security and prison officials guilty of the November 2001 murder of Dr. Kassy Malan, then head of the World Health Organization in Burundi. In a May 2005 decision, the court sentenced four of them to death and nine others to jail terms. Throughout 2005, Burundians debated how to ensure accountability for the many violations of international humanitarian law committed during the war and previous periods of large-scale ethnically-based killing, such as those which occurred in 1972 and 1988.[14]

2.14 Over 50,000 Hutu refugees returned to Burundi from Tanzania in 2005, bringing to over 230,000 the number of returnees since 2002. Many had fled during the violence in 1993 and most of these returnees have reclaimed their former holdings. Local commissions, operating under a national office, are intended to resolve any conflicting claims. Although the commissions are not fully operational, land disputes remained scattered and local throughout 2005.[15]

3. Main categories of claims

3.1 This Section sets out the main types of asylum claim, human rights claim and Humanitarian Protection claim (whether explicit or implied) made by those entitled to reside in Burundi. It also contains any common claims that may raise issues covered by the API on Discretionary Leave. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/ punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection and internal relocation are set out in the relevant API's, but how these affect particular categories of claim are set out in the instructions below.

3.2 Each claim should be assessed to determine whether there are reasonable grounds for believing that the claimant would, if returned, face persecution for a Convention reason - i.e. due to their race, religion, nationality, membership of a particular social group or political opinion. The approach set out in *Karanakaran* should be followed when deciding how much weight to be given to the material provided in support of the claim (see the API on Assessing the Claim).

3.3 If the claimant does not qualify for asylum, consideration should be given as to whether a grant of Humanitarian Protection is appropriate. If the claimant qualifies for neither asylum nor Humanitarian Protection, consideration should be given as to whether he/she qualifies for Discretionary Leave, either on the basis of the particular categories detailed in Section 4 or on their individual circumstances.

3.4 This guidance is **not** designed to cover issues of credibility. Caseworkers will need to consider credibility issues based on all the information available to them. (For guidance on credibility see para 11 of the API on Assessing the Claim)

[13] AI 2005 & HRW 2005
[14] AI 2005 & HRW 2005
[15] AI 2005 & HRW 2005

3.5 All APIs can be accessed via the IND website at:

http://www.ind.homeoffice.gov.uk/ind/en/home/laws___policy/policy_instructions/apis.html

3.6 Supporters of the FNL

3.6.1 Most claimants will apply for asylum based on ill treatment amounting to persecution at the hands of the government armed forces due to membership of, involvement with, or perceived involvement with the Hutu armed rebel group the National Liberation Front (FNL).

3.6.2 ***Treatment.*** In May 2005, the Government and the FNL announced an agreement to end hostilities and to bring the last remaining Hutu rebel group into the peace process. This helped pave the way for elections in June 2005 which were initially delayed due to violence, but which took place in early July 2005 and were widely commended by observers and analysts as being free and fair.[16] The peace agreement between the Government and FNL continued to hold until July 2005 when pockets of armed attacks between the two sides were reported. [17] FNL continued to reject the government's offer of peace talks in September 2005.[18]

3.6.3 Some FNL combatants split from the rest of the group in October 2005, claiming to want peace, but they appear to number only about one hundred. According to some in this group, other FNL under Agathon Rwasa killed seven of those seeking peace. During 2005, soldiers and rebel combatants reportedly killed, raped, abducted, and robbed civilians, although not on the scale of massacres in previous years. Some of these abuses were committed by FNL combatants and by soldiers of Nkurunziza's movement, the National Council for the Defense of Democracy-Force for the Defense of Democracy (CNDD-FDD), as they struggled to control territory near Bujumbura.[19]

3.6.4 As skirmishes between FNL and government soldiers increased in September and October 2005, soldiers summarily executed five civilians and detained and tortured others in Kanyosha commune, all suspected of ties with the FNL. Intelligence agents also detained dozens of persons from the Kinama neighborhood of Bujumbura and beat some of them in the weeks just after Kinama voters had preferred candidates from the Burundian Front for Democracy (FRODEBU) to those of the CNDD-FDD. There have however been no reports of recurrences of the widespread armed conflict or serious human rights abuses that were widely reported prior to May 2005.

3.6.5 Conditions in the capital Bujumbura continued to improve overall in 2006 with the lifting of a nightime curfew for the first time since the 1970s.[20] In June 2006 FNL leaders signed a "declaration of principles" with a view to negotiating a comprehensive cease fire by the start of July. However, talks stalled in July amidst allegations that government forces had killed 13 rebel fighters.[21]

3.6.6 ***Sufficiency of protection.*** As this category of claimants' fear is of ill treatment/persecution by the state authorities, they cannot apply to these authorities for protection.

---

[16] BBC Timeline December 2005
[17] BBC World News Africa 'Burundi's rebels extend attacks' 13 July 2005
[18] BBC Timeline December 2005
[19] AI 2005 & HRW 2005
[20] BBC Timeline April 2006
[21] BBC World News 7 July 2006

3.6.7 ***Internal relocation.*** As this category of claimants' fear is of ill treatment/persecution by the state authorities, relocation to a different area of the country to escape this threat is not feasible.

3.6.8 ***Conclusion.*** Since the conclusion of the initial major ceasefire between the Government and FNL in May 2005, a formal long term reconciliation agreement between the two sides has continued to be elusive. Nevertheless there have been no reports of substantial recurrences of the armed conflict or human rights abuses that were widely documented prior to May 2005. It is likely therefore that claimants who cite their involvement with, perceived involvement with or membership of FNL will not now be able to adduce a real risk of ill treatment amounting to persecution at the hands of the authorities within the terms of the 1951 Convention. The grant of asylum in such cases is not likely to be appropriate.

3.6.9 Caseworkers should note that members of FNL have been responsible for numerous serious human rights abuses, some of which amount to war crimes and crimes against humanity. If it is accepted that a claimant was an active operational member or combatant for the FNL and the evidence suggests he/she has been involved in such actions, then caseworkers should consider whether one of the Exclusion clauses is applicable. Caseworkers should refer all such cases within this category of claim to a Senior Caseworker in the first instance.

3.7 General country situation

3.7.1 Some claimants will claim asylum or humanitarian protection based on the general political, human rights and/or humanitarian situation in Burundi.

3.7.2 ***Treatment.*** There have been significant improvements in Burundi's overall stability and political development since December 2004 when the UN and the government began to disarm and demobilise thousands of soldiers and former rebels. In January 2005, the President signed a law to set up new national army, incorporating the existing government force and all but the FNL. In March 2005, voters backed a new power-sharing constitution and a month later regional leaders extended the transitional government's mandate by four months and demanded that presidential elections are held by 19 August 2005. In May 2005, the Government and the last active Hutu rebel group, the FNL, agreed to end hostilities, though pockets of FNL fighters had resumed their campaign against government forces according to a BBC report in July 2005. In July 2005, the first peaceful general election since 1993 was widely praised by observers and analysts. The Hutu ex-rebel party, the FDD, won a commanding majority of the vote.[22]

3.7.3 Conditions in the capital Bujumbura continued to improve overall in 2006 with the lifting of a nightime curfew for the first time since the 1970s.[23] In June 2006 FNL leaders signed a "declaration of principles" with a view to negotiating a comprehensive cease fire by the start of July. However, talks stalled in July amidst allegations that government forces had killed 13 rebel fighters.[24]

3.7.4 Despite a new government and presidential promises for protecting human rights, there have been reports that some officials continue to commit human rights abuses. However, there have not been any serious recurrences of the widespread armed conflict or serious human rights abuses that were widely reported in the decade or so prior to 2005.[25]

[22] FCO December 2005 & BBC Timeline December 2005
[23] BBC Timeline April 2006
[24] BBC World News 7 July 2006
[25] AI 2005 & HRW 2005

3.7.5 ***Sufficiency of protection.*** In light of the nature of this category of claims, the availability of sufficient protection from the state authorities is not relevant.

3.7.6 ***Internal relocation.*** In light of the nature of this category of claims, the availability of an internal relocation option is not relevant.

3.7.7 ***Caselaw.***

AM (Burundi) [2005] UKAIT 00123. Risks in the Bujumbura area. The Tribunal ruled that in particular localities, and particularly in the appellant's home area, individual appellants may still succeed in their appeals despite the general improvement in the situation in Burundi. The Tribunal also emphasised that "this case turns on its own facts and turns on the evidence before us". (para 26)

3.7.8 ***Conclusion.*** The commitment toward continuing the dialogue between the government and FNL since the initial peace agreement in May 2005 and the widely-praised general elections in July 2005 which resulted in the Hutu ex-rebel group the FDD winning a clear majority of seats, has brought an increasing level of peace and countrywide stability to Burundi. Claimants who apply for asylum based on the general political, human rights or humanitarian situation are not likely to be able to demonstrate that they will be at real risk of ill-treatment amounting to persecution within the terms of the 1951 Convention or torture or inhuman or degrading treatment that would engage the UK's obligations under Article 3 ECHR. The grant of asylum, Humanitarian Protection or Discretionary Leave in such cases will not therefore be appropriate.

3.8 Prison conditions

3.8.1 Claimants may claim that they cannot return to Burundi due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in the Burundi are so poor as to amount to torture or inhuman treatment or punishment.

3.8.2 ***Consideration.*** Prison conditions remained harsh and sometimes life threatening in 2005. Severe overcrowding persisted. According to government officials and human rights observers, prisoners suffered from digestive illnesses, dysentery, and malaria, and prisoners died as a result of disease. According to Burundian Association for the Protection of Human Rights and Detained Persons (APRODH), although there were reports that security forces members beat detainees, there were no reports that prison guards beat prisoners; however, the UN peacekeeping mission in Burundi (ONUB) reported that detainees and prisoners were tortured and abused. Each jailhad one qualified nurse and at least a weekly doctor's visit. Serious cases were sent to local hospitals. The International Committee of the Red Cross (ICRC) was the primary provider of medicines. The government provided insufficient food. Detainees who were not held in communal lockups and prisoners received 600 grams of food per day from the government, and families often had to supplement prisoner rations.[26]

3.8.3 According to the Ministry of Justice, during 2005 7,969 persons were held throughout the country in facilities built to accommodate 3,650 persons. Of this number, 2,921 were serving sentences, 5,009 were pre-trial detainees, and 39 were children accompanying their mothers. Human rights NGOs lobbied the government for the release of prisoners who were held for long periods of time without charge.[27]

3.8.4 In 2005, conditions in detention centres and communal lock-ups were generally worse than prison conditions. Police personnel abused detainees, which resulted in death in

[26] USSD 2005 (Section 1c)
[27] USSD 2005 (Section 1c)

several instances. Minors were not always separated from adult detainees, and ONUB documented some cases of sexual abuse. There were 400 communal lock-ups, or small detention centres, where those who were arrested were supposed to be held no longer than one week; however, in practice detainees were regularly kept in these facilities for much longer periods of time. The government did not provide food for persons held in communal lockups, and family members were required to provide all food for detainees in communal lockups. Once detainees were transferred to larger detention facilities, the government provided food. Communal lockups and other, larger detention centers were severely overcrowded, with limited or no provisions for medical care and no sanitation.[28]

3.8.5 According to the Ministry of Justice, during the 2005 there were 348 children in prisons, of whom 39 accompanied their convicted mothers. Juvenile prisoners were held with and often treated as adults. Political prisoners often were held with convicted prisoners. Pre-trial detainees were held in communal lock-ups, but some were also incarcerated with convicted prisoners.[29]

3.8.6 During 2005 the government permitted some visits by international and local human rights monitors, including the ICRC; however, municipal police commissioners and other authorities repeatedly denied ONUB human rights officers access to detainees, following accounts of illegal detentions and torture. Authorities also sometimes denied HRW, ICRC, and local NGOs access to detainees thought to have been tortured or illegally detained, who were often thought to be members of the FNL. In addition according to HRW, on 20 October 2005, authorities at the Interior Security Police (PSI) allowed government magistrates to visit some parts of the premises of the PSI, located in Kigobe, Bujumbura, but denied them access to other parts. In 2005, NGOs continued their efforts to monitor and improve sanitation, hygiene, medical care, food, and water.

3.8.7 ***Conclusion.*** Whilst prison conditions in Burundi are poor with severe overcrowding, lack of medical treatment and food and poor sanitation being particular problems, these conditions will not normally be sufficiently severe to meet the high Article 3 threshold Similarly where the risk of imprisonment is for reason of one of the five Refugee Convention grounds, a grant of asylum will not be appropriate. In addition to these adverse conditions there are reports that officials act with impunity and regularly mistreat inmates. The information available does not suggest that particular groups of inmates are more at risk of such mistreatment than others. There is no evidence that the mistreatment is of such a systematic nature as to make removal a breach of Article 3 on these grounds.

3.8.8 Even where claimants can demonstrate a real risk of imprisonment on return to Burundi a grant of Humanitarian Protection will not generally be appropriate. However, the individual factors of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3, relevant factors being the likely length of detention the likely type of detention facility and the individual's age and state of health. Where in an individual case treatment does reach the Article 3 threshold a grant of Humanitarian Protection will be appropriate unless the risk of imprisonment is for reason of one of the five Refugee Convention grounds in which case a grant of asylum will be appropriate.

4. Discretionary Leave

4.1 Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See API on Discretionary Leave)

[28] USSD 2005 (Section 1c)
[29] USSD 2005 (Section 1c)

4.2 With particular reference to Burundi the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should *not* imply an automatic grant of DL. There may be other specific circumstances not covered by the categories below which warrant a grant of DL - see the API on Discretionary Leave.

4.3 Minors claiming in their own right

4.3.1 Minors claiming in their own right who have not been granted asylum or HP can only be returned where they have family to return to or there are adequate reception, care and support arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate reception, care and support arrangements in place.

4.3.2 Minors claiming in their own right without a family to return to, or where there are no adequate reception, care and support arrangements, should if they do not qualify for leave on any more favourable grounds be granted Discretionary Leave for a period of three years or until their 18th birthday, whichever is the shorter period.

4.4 Medical treatment

4.4.1 Claimants may claim they cannot return to Burundi due to a lack of specific medical treatment. See the IDI on Medical Treatment which sets out in detail the requirements for Article 3 and/or 8 to be engaged.

4.4.2 A policy of free medical care for Burundian mothers and children was intended to improve their lives, instead it has crippled the nation's health system. Public hospitals in Burundi have recorded a huge increase in the number of patients since a presidential directive for free paediatric and maternal health services was implemented on 1 May 2006. Overcrowded wards, a shortage of doctors and other medical staff, as well as patients' inability to afford prescribed medications are some of the challenges health officials are now facing. In rural health centres the situation is particularly desperate.[30]

4.4.3 The large number of women and children seeking free healthcare has overwhelmed most institutions. Hospital administrators nationwide have complained about congestion in paediatric and maternity wards. The new initiative has made the lack of qualified medical staff and specialists even more keenly felt. The Ministry of Public Health said the government was providing US$2 million to settle medicine shortages.[31] The number of people living with HIV is approximately 150,000. 2.4% of pregnant women receive treatment to reduce mother-to-child transmission and 14% of HIV infected men and women receive anti-retroviral therapy.[32]

4.4.4 Where a caseworker considers that the circumstances of the individual claimant and the situation in the country reach the threshold detailed in the IDI on Medical Treatment making removal contrary to Article 3 or 8 a grant of discretionary leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave.

5. Returns

[30] IRIN News 9 June 2006
[31] IRIN News 9 June 2006
[32] UN AIDS Burundi Country Survey

5.1 Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Returns are to the capital Bujumbura.

5.2 In spite of the recent political developments and progress towards elections, the country remains in a transitional phase and as such the UNHCR recommends that States do not return any rejected asylum seekers to Burundi.[33] The UNHCR's position predates the widely praised parliamentary elections of July 2005. It provides a broad assessment of the situation in Burundi and we do not dispute that it presents an accurate overview of the general humanitarian situation and the social and security problems inherent in Burundi. However, asylum and human rights claims are not decided on the basis of the general situation - they are based on the circumstances of the particular individual and the risk to that individual. We do not therefore accept UNHCR's conclusion, based on their overview of the general situation in Burundi, that all persons originating from Burundi are in need of some form of international protection.

5.3 Burundian nationals may return voluntarily to any region of Burundi at any time by way of the Voluntary Assisted Return and Reintegration Programme run by the International Organisation for Migration (IOM) and co-funded by the European Refugee Fund. IOM will provide advice and help with obtaining travel documents and booking flights, as well as organising reintegration assistance in Burundi. The programme was established in 2001, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Burundi nationals wishing to avail themselves of this opportunity for assisted return to Burundi should be put in contact with the IOM offices in London on 020 7233 0001 or www.iomlondon.org.

6. List of source documents

- UK Foreign and Commonwealth Office (FCO) Country profile: Burundi. Last updated 23 December 2005 at: http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029394365&a=KCountryProfile&aid=1020337957293

- British Broadcasting Corporation (BBC) Country profile: Burundi. Last updated 13 May 2006 at http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1068873.stm

- BBC Timeline: Burundi. Last updated 14 April 2006 at http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1068991.stm

- BBC World News Africa 'Burundi rebels agree truce plan' 19 June 2006 at http://news.bbc.co.uk/1/hi/world/africa/5092418.stm

- BBC World News Africa 'Burundi killings as talks delayed' 7 July 2006 at: http://news.bbc.co.uk/1/hi/world/africa/5159586.stm

- US Department of State: Bureau of Democracy, Human Rights and Labor Country Report on Human Rights Practices 2005: Burundi. Released 8 March 2006 at: http://www.state.gov/g/drl/rls/hrrpt/2005/61557.htm

- Amnesty International (AI) Annual Report 2006 (covering 2005): Burundi. At http://web.amnesty.org/report2006/bdi-summary-eng

- Human Rights Watch World Report 2006 (covering 2005): Burundi. At http://hrw.org/english/docs/2006/01/18/burund12285.htm

[33] UNHCR Position on the return of rejected asylum seekers to Burundi 11 April 2005

- UNAIDS Burundi Country Survey
  http://www.unaids.org/en/Regions_Countries/Countries/burundi.asp

- United Nations High Commissioner for Refugees (UNHCR) Position on the current situation in Burundi and the enforced and voluntary returns of failed asylum seekers 11 April 2005.

- UN Integrated Information Networks (IRIN) Burundi: 'Side effects of free maternal, child healthcare' 9 June 2006 www.irinnews.info/print.asp?ReportID=53836

Asylum and Appeals Policy Directorate
25 July 2006