

Burundi

Having come to power the previous year, in 2006 the government led by the National Council for the Defense of Democracy—Forces for the Defense of Democracy (CNDD-FDD) moved towards restoration of government services disrupted by more than a decade of civil war, but abuses by soldiers, police, and intelligence agents persisted, including torture and apparent extrajudicial executions. The August arrest by intelligence agents of opposition politicians accused of planning a coup, and government corruption allegations, threatened the country's fragile post-war stability. Other opposition figures and some journalists fled the country following the arrests, and at the beginning of September Second Vice President Alice Nzomukunda resigned, accusing the government of human rights violations and corruption.

In September the National Liberation Forces (FNL), the last active rebel group, signed a ceasefire with the government, but implementation of the agreement fell behind schedule, having missed a 30-day deadline for disarming and demobilizing some combatants and integrating others into government forces. FNL forces killed, raped and abused civilians in 2006, although there were fewer such incidents than in previous years. Since the ceasefire, combatants reportedly continued to rob and extort money and goods from civilians in and around the capital.

Human Rights Violations by Security Agents and Soldiers

In the months preceding the September 2006 ceasefire with the FNL, government soldiers and intelligence agents summarily executed some civilians and tortured others, most of whom were suspected of links with the FNL. Some 40 persons disappeared while in the custody of agents of the National Intelligence Service (SNR, the renamed Documentation Nationale), including around 30 who went missing in Muyinga province in July after being arrested by soldiers and interrogated by SNR agents. The Muyinga disappeared are presumed dead, based on local residents' reports of bodies and body parts in a nearby river. In past cases, SNR agents have

acted with impunity but in a positive step the Muyinga prosecutor arrested two soldiers and the provincial head of the SNR in connection with the July disappearances. At this writing they were awaiting trial. The prosecutor reported receiving threats from the regional military commander after the arrests and soon after was moved to another province. Following investigation by a high-level judicial commission, another prosecutor issued a warrant for the arrest of the military commander, but execution of the warrant was interrupted, reportedly on orders from the executive branch.

Demobilization and Disarmament

Over 1,300 former members of the armed forces were demobilized in 2006, bringing the total since the program began in 2004 to over 21,000. However, the reintegration program for ex-combatants supported by the Multi-Country Demobilization and Reintegration Program had not yet begun in late 2006. In violation of international law, the government held dozens of children associated with the FNL, some in prison, some in a demobilization center. Lack of a clear government policy on the children hindered the delivery of international aid for them. Easy availability of weapons posed continuing risks to security. A series of apparently politically motivated grenade attacks killed 13 and wounded 122 persons in July and August.

Transitional Justice

An ad hoc commission, established under the terms of the Arusha peace accords of 2000, identified over 4,000 persons as “political prisoners” and in early 2006 ordered them freed. Most were convicted of crimes related to the violence following the assassination of President Melchior Ndadaye in 1993 or had been held for years without trial. Although the government said the releases were provisional and that the persons would face a proposed truth and reconciliation commission (TRC), some members of civil society brought a case before the Constitutional Court, arguing that the release violated the constitution. The court ruled in favor of the government.

Despite hopeful signs the previous year, efforts to deliver justice for crimes related to the civil war progressed little in 2006. In March 2005 the United Nations Security Council had recommended establishment of a TRC and a special chamber in the Burundian judicial system to try serious violations of international humanitarian law, both to be staffed by Burundian and international personnel. After a first round of

negotiations between Burundian officials and the UN Office of the Legal Advisor in March 2006, a second round planned for July did not take place, nor did consultations with the population about future judicial mechanisms, agreed to by both the UN and the government.

In general, Burundi's overburdened judicial system, hampered by limited resources, continues to function poorly. All prosecutors were replaced in March, many of them with young and inexperienced personnel.

Abuses against Government Critics and Opponents

Harassment and arrests of journalists and other members of civil society raised questions about the government's commitment to freedom of expression. In April 2006 parliamentarian Mathias Basabose called a press conference to discuss the political situation. Journalists who attended were detained for hours by police and some were beaten, and journalist Aloys Kabura was subsequently sentenced to five months in prison on charges of having insulted public authorities. In May Terence Nahimana, a former parliamentarian and head of the CIVIC peace group was detained, and at this writing was awaiting trial on charges of endangering state security, after he questioned delays in negotiations between the government and the FNL. In August Gabriel Rufyiri, president of the Organization for the Fight Against Corruption and Economic Embezzlement (OLUCOME), was imprisoned on charges of libel after denouncing corruption in the allocation of public tenders and government positions. He is awaiting trial.

Three of the eight opposition politicians arrested in August, including former Vice President Alphonse Marie Kadege, have filed complaints that they were tortured by the SNR. They have been transferred to a regular prison pending trial, and at this writing no action is known to have been taken to investigate their torture complaints. When the torture allegations first came to light Kadege's lawyer, Isidore Rufyikiri, asked the SNR to provide a medical report on the condition of his client, but in response he too was arrested by SNR agents and is still in prison.

Detention in Public Hospitals

With the health sector devastated by war and the government requiring citizens to pay the cost of health care, hospitals resorted to detaining indigent patients unable to pay their bills. During 2005 and 2006, hundreds who had completed treatment were prevented from leaving hospitals for this reason.

Rwandan Refugees Returned

In 2005, thousands of Rwandans sought asylum in Burundi, some fleeing a justice system in which they had no trust (see Rwanda chapter). Under pressure from Rwanda, Burundian authorities forcibly repatriated some 8,000 persons, violating international refugee law, but many of those repatriated as well as thousands of others crossed into Burundi later in 2005 and in 2006, making a total of some 20,000 persons seeking asylum by February 2006. In December 2005 Burundian authorities agreed to work with the Office of the United Nations High Commissioner for Refugees in determining whether the asylum claims were justified. Only some 3 percent of claimants were recognized as refugees. Discouraged by the low acceptance rate, asylum seekers boycotted the interview process meant to assess the validity of their claims, but eventually gave in when threatened with loss of food rations. In mid-2006 more than 13,000 of the total 20,000 Rwandans who had crossed into Burundi returned to Rwanda, some of them after credible complaints of intimidation by Burundian authorities. In November some 2,000 remained in Burundi, awaiting appeals of initially negative decisions.

Burundian Refugees Come Home

By November 2006 about 33,000 Burundian refugees returned from years in Tanzania, thousands fewer than in 2005, leaving roughly 400,000 Burundian refugees in Tanzania. Fear of food shortages and continued insecurity seem to account for the decline in returns. The return of refugees has multiplied conflicts over land ownership, flooding the justice system with land cases. A new land commission was announced in 2006 but has not yet begun work.

Key International Actors

Donors pledged generous assistance to all aspects of Burundi's recovery from the war and have been reluctant to criticize the continuing human rights abuses.

On December 31, 2006, the United Nations Operation in Burundi (ONUB), a peacekeeping operation, was due to end operations, including its human rights section which played a particularly important role in denouncing and limiting abuses. ONUB will be replaced by an Integrated Office of the United Nations for Burundi (BINUB), focusing on security sector reform, institutional capacity building, and transitional justice. Along with Sierra Leone, Burundi will receive support from the new UN Peacebuilding Commission.