



January 2008

country summary

## Burundi

The political situation in Burundi is marked by efforts of the ruling National Council for the Defense of Democracy–Forces for the Defense of Democracy (CNDD-FDD) to monopolize power and by continuing impunity for severe human rights abuses. Despite its resounding electoral victory in 2005, the CNDD-FDD struggled with internal divisions and challenges from opposition parties that paralyzed legislative action for most of 2007. In August unidentified assailants threw grenades into the homes of five opposition political leaders, further embittering the political atmosphere.

The war between the government and the last active rebel group, the National Liberation Forces (FNL), had been halted by a September 2006 ceasefire, but on July 21, 2007, talks on implementation broke down and rebel leaders returned to the bush. Though there was international pressure to return to the talks, the FNL leadership refused to negotiate unless the South African mediator was replaced. In August fighting broke out near the capital Bujumbura between two FNL factions—one for and one against immediate implementation of the terms of the ceasefire—leaving 21 combatants and one civilian dead and causing hundreds to flee. Claiming responsibility for initiating the attack, the FNL leadership under Agathon Rwasa declared that the self-professed “dissident” faction favoring peace was a government creation. In September-October the FNL carried out several more attacks on this “dissident” group at sites protected by the Burundian military and in Bujumbura, killing a total of 12 “dissidents”; at least four Burundian soldiers have also been killed by the FNL since the ceasefire’s breakdown. Mediators in Burundi’s peace process are attempting to verify the status of those claiming to be dissident combatants.

## **Judicial Action against the Opposition**

On January 15 the Supreme Court acquitted former President Domitien Ndayizeye, former Vice President Alphonse-Marie Kadege, and three others of plotting a coup in 2006, but convicted Alain Mugabarabona and Tharcisse Ndayishimiye. In September 2006 three of those eventually acquitted filed complaints of torture against intelligence agents, although no one was arrested for the alleged crime. In convicting Mugabarabona and Ndayishimiye, the court discounted claims that they had been forced to make the confessions that constituted the primary evidence against them. Three journalists who had been arrested in late 2006 for their coverage of the alleged coup were acquitted in early January 2007 in a separate trial, but the government filed an appeal which is pending at this writing.

Hussein Radjabu, president of the CNDD-FDD and once a dominant force in the government, was ousted by his party in February and was arrested in April, along with several supporters, on charges of endangering state security. Two of those detained were beaten and then released, and a third, Evariste Kagabo, was tortured. He and Radjabu remain detained and have not yet been tried. Jean-Bosco Ngendaganya, chief of staff at the National Intelligence Service (SNR) when Kagabo was tortured, was removed from his post and charges of assault were prepared against him, but he has not been arrested.

## **Human Rights Violations by Security Agents, Police, and Soldiers**

Accusations of grave violations by security agents and soldiers declined in 2007, but impunity for cases of torture, unlawful killings, and war crimes continued to be the norm. There was no progress toward accountability in the case of the 31 people “disappeared” and presumed dead in July 2006 in Muyinga province, although three different judicial commissions investigated the crimes. An intelligence service agent arrested in September 2006 was released without trial in May 2007, and two soldiers arrested at the same time have not been tried. High-ranking civilian and military authorities admitted that an arrest warrant was issued against the former commander of the Fourth Military Region, Col. Vital Bangirinama, but was never executed. Colonel Bangirinama was removed from his post in Muyinga, but remains on active duty.

In October a special police brigade known as the Mobile Rapid Intervention Group (GMIR) was detached from Bujumbura to combat criminality and arms possession in Muramvya province. In collaboration with local police, the brigade established two clandestine jails where at least 20 individuals were illegally detained, tortured, and questioned about their alleged affiliation with the FNL. Several victims pressed charges, but officials have yet to seriously investigate abuses or discipline offending officers, who remain in service.

In one positive development, judicial authorities arrested Lieut. Col. Léopold Ntibaruhisha for ordering the beating and kidnapping of a local resident near Buyengero military camp, Bururi province, in May 2007. Ntibaruhisha is awaiting trial at this writing.

### **Transitional Justice**

Since 2006 the government has provisionally released thousands of prisoners accused of crimes connected to the assassination of President Melchior Ndadaye in 1993 and the subsequent 10-year civil war. Some had been detained for years without trial. In principle they will appear before a yet to be established truth commission. In June 2005 the United Nations Security Council directed the government to hold public consultations on transitional justice mechanisms to address crimes committed during the civil war. After long delays, consultations are tentatively scheduled to begin in early 2008. Under the supervision of the government, UN, and civil society representatives, some 6,000 Burundians will be asked their views on reconciliation and accountability, and the proposed truth commission and an associated special tribunal for serious violations of international law will be explained.

Despite this apparent progress, the government has yet to recognize the need for an independent prosecutor for the tribunal and the CNDD-FDD insisted that only cases in which reconciliation had failed would be brought to the tribunal. This position conflicts with international law principles, which hold that all serious crimes under international law must be prosecuted.

## **Juvenile Justice**

Hundreds of children are imprisoned in Burundi, and three-quarters of them have never been tried or sentenced for their alleged crimes. Following increased public attention, the government released some categories of child detainees, but some 472 remained incarcerated as of late 2007. A penal reform bill that would raise the age of criminal responsibility from 13 to 15 and provide alternatives to incarceration for juvenile offenders remains blocked in parliament since being introduced in the spring.

## **Burundians Expelled from Tanzania**

During the 1990s hundreds of thousands of Burundians fled the civil war into Tanzania. Many settled in local communities rather than enter refugee camps and failed to register with the United Nations High Commissioner for Refugees (UNHCR). In 2006 Tanzania began deporting these persons, arguing they had never been recognized refugees. Tanzania also expelled some Burundians who had become naturalized Tanzanian citizens. Tanzanian soldiers, police, and militia beat many expelled people, separated family members, and looted or destroyed property. Following international protests, most blatant abuses decreased, but in July 2007 the Tanzanian authorities once again announced that all of the 150,000 Burundians who had taken refuge in Tanzania after 1993 and were housed in UNHCR camps must return to Burundi by the end of 2007. However, expulsions proceeded slowly, and at this writing the vast majority of those refugees remain in Tanzania.

More than 36,000 Burundian refugees returned voluntarily in 2007, fewer than in previous years. Refugee agencies attributed the decline to drought in eastern Burundi, as well as lack of access to land and fear of renewed conflict.

## **Human Rights Defenders**

Burundian human rights defenders are widely respected both nationally and internationally. In May 2007 Pierre-Claver Mbonimpa, president of the Burundian Association for the Promotion of Human Rights and Detained Persons (APRODH), was summoned for interrogation by the prosecutor's office after denouncing the delays in prosecuting the case of the 31 people "disappeared" in Muyinga, but he was not

detained. Mbonimpa was later awarded the prestigious Martin Ennals Prize for human rights defenders.

## **Key International Actors**

The UN withdrew peacekeepers at the end of 2006, and opened the UN Integrated Office in Burundi (BINUB) to assist in post-conflict development. The newly created UN Peacebuilding Commission, meant to monitor progress in countries recently emerged from war, chose Burundi as one of two beneficiary nations. The fund will administer a US\$35 million grant, part of which is supposed to strengthen human rights. Commission members, however, saw no need to speak publicly about human rights concerns.

Regional governments tried to broker implementation of the ceasefire signed between the FNL and the government, with South Africa as the formal mediator. The African Union supported troops to provide protection to returning FNL leaders as well as combatants. In August the AU declared its concern about the deteriorating state of the negotiations and deadlock in the legislature.

In 2007 the Office of the UN High Commissioner for Human Rights documented abuses and brought human rights defenders and government agents together to discuss various cases. OHCHR also initiated regular briefings of representatives of donor nations on human rights concerns. In September the UN Human Rights Council extended the mandate of the independent expert on Burundi for one year. Since 2004 the expert has provided support to the government in its efforts to improve the human rights situation by monitoring, reporting, and making recommendations.

Donors made few public statements on human rights issues, but did privately press Burundian authorities to speed the trial of the journalists arrested in connection with the 2006 “coup plot” and to prosecute those accused of the Muyinga killings. When the abuses of children in prisons were publicized, the United Kingdom and Sweden agreed to fund legal assistance to accused juvenile offenders.