

BURUNDI

REPUBLIC OF BURUNDI

Head of state and government: Pierre Buyoya

Capital: Bujumbura

Population: 6 million

Official languages: Kirundi, French

Death penalty: retentionist

1999 treaty ratifications/signatures: Rome Statute of the International Criminal Court

1999 saw a serious deterioration in the human rights situation. Grave human rights abuses were committed as the ongoing armed conflict escalated. These included the forcible displacement of hundreds of thousands of people and hundreds of unlawful killings of unarmed civilians by the armed forces or armed opposition groups. There was a dramatic increase in reports of "disappearances", and scores of people were arbitrarily detained. Thousands of people continued to be detained without charge or trial, many in very harsh conditions.

Background

The human rights situation continued to be dominated by abuses committed in the context of the armed conflict. Armed opposition groups continued to be involved in fighting in the provinces bordering Tanzania and escalated attacks around Bujumbura. On several occasions armed civilian patrols threatened violence in the face of the perceived weakness of the armed forces and a number of political parties made veiled calls for violence. Human rights defenders, humanitarian workers and journalists were threatened in the course of their work by members of the armed forces and of armed opposition groups. By September, Burundi was once again on the verge of a humanitarian and human rights crisis.

Peace process

Negotiations to find a settlement to the conflict continued in Arusha, Tanzania. There was little tangible progress on contentious issues. The talks were hampered by personal rivalry and internal divisions within most political parties and armed opposition groups. Armed opposition groups which did not attend the talks and political parties opposed to the negotiations exacerbated tensions and violence around the talks. The facilitator, former Tanzanian President Julius Nyerere, died in October. He was replaced in December by former South African President Nelson Mandela, who announced his intention to ensure that all armed opposition groups were involved in the talks.

Killings of civilians

Hundreds of unarmed civilians were killed by members of the armed forces and armed opposition groups, mainly in areas affected by conflict. As in the past, most killings by government soldiers of Hutu civilians appeared to take place in reprisal for insurgent activity or killings of Tutsi civilians by Hutu-dominated armed opposition groups. Unarmed civilians were killed on the pretext that they were believed to be armed combatants and scores of other civilians were killed by government soldiers who accused them of failing to provide information on armed opposition groups, or of having in some way protected or colluded with them. Virtually none of these killings was investigated. There were several reports of armed Tutsi civilians participating in military operations, some of which entailed serious human rights violations.

Armed opposition groups were also responsible for killing scores of unarmed civilians. In many cases these killings appeared to be reprisal or punishment killings of alleged collaborators or potential government informants. Both Hutu and Tutsi civilians were targeted. Armed opposition groups frequently attacked camps for the displaced and "regroupment" camps, deliberately and arbitrarily killing unarmed civilians.

More than 100 civilians were reported to have been killed by government soldiers accompanied by civilians, in the Busoro and Nkenga areas of Kanyosha commune in August. The killings followed an attack by an armed opposition group on a market in the vicinity. The area was closed off by the armed forces for several days after the killings were reported and members of parliament who attempted to visit the area on 12 August were not permitted to do so. It appeared that following the attack on the market, soldiers who had been present but who had retreated, returned with reinforcements and attacked, burned and pillaged houses in the area, killing the people they found. No investigation had taken place into the killings by the end of the year.

In January, a series of attacks were carried out by members of the armed opposition, believed to be the Conseil national pour la défense de la démocratie—Forces pour la défense de la démocratie (CNDD-FDD), National Council for the Defence of Democracy—Forces for the Defence of Democracy, in the communes of Kibago, Mabanda, Kayogoro and Makamba in the southern province of Makamba. During the attacks more than 200 homes were burned in the Mabanda and Kibago areas and at least 36 civilians were killed, including nine children and a 75-year-old man.

Forcible 'regroupment'

In September, following weeks of repeated attacks on Bujumbura, military officials, together with the local administration, forcibly moved more than 260,000 people living in the surrounding province into camps, ostensibly as a counter-insurgency measure designed to remove potential support or cover from armed opposition groups. Conditions in the camps were appalling, with little or no sanitation. Freedom of

movement was severely restricted and, as in the past, it was clear that the armed forces considered anyone outside the camps without authorization to be a military target. Cholera was reported to have broken out in the camps in December and nearly 400 people were reported to have died as a result of dehydration or lack of medical care by the end of the year. The camps were largely inaccessible and in some cases government authorities hindered or blocked efforts by humanitarian organizations to provide emergency assistance. Human rights violations committed by members of the armed forces — including rape, extrajudicial executions and "disappearances" — were reported from the camps, which were under military supervision. Some camps were also attacked by members of armed opposition groups who carried out unlawful killings of civilians. Elsewhere in the country, including the provinces of Rutana and Muramvya, thousands of other civilians were forcibly moved and thousands of people continued to flee the country. In October more than 7,000 refugees arrived in neighbouring Tanzania; many said they had fled to avoid being forcibly moved into camps.

Torture and 'disappearance'

As insurgency by Hutu-dominated armed opposition groups increased around the capital, hundreds of people were detained, many of them apparently arbitrarily. Scores of detainees were held in unauthorized detention centres or military barracks to which human rights groups and relatives were denied access. In some cases, authorities at the centres or barracks denied any knowledge of detainees, leading to fears that they may have "disappeared". Scores of detainees were secretly moved to different detention centres, further hindering access by human rights groups and relatives and making the detainees even more vulnerable to human rights violations. There were reports that the bodies found at an alleged secret burial ground in Kamenge were those of 15 people who had "disappeared" after their arrest by soldiers. No investigation was known to have taken place into these allegations.

Cases of torture continued to be reported throughout the year. People accused of collaboration with armed opposition groups were particularly at risk. Frequently reported torture methods included severe and prolonged beatings with electric cables, sticks, or with heavy implements on the joints, the soles of the feet and the genitals, and tying in excruciating positions. Death threats and other forms of psychological abuse were also reported.

☞ D o Nzeyimana, who was arrested in late September, was severely beaten during his detention at the Brigade sp ciale de recherche, Special Investigation Unit — a gendarmerie unit responsible to the Ministry of Defence. He was accused of having passed information to people outside the country on human rights violations associated with the policy of forcible relocation after a document, widely available in

Bujumbura, was found in his possession. D o Nzeyimana was provisionally released on 12 November.

Children in detention

Several children were reported to have been detained for long periods without charge or trial and tortured. More than 150 children were held in prisons around the country, some accused of collaborating with armed opposition groups. Some had been held for months, even years, without trial. They were imprisoned together with adults, which put them at an increased risk of abuse. Some were tortured. Young girls were stripped and made to remain naked for hours in front of members of the security forces. Children as young as 12 arbitrarily accused of collaborating with armed groups were unlawfully detained, despite the fact that the law states that children under the age of 13 should not be detained.

Trials

The trials of scores of political prisoners accused of involvement in the massacres of Tutsi civilians in 1993, which followed the assassination of former President Melchior Ndadaye, continued to fall short of international standards for fairness. Most killings of Hutu civilians during the 1993 massacres had not been investigated.

☞ The trial of 25 people charged with threatening state security after a failed attack in Cibitoke province in late 1998 took place at Bujumbura Court of Appeal. At least two of the defendants, both minors, claimed they had been tortured in the early stages of detention. A verdict had not been reached by the end of the year.

☞ The trial by the Supreme Court of those accused of the murder of former President Ndadaye and of the attempted coup in October 1993 ended in May. Twenty-eight people, mostly low-ranking soldiers, were convicted for their roles in the assassination. Five death sentences were imposed, three in absentia. Thirty-eight other defendants, including the former head of the armed forces and the former commander of the Muha barracks where President Ndadaye was killed, were acquitted. The State Public Prosecutor appealed against the verdict. The trial had been marked by an apparent unwillingness to elucidate facts and responsibilities. The majority of those accused of participating in the assassination and attempted coup were never detained; of 81 defendants only 13 were in detention in May. During the trial, key defendants were appointed by the government to senior positions within the army, government and business or gained diplomatic postings abroad. The role of senior members of the armed forces was not investigated. Key witnesses did not testify in court. Several members of the armed forces rumoured to be able to provide evidence against senior government or military figures died in disputed circumstances suggesting they may have been assassinated. At least three other soldiers, also accused of involvement in the coup attempt, were shot and killed in December 1995. Official sources

stated that they were killed trying to escape from Mpimba Central Prison. However, the exact circumstances of their deaths were not clear and they may have been the victims of extrajudicial executions.

Detention without trial

Thousands of people were held without trial. Some had been held for more than five years and had still not been informed of the charges against them. In a limited number of cases, attempts were made by the government to investigate whether there was a basis for continued detention, and more than 200 detainees were provisionally released. The majority of those held without trial were accused of participating in politically motivated violence since 1993.

☞ Several political opponents of the government — including senior members of the Parti pour le redressement national, Party for National Renewal, the party of former President Jean-Baptiste Bagaza — had been held without trial since March 1997. They were charged with involvement in a plot to assassinate President Pierre Buyoya. In mid-1999 a ruling was made that the case would be tried by the Supreme Court, owing to the privileges enjoyed by some of the defendants. At least four of the defendants were reportedly tortured to extract incriminating statements and one defendant died in detention in 1997 after being denied medical care.

Death penalty

At least 85 people were sentenced to death in 1999. More than 280 people were under sentence of death at the end of the year, of whom at least 70 were awaiting the outcome of petitions for presidential clemency. The majority of those sentenced to death had received unfair trials. Prisoners under sentence of death in Mpimba Central Prison in Bujumbura were held in particularly harsh conditions. One execution was known to have taken place.

☞ Corporal Bonaventure Ndikumana was executed on 29 July in Mabanda military camp, southern Burundi, just one day after being sentenced to death by a military court in Bujumbura and despite the fact that he had lodged an appeal. He had been convicted of the murder of another soldier on 21 July.

Intergovernmental organizations

Following its September session, the African Commission on Human and Peoples' Rights announced its intention to send a mission to Burundi to investigate the human rights situation. Several intergovernmental organizations — including the Organization of African Unity, the European Union and the UN — called for an end to the policy of forcible "regroupment" camps. The UN Special Rapporteur on the human rights situation in Burundi produced a highly critical report after visiting the country in October.

Following the killing in October of two expatriate UN personnel, the activities of the UN and international

non-governmental organizations were dramatically reduced, and many international humanitarian workers were evacuated from Burundi. The killings of the UN personnel were attributed by members of the government to an armed opposition group, which denied the allegation. The government was reported to have initiated an investigation into the killings.

AI country reports and visits

Reports

- Burundi: Memorandum to the Government and National Assembly of Burundi on the proposed reform of the Code of Criminal Procedure (AI Index: AFR 16/006/99)
- Burundi: Memorandum to the African Commission on Human and Peoples' Rights (AI Index: AFR 16/007/99)
- Burundi: No respite without justice (AI Index: AFR 16/012/99)
- Burundi: Appeal to protect civilians (AI Index: AFR 16/026/99)

Visit

AI delegates visited the country in February.