

Danish Immigration Service

Report of the roving attaché mission to Bujumbura (Burundi)

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Contents

BACKGROUND TO THE MISSION	4
INTRODUCTION	5
HISTORICAL BACKGROUND.....	5
GEOGRAPHY, POPULATION AND ECONOMY.....	6
1. POLITICAL SITUATION AND PEACE PROCESS IN BURUNDI	7
1.1. RACE AND POLITICS IN BURUNDI AND THE PRESENT PEACE PROCESS	7
1.2. BASIS FOR THE INTERNAL PEACE PROCESS: PARTNERSHIP AGREEMENT BETWEEN THE NATIONAL ASSEMBLY AND THE GOVERNMENT.....	7
1.2.1. <i>Internal peace process</i>	8
1.2.2. <i>Relations between the government/military and the armed opposition</i>	9
1.2.3. <i>CNDD/FDD split</i>	9
1.3. EXTERNAL PEACE PROCESS - ARUSHA NEGOTIATIONS	10
1.3.1. <i>Role of the FDD</i>	11
1.4. PROSPECTS FOR THE PEACE PROCESS	12
2. SECURITY SITUATION.....	14
2.1. SECURITY SITUATION IN GENERAL	14
2.2. POTENTIAL RISK OF MILITARY COUP	15
2.3. SECURITY SITUATION IN BUJUMBURA.....	16
2.4. ABILITY AND WILLINGNESS OF THE AUTHORITIES TO AFFORD PROTECTION AGAINST ILL-TREATMENT	17
2.5. ARMED REBEL GROUPS AND THE SECURITY SITUATION.....	18
2.6. RELATIONS WITH NEIGHBOURING COUNTRIES.....	18
2.6.1. <i>Democratic Republic of the Congo</i>	18
2.6.2. <i>Rwanda</i>	19
2.6.3. <i>Tanzania</i>	19
3. HUMAN RIGHTS SITUATION	20
3.1. HUMAN RIGHTS SITUATION IN GENERAL	20
3.2. FREEDOM OF ASSOCIATION AND POLITICAL FREEDOM.....	22
3.3. FREEDOM OF MOVEMENT.....	23
3.4. FREEDOM OF SPEECH AND OF THE PRESS.....	23
3.5. ARBITRARY AND UNLAWFUL ARREST	24
3.6. DETENTION AND PRISON CONDITIONS	24
3.6.1. <i>Use of torture</i>	25
3.7. LEGAL SAFEGUARDS.....	26
3.8. POSITION OF WOMEN AND CHILDREN	28
3.9. EDUCATION	28

4. REASONS FOR ASYLUM.....	29
5. HUMANITARIAN SITUATION	31
5.1. INTERNALLY DISPLACED PERSONS AND BURUNDIAN REFUGEES IN NEIGHBOURING COUNTRIES	31
6. MILITARY MATTERS, CIVIC SERVICE, RECRUITMENT ETC.	32
6.1. RISK OF BEING PRESSED INTO SERVICE AND DEPLOYED IN WAR ZONES	32
6.2. EVASION OF CIVIC SERVICE.....	33
7. EXIT ARRANGEMENTS.....	33
ORGANISATIONS, AUTHORITIES AND INDIVIDUALS CONSULTED	35
BIBLIOGRAPHY	37
ABBREVIATIONS	38
ANNEX.....	39

Report on the roving attaché mission to Bujumbura, Burundi

Background to the mission

During 1997 and 1998 the Danish Immigration Service received over 100 asylum applications from Burundian nationals. At the same time it proved a difficult and time-consuming exercise obtaining sufficiently accurate background information on asylum-related matters in Burundi. Owing to the violent events in Burundi since 1993, when the country's first Hutu President was killed by the Tutsi-dominated armed forces and widespread massacres were then carried out against the Tutsi and Hutu populations in turn, a very large proportion of the Burundian asylum seekers have been issued with Danish residence permits under section 7(2) of the Aliens Act, as *de facto* refugees.

Over the last year, however, brighter reports have emerged of the peace process and the political situation in the country. In the light of those reports, the Danish Immigration Service saw fit to carry out a roving attaché mission to Burundi.

The overall purpose of the mission was, firstly, to obtain information shedding some light on the present peace process between the warring parties and the prospects for it and, secondly, to gather information clarifying the general security and human rights situation.

Before leaving for Bujumbura, the delegation held briefing sessions with Garba Diallo, of the International People's College in Elsinore, Christian Scherrer, of the Copenhagen Peace Research Institute, and Lone Lindholdt, of the Danish Centre for Human Rights.

While in Bujumbura, the delegation held a series of meetings with UN agencies, authorities, members of the government and National Assembly, NGOs and private individuals. At no time in Bujumbura did the delegation make use of guards. Two of the 21 oral sources drawn on in this report wished to remain anonymous. All sources were warned in advance that the information supplied would be used in a public report, which might also be issued in English or French.

Thomas Ridaeus, the representative in Bujumbura of the Swedish Embassy in Nairobi, assisted the delegation in matters such as planning and arranging its meetings in Bujumbura. The Danish consul in Bujumbura, Michael Andersen, also attended some of the delegation's meetings.

Introduction

Historical background

When Burundi was incorporated into German East Africa in 1899, the area had been a decentralised kingdom for centuries. The king was a Tutsi and between him and the population came a royal class of princes (known as the *Ganwa*). The *Ganwa* were Tutsis, like the king, but regarded as a separate people, unassociated with the ordinary Tutsi population. The *Ganwa* were the kingdom's real rulers and provided a kind of safeguard against the possible outbreak of ethnic clashes among its population, made up of around 85% Hutus, 14% Tutsis and 1% Twa, i.e. pygmies. There was fierce rivalry between *Ganwa*, with the result that each individual *Ganwa* depended on the support he could get from "his" Tutsi people (livestock farmers) and "his" Hutu people (arable farmers). Social antagonism between the Hutu and Tutsi population groups was not so strong as between those groups in neighbouring Rwanda to the north, as borne out for instance by the common occurrence of mixed marriages.

Following the transfer of Burundi to Belgium under a League of Nations mandate in 1916, the relative ethnic and political stability found in Burundi was gradually undermined. When the Tutsi-dominated *Union pour le Progrès National* (UPRONA) party won the 1961 parliamentary election, its leader, Louis Rwagasoré, was appointed Prime Minister. He was the eldest son of Burundi's king and, as such, a unifying figure in the country.

However, Rwagasoré was murdered by political opponents in October 1961, which was to prove a turning point in Burundi's recent history. Ethnic tensions between Hutus and Tutsis, revived when Burundi became independent on 1 July 1962, could not be kept under control and, in spite of efforts by the monarchy to secure its position by striking an ethnic balance in future governments, discontent among Hutus at the appointment of a Tutsi prince in 1966 led to a Hutu coup attempt. The uprising was crushed very brutally and resulted in massacres of both the Hutu political elite and sections of the ordinary Hutu population who had supported the uprising. These events signalled an end to any significant Hutu participation in Burundian politics for many years.

When, later in 1966, a Tutsi military coup led to the abolition of the monarchy and also to many Hutu officers being expelled from the army, this removed a cornerstone of Burundi's political system. In 1972 a failed Hutu coup sparked off widespread massacres of the Hutu population, in which between 100 000 and 200 000 Hutus were killed by the Tutsi-dominated army. Those massacres cemented the Tutsi domination of politics that was to last for many years to come.

Burundi's present cycle of violence began in 1993 with the killing of the country's first ever Hutu President, Melchior Ndadaye, following an army coup. This came after a period of some democratisation, following decades of Tutsi-dominated military dictatorship. The killing first brought extensive Hutu massacres of the Tutsi population and then it was the Hutu population's turn to suffer massacres at the hands of the Tutsi-dominated army. These events opened the way for outright civil war between Hutu rebel groups and the army. Around 150 000 people are estimated to have been killed since 1993, with over 500 000 driven from their homes.

Report on the roving attaché mission to Bujumbura, Burundi

In July 1996 the Burundian army carried out a coup, supposedly to restore to the country the stability that a string of governments in previous years had been unable to ensure.

Major Pierre Buyoya, a former President under the military regime from 1987 to 1993, who had been defeated by the murdered President Ndadaye in the 1993 presidential election, was installed as President. A multi-ethnic government was formed in August and the National Assembly had its powers restored in September, except for the ability to dismiss the government.

In spite of these steps, the trade embargo imposed on Burundi by the surrounding countries in July 1996 was maintained, while reports continued to be received of military abuses of the Hutu population and attacks on Tutsi civilians by Hutu rebel groups.

In June 1998 the government and the National Assembly concluded a "partnership agreement", which was signed by the two leading parties: *Front pour la Démocratie au Burundi* (FRODEBU) and UPRONA. Buyoya remained President and a new government, made up of both Hutus and Tutsis, was installed. The agreement entailed various reorganisations aimed at establishing an ethnic balance in the political system. Later the same month, the external peace process started up in Arusha, Tanzania, where a majority of the parties involved in the conflict, including rebel groups, opened negotiations for a final peace settlement in Burundi. Those negotiations presumably form one reason for the suspension of the trade embargo in late January 1999.

Geography, population and economy

Burundi is situated in the Great Lakes region of central Africa, adjoining Rwanda to the north, the Democratic Republic of the Congo ("DR Congo") to the west and Tanzania to the south and east. The country covers an area of 27 834 km² and has a population of 5,9 million (1993 figures). Its capital, Bujumbura, has a population of 320 000 (1992 figures). Bujumbura lies on Lake Tanganyika, which separates Burundi from the DR Congo. Burundi is one of the most densely populated countries in Africa. Its official languages are Kirundi and French, although French is spoken only by the better-educated classes. Kirundi is a Bantu language, closely related to Kinyarwanda. Swahili is also spoken.

The population consists of about 85% Hutus, 14% Tutsis and 1% Twa. Around 60% are Catholics, 5% Protestants, 34% animists, i.e. followers of traditional African religions, and 1% Sunni Muslims. About 15% of the population of Bujumbura are believed to be Muslims.

Of the population, 91% work in agriculture and only 2% in industry. The main exports are coffee, tea, hides and minerals.

The currency unit is the Burundi franc (BIF), with USD 1 worth about BIF 530.

The above information is based mainly on *Africa South of the Sahara 1999* (ASS 1999) and *Utrikespolitiska Institutet* [Swedish Institute of International Affairs]: *Rwanda, Burundi*, Stockholm 1995 (UI 1995).

1. Political situation and peace process in Burundi

1.1. Race and politics in Burundi and the present peace process

Cheikh Tidiane Sy, the UN Secretary-General's Representative in Burundi, at the United Nations Office in Burundi, pointed out that race is used as a political weapon by politicians in Burundi, and that it is an over-simplification to regard the country's conflict as ethnically based alone.

Maroufa Diabira, Head of Mission at the Office of the High Commissioner for Human Rights (OHCHR) in Burundi, stated that there is an ethnic side to Burundi's conflict but, like Cheikh Tidiane Sy, he thought it an over-simplification to speak of an ethnic conflict in Burundi, the present conflict being more political in nature. The Hutu community cannot be equated with the Hutu-dominated FRODEBU party or the Hutu rebel movement *Conseil National pour la Défense de la Démocratie/Forces pour la Défense de la Démocratie* (CNDD/FDD). For instance, the leader of the FDD, basically the armed wing of the CNDD, is a Tutsi. The source added that the former head of the Tutsi-dominated UPRONA party is a Hutu.

Cheikh Tidiane Sy criticised those calling for democratic elections in Burundi without regard for the present situation in the country. He considered that it will take years before democratic elections can be held in Burundi, pointing out that the issue of power-sharing is in the process of being resolved, following conclusion of the partnership agreement between the government and the Burundian National Assembly in June 1998. He emphasised that, if the FRODEBU party thinks it can have a democratic election held, i.e. a rerun of the 1993 election, it is dangerously mistaken. He added that, with the Burundian army organised as it is (i.e. Tutsi-dominated), FRODEBU will never be able to come to power, even after a democratic election.

Cheikh Tidiane Sy made the point that it is not so much the two population groups, Hutus and Tutsis, who mistrust one another as the political leaders. In his view, those leaders still tend to use race as a political weapon.

1.2. Basis for the internal peace process: partnership agreement between the National Assembly and the government

On 4 June 1998 the Burundian National Assembly approved a transitional document known as the "*Partenariat interne pour la paix*" [internal partnership for peace]. This merged Burundi's 1993 constitution and a series of decrees issued following the *coup d'état* which brought the present incumbent, President Buyoya, to power in July 1996 (United Nations, 13 October 1998). The same source goes on to explain that the document formalises the partnership between the National Assembly, the government, the political parties and representatives of civil society and establishes a general reduction in the size of the government, the creation of two vice-presidential posts in lieu of a prime minister and an overall increase in the size of the National Assembly from 81 to 121 members, including representatives of 12 new political parties and 28 representatives of civil society. The 28 are to be designated by the President in consultation with the Speaker of the National Assembly.

Report on the roving attaché mission to Bujumbura, Burundi

This has brought a new form of power-sharing to Burundi, whereby one of the two vice-presidential posts is held by a FRODEBU member of the National Assembly. A new government, reflecting the relative numerical strengths of the country's two largest population groups, Hutus and Tutsis, more closely than in the past, has also been installed (United Nations, 13 October 1998).

According to Wohlgemuth and Övergaard (Wohlgemuth and Övergaard, 13 October 1998), the starting point for the internal peace process or peace-building dialogue is finding a political answer to how in constitutional terms to resolve the question of renewal of the term of office of the members of the National Assembly elected in 1993. After what the authors describe as very constructive efforts by members of the government, the FRODEBU (majority) party secretary and the Speaker (also FRODEBU) of the National Assembly and with the backing of most smaller parties in Burundi, agreement has been reached on a new constitution. The same source notes that the agreement cannot really be regarded as re-establishing the democratic conditions introduced in 1993 but is probably the only realistic alternative right now.

The present peace process in Burundi can be roughly divided into an internal and an external process, the two going hand in hand. The internal peace process is between Burundi's armed forces and political groupings, as reflected in the partnership agreement, while the external peace process takes the form of the Arusha negotiations, led by ex-President Mwalimu Julius Nyerere of Tanzania.

The Arusha negotiations began in June 1998, at the instigation of the Organisation of African Unity (OAU) and the UN, being chaired by Nyerere. Four rounds of negotiations have been held so far.

1.2.1. Internal peace process

Frédéric Ngenzebuhoro (UPRONA), First Deputy Speaker of the Transitional National Assembly, considered that the internal peace process does enjoy popular support. In his view, Burundians now have confidence in the situation and are moving away from a focus on ethnic background towards greater unity among the population.

Adrien Sibomana, member of the National Assembly (UPRONA), emphasised that both the internal peace process and the external peace process in Arusha, Tanzania, are important. He pointed out that the internal process has had a positive impact on the Arusha process, adding that the public in Burundi now realise the country's conflict can only be resolved by negotiation.

Most sources regarded the internal and external peace processes as influencing and complementing one another. Frédéric Ngenzebuhoro and Balthazar Habonimana, Ambassador, Director-General for Europe, North America and International Organisations at the Ministry of External Relations and Cooperation, made the point that the lesson has been learnt from events in Rwanda, where the external peace process was not firmly rooted in a matching internal peace process, this being a contributory factor in that country's genocide.

Adrien Sibomana explained that the party has signed the partnership agreement between the government and the National Assembly because it is regarded as crucial to a lasting peace

settlement.

The International Crisis Group (ICG) considered it to be the government's clear desire to consolidate the internal peace process and bring as many sides as possible into it. The government hopes that, the more parties involved in the peace process, the greater the chance of even the more radical opposition groups participating so as not to be left on the sidelines (ICG, 27 April 1999).

A western diplomatic source did not believe that the partnership agreement between the National Assembly and the government really embodies a compromise. According to the source, the agreement does not in itself represent a sufficient political solution. That requires genuine power-sharing, which in the source's view does not at present exist. The Tutsi-dominated army is in reality the main power in Burundi.

Cheikh Tidiane Sy took the view that the government now controls the army, which has accepted the peace process. He also pointed out that the internal peace process is not in itself a sufficient solution, but has to be seen as a transitional arrangement which can help pave the way for implementation of a final Arusha agreement.

A FRODEBU member of the National Assembly explained that it is hard to identify the real rulers in Burundi, but power does not necessarily lie with the institutions lawfully placed in authority. The source pointed out that sections of the police and the army are not really under the government's control, with power being held on to by a shadowy elite. The partnership agreement has made no difference in this respect.

1.2.2. Relations between the government/military and the armed opposition

Despite the establishment of a transitional government in Burundi and the resulting inclusion of sections of the Hutu opposition in the country's administration, there remains considerable opposition to the government. According to Amnesty International (AI 1998), that opposition consists primarily of the Hutu parties CNDD, *Parti de Libération du Peuple Hutu* (PALIPEHUTU) and *Front de la Libération Nationale* (FROLINA). AI reports it to be the armed wings of those parties, in the CNDD's case the FDD, which take the lead in the opposition's armed struggle against the Burundian army. A cease-fire between the government and the CNDD, arranged in June 1998, never came into effect (AI 1998).

A number of sources pointed to continuing rebel attacks, without the rebels having the capacity to control any part of Burundi. Rebel attacks are, however, on the decrease. Several sources mentioned here that the rebels have gradually lost popular support, as civilians have often fallen prey to their attacks.

1.2.3. CNDD/FDD split

In May 1998 disagreement between the CNDD leader, Léonard Nyangoma, and the head of the

Report on the roving attaché mission to Bujumbura, Burundi

party's armed wing (FDD), Jean-Bosco Ndayikengurukiye, caused the movement to split into a CNDD faction and an FDD faction, according to ASS 1999. AI reports (AI 1998) that Nyangoma remains the CNDD's official leader, but ASS 1999 points out that a number of prominent party members have distanced themselves from Nyangoma since the split.

Frédéric Ngenzebuhoro and a western diplomatic source confirmed that there is currently a rift between the CNDD and its armed wing, the FDD. The western diplomatic source added that the rift is due to personal differences between the two leaders; the CNDD and FDD still share the same political programme.

The rift between the political and the military leadership of the CNDD-FDD has confronted Nyerere with a serious dilemma. As Bill Yates wrote in *International Alert* in February 1999:

"If he (Nyerere) keeps the former at Arusha, he excludes the latter. If he invites the latter he runs the risk that Nyangoma will depart and create a new armed group. Ways have to be found to overcome this dilemma and connect FDD to the Arusha process. Equally important is the need to establish a process of talks between the armed combatants (army and FDD)" (Yates, February 1999).

1.3. External peace process - Arusha negotiations

Wohlgemuth and Övergaard point out that the main factor making the external peace process possible was the internal dialogue in Burundi between the government and representatives of the various political parties (Wohlgemuth and Övergaard, 11 March 1999). They state in the same report that the Arusha talks have brought together internal and external political and military groups (FRODEBU, for instance, having both an internal and an external branch). A total of 17 different parties have met in Arusha on four occasions in all.

The main problem facing the Arusha negotiations, according to Wohlgemuth and Övergaard, is how to persuade the various military groups to reach a cease-fire agreement that will hold. It has proved to be the military groups which have the most difficulty in participating in the negotiations, in particular the Burundian armed forces and the rebel groups operating from Tanzanian soil. Another serious problem is the failure of the CNDD's military wing, the FDD, to attend the Arusha talks.

Adrien Sibomana reported some of the parties involved in the Arusha negotiations to be Burundian rebel groups, attending at the instigation of Burundi's government. He pointed out that continuing rebel attacks have to be stopped by political means, through negotiation. In his view, a negotiated settlement will soon restore stability.

Closely related to the Arusha process is a parallel process going on behind the scenes, aimed at persuading various military groups to cooperate. Wohlgemuth and Övergaard point out that what is interesting about this process is that it does not compete with the Arusha process, but is a supplement to it (Wohlgemuth and Övergaard, 11 March 1999). The same source highlights the importance of allowing a process designed to bring lasting peace to Burundi to take its time and not be rushed. The same view is taken by Bill Yates, who writes: "Again ways are being explored but time has to be allowed for confidence-building if a repeat of the 1997 breakdown of the Rome talks

is to be avoided" (Yates, February 1999).

Adrien Sibomana maintained that UPRONA supports the Arusha negotiations. He pointed out that the internal and the external peace process are interdependent and therefore in reality one and the same process. The parties involved in the Arusha negotiations represent groupings in Burundi, including most rebel groups. He thought it very important for the Burundian public to have a say in Arusha and for the outcome to be conveyed to the public. In his view, a lasting solution in Burundi has to be achieved on the basis of the internal and the external negotiations.

Frédéric Ngenzebuhoro explained that one reason for the government's participation in the Arusha process is to negotiate with parties involved in the conflict who up to now have not been willing to return to Burundi. He considered the Arusha process to be having a positive impact on the internal peace process and added that the government would like to see Burundian groups in exile, including those represented in Denmark, brought into the Arusha negotiations. He himself had been to Denmark to hold talks with those groups and remained in regular contact with them.

A western diplomatic source observed that the Arusha process has made very little headway, just setting up five specialist groups. The source saw it as a problem if FRODEBU continues to return home from the Arusha talks without anything to show from them, as this will make the Hutu population sceptical about the process. It added that the lack of results in Arusha up to now is due partly to the unwillingness of the Tutsi representatives there to reach agreement.

Frédéric Bamvuginyumvira, First Vice-President of the Republic, acknowledged that the Arusha process is making only very slow progress, but emphasised the government's willingness to continue putting forward specific proposals for resolving problems. In this connection he highlighted the crucial importance of a future agreement including very tangible measures, one of the key aims being to bring security to the entire population.

A FRODEBU member of the National Assembly pointed out that the Arusha negotiations would show whether the will exists for a peace agreement. He explained that FRODEBU is taking part in the Arusha talks in an endeavour to solve Burundi's security problems and that the assistance of the international community is needed in order to establish lasting security for both ethnic groups in the country.

In its latest report on Burundi, the ICG makes the point that the Burundian government is one of the only governments in the conflict-ridden Great Lakes region to have committed itself to an external peace process and to have agreed to take part in talks with the armed opposition (ICG, 27 April 1999).

1.3.1. Role of the FDD

The ICG points out that the rift in the CNDD poses a fundamental problem, since the CNDD is represented in Arusha by Nyangoma, who in practice has less influence over the FDD's armed struggle than Jean-Bosco Ndayikengurukiye, not present in Arusha (ICG, 11 January 1999).

Report on the roving attaché mission to Bujumbura, Burundi

Frédéric Ngenzebuhoro pointed out that not all parties involved in the Burundian conflict are represented in Arusha. At the meeting he quoted from a letter he had received from the FDD stating that it did not intend to call a halt to its military operations in Burundi until Julius Nyerere also invited it to the Arusha negotiations. He highlighted the importance here of all parties signing up to a final agreement in Arusha, as lasting peace will not be achieved if some parties are left out of the negotiations.

The ICG also points to the need for the FDD to participate in the Arusha negotiations if a cease-fire agreement that will hold is to be reached. It emphasises that the FDD should have an opportunity to opt for a negotiated solution rather than being squeezed out into continuing confrontation (ICG, 27 April 1999). Cheikh Tidiane Sy stressed the importance of this point as well.

An anonymous western diplomatic source likewise pointed out that the FDD should be brought into the Arusha negotiations, although there is a problem with this in that Nyangoma, of the CNDD, reportedly intends to leave the talks if the FDD leader, Jean-Bosco Ndayikengurukiye, is invited to attend.

1.4. Prospects for the peace process

Adrien Sibomana considered the peace process to be well under way and a military coup, as carried out in the past in Burundi, to be scarcely conceivable. It would hardly be possible to find a consensus in favour of one in the army.

Frédéric Ngenzebuhoro made the point that the Arusha negotiations are a key component of efforts to achieve a lasting settlement and that it is very important for the internal and external peace processes to back one another up. He highlighted the need to have faith in the peace process, which represents the only solution, while adding that even a final agreement in Arusha cannot necessarily ensure an end to rebel operations in Burundi, although attempts will be made to disarm rebel groups.

Balthazar Habonimana was very clear on the government's firm resolve to have the Arusha process culminate in a final peace deal in Burundi, hopefully in late 1999.

A western diplomatic source saw the Arusha negotiations as the only way of achieving a final peace settlement in Burundi, but remained sceptical as to the chances of one. In the source's view, the army may be the main obstacle to a peace agreement at present, being unlikely to accept the necessary power-sharing. According to the source, a leading FRODEBU member has intimated that the party will withdraw from the partnership agreement if the Arusha talks fail to produce agreement. The source added that even if a peace agreement is reached in Arusha it will not necessarily resolve all problems, as implementation of an agreement may prove very difficult.

A FRODEBU member of the National Assembly wishing to remain anonymous also drew attention to this issue, reporting considerable nervousness in political circles as the possibility of a final peace

Report on the roving attaché mission to Bujumbura, Burundi

agreement looms. In the source's view, many people fear that implementation may give rise to problems, since there is a risk of the army and the police intervening if they feel their position to be under threat. The current split within FRODEBU reflects this very point.

The ICG points out that on 18 March 1999 the split within FRODEBU led to the expulsion of about ten prominent party members. One of the charges levelled against them was showing greater loyalty to the government than to their party. The FRODEBU leadership fears a weakening of the party's position in the Arusha talks if FRODEBU members of the government allow the government's interests to come first (ICG, 27 April 1999).

A western diplomatic source considered a lasting solution to the conflict to require a genuine power-sharing agreement. According to the source, that is unlikely at present, as the Tutsi elite and the army are not ready for it. The source thought it crucial to arrive at a political system involving checks and balances, e.g. a rotating Presidency, if a lasting solution to the conflict is to be found. In the source's view, the Arusha process stands little chance of success, but offers the only prospect of a lasting solution, since the partnership agreement is unlikely to survive without a final agreement in Arusha.

Cheikh Tidiane Sy brought out the importance of understanding Burundi's peace process in its true context, years of war and conflict. Democratic elections could not be expected in the near future; that would be very risky. He pointed out that the issue of power-sharing is being resolved, but it will take years before democratic elections can be held. In his view, it would be wrong in such a divided society to support a "win all - take all" system; power-sharing has to be the solution. He here raised the question: "Where is there democracy to be found in Africa? In Uganda, in Kenya, in Tanzania, in Rwanda,?".

Cheikh Tidiane Sy singled out the key points in a prospective peace agreement as being an end to armed conflict, reform of the legal system and the army and the introduction of power-sharing, but again pointed out that this would of necessity be a slow process. He stressed the need for any agreement in Arusha to be acceptable to all parties involved in the conflict, in order to have the necessary credibility.

According to a FRODEBU member of the National Assembly, the ordinary Tutsi population and UPRONA have now accepted the principle of power-sharing, although the source reiterated that implementation of that principle would be difficult as the military and security apparatus is at present almost an ethnic (Tutsi) monopoly. The source added that FRODEBU's ultimate objective for political development in Burundi remains the principle of "one man, one vote".

The ICG points out that, while there is as yet no guarantee that the peace process will culminate in a lasting peace agreement, Burundi is one of the only countries in the civil-war-stricken Great Lakes region that has managed to form a coalition government. The same source adds that a number of members of the government and of the National Assembly have made it clear that negotiations will not really begin in earnest until the time comes to implement a peace agreement (ICG,

Report on the roving attaché mission to Bujumbura, Burundi

27 April 1999).

2. Security situation

2.1. Security situation in general

The authorities, UN agencies and NGOs all agree that rebel operations in Burundi are now confined to certain districts in Bujumbura Rurale and in the far south of Burundi, on the border with Tanzania (see annexed map).

Walter Ehmeir, an observer with the UN Human Rights Observer Mission in Burundi, from the United Nations Centre for Human Rights, reported a considerable improvement in the security situation in the north-west of Burundi, in the province of Cibitoke, i.e. the area bordering on Rwanda and the DR Congo, previously the scene of rebel operations. Christophe Sebundandi, President of the Burundian Human Rights League ITEKA, considered there generally to have been a great improvement in the security situation in Burundi.

According to Christophe Sebundandi, earlier reports of rebel operations and clashes between the army and rebels in northern Burundi are now out of date, rebel activity in the area at present being minimal. In late 1998, however, reports emerged of rebel activity in some areas to the south of Bujumbura, including attacks in the districts of Mutambu, Kabezi and Muhuta.

He regarded this as a serious matter, as it was a case of direct clashes between the army and rebels. He explained that, when the army enters areas in which rebels have been operating, there are instances of the army committing the same kind of abuses as were previously committed by the rebels. The conflict has been going on for about seven months now and he described the abuses as a violation of human rights, adding that there are signs of the same kind of problems along the border with Tanzania in southern Burundi.

Christophe Sebundandi, like Colonel Isaïe Nibizi of the Burundian National Army, and Frédéric Ngenzebuhoro, made the point that the rebels are not well-organised politically, as shown for instance by the fact that they kill both Hutus and Tutsis, regardless of ethnic origin. Christophe Sebundandi added that there is a considerable difference between rebel groups in Rwanda and those in Burundi. Leaders of Burundian opposition groups have little control over their armed wings, i.e. the rebel groups. He regarded some of the rebels as outright bandits, as did the Attorney-General, Gérard Ngendabanka.

Walter Ehmeir saw a general improvement in the security situation in Burundi in comparison with 1993 to 1996. That was a time of politically-motivated killings etc. in Burundi, with FRODEBU members being among the most vulnerable, although internally displaced people also risked being attacked by various rebel groups. The internally displaced further found themselves in danger of being suspected of supporting the rebels, should they not follow the army's instructions under the policy of "*regroupement*" [relocation], designed to force the population of war zones into "protection camps". Such suspicion could result in civilians being killed. Many therefore, quite

understandably, fled abroad. The authorities' control was at that time too weak to protect the population against abuse. The government was unable to reverse the trend and security problems affected everyone in the country. Security has now improved, not just in general but also for the individual. Mr Ehmeir pointed out that past conditions explain why people sought and still seek refuge abroad.

Gérard Ngendabanka explained that there are rebel activities and hence security problems in some parts of Burundi, but the problem is confined to certain areas of the country, namely the far south, i.e. the province of Makamba, Bujumbura Rurale and some parts of eastern Burundi. There are also instances of outright banditry in a few places. He described the attacks in some parts of the country as isolated incidents.

Balthazar Habonimana reported peace and security almost throughout Burundi. Only in Makamba province and in Bujumbura Rurale is there sporadic fighting between rebels and government troops. He thus estimated 85% to 90% of Burundi to be safe for the population. A national programme for the internally displaced and other victims of the country's conflict has been introduced, one of its aims being to provide them with farm land, tools and other equipment so that they can resettle and fend for themselves. The key factor in ensuring peace is a resumption of international aid to Burundi. As he put it, "there can be no peace without bread".

2.2. Potential risk of military coup

Adrien Sibomana considered that any *coup d'état* by the armed forces would stem from a breakdown in communication between the government and the armed forces. He did not in fact believe there to be a consensus in the armed forces in favour of a coup. It would be impossible for the armed forces to form an alliance with any political groupings. He made the point that people now have confidence in the government, as the armed forces realise, and the risk of a military coup attempt is thus very slight.

Cheikh Tidiane Sy pointed out that Burundi's current crisis is nothing new, but the fact that the army has not obstructed the peace process is a positive development. However, he would not speculate as to whether the armed forces will react to the continuing peace process.

Professor Philippe Ntahombaye, of Bujumbura University, explained that the army has always included both Hutus and Tutsis and should not be regarded as a Tutsi army but rather as a national army, defending the interests of the country's population. Should the army fail to do this, it is up to the country's political leadership to put it on the right track. He took the view that the army now defends the interests of the nation as a whole, although there have quite clearly been examples of mistakes made by the army. However, according to Macaire Bacamurwanko, President of the National Association for Human Rights Education and Communication (ACEDH), only about 5% of the Burundian army are Hutus.

Report on the roving attaché mission to Bujumbura, Burundi

An anonymous FRODEBU member of the National Assembly reported that between 35% and 40% of the Burundian national budget is spent on the armed forces. According to the same source, the armed forces are at present far and away the dominant power in Burundi. The source added that clarification of the role of the armed forces and reform of the legal system would show the country to be on its way out of the present crisis. As that has not yet happened, the security situation in Burundi cannot be said to have improved.

Macaire Bacamurwanko pointed to an historical explanation for the army's ethnic composition and role in Burundi's security situation, linked to the country's political situation and problems. The army thus does not stand above or outside the country's political history. Before and just after Burundi's independence, recruitment to the army was carried out without any particular attention to recruits' ethnic origin. However, Burundi's ethnic and political problems since then prompted some Hutu soldiers to desert from the army, especially at the time of the 1972 crisis, when the Hutu population lived in fear of the army.

Following the serious crisis in 1972, that fear spread to the entire population. The Tutsi population thus came to fear the army's Hutu soldiers. The army was regarded by the Tutsi population as a fundamental instrument for that population's own protection as a minority. The only way in which this could be done was to ensure that Tutsis formed a majority in the army.

That was how matters tended to stand in the past but nowadays, according to Macaire Bacamurwanko, sections of the Hutu population are pressing to play a greater role in the army. This applies in particular to Hutus from southern Burundi. Most of the army's Hutus thus come from the south of Burundi.

From 1990 to 1992 the Hutu population took a positive view of the army, but the 1993 crisis brought renewed widespread Hutu fear of the army, accused of having been responsible for the killing of the country's head of state at the time, President Ndadaye. Mr Bacamurwanko added that the country's politicians failed to grasp the depth and seriousness of that crisis.

As a result, some Hutus began organising in armed militia units or rebel groups. These managed to win the army's own Hutus over to their side in their fight against the government. The army has since tried to counter those Hutu-dominated rebel groups. This development has brought a deterioration in the security situation in the country, with the civilian population severely affected by clashes between government troops and rebels. There are a number of instances of the army committing human rights violations, e.g. resorting to violence against the Hutu population in revenge for rebel attacks.

2.3. Security situation in Bujumbura

None of the sources had any fear that rebel groups in Bujumbura Rurale (the province around the capital) might be capable of taking Bujumbura or, for that matter, threatening the city's security.

However, the ICG points out that possible FDD raids across Lake Tanganyika, i.e. from bases in the DR Congo and Tanzania, may pose a challenge to Bujumbura's military defences. Since

Report on the roving attaché mission to Bujumbura, Burundi

August 1998 there have been several armed clashes on Lake Tanganyika between FDD rebels and Burundian armed forces (ICG, 27 April 1999).

Christophe Sebundandi nevertheless classed the security situation in Bujumbura as "really good". The delegation could see as much during its stay in the city. At no time was there any gunfire to be heard and only the armed forces openly carried arms. When meeting some representatives of the authorities, the delegation could see armed soldiers posted both outside and inside official buildings.

Christophe Sebundandi further pointed out that, unlike previously, there is now a government to relate to and infighting within the government has ceased. The "round-ups" previously organised by the Tutsi-dominated armed forces have also ceased, as have the frequent car thefts formerly commonplace in Bujumbura. He added that there have been a few raids in Bujumbura Rurale and on 1 January 1998 rebels attacked the airport to the north-west of Bujumbura but were repelled.

Christophe Sebundandi made another point to illustrate the improved security situation in Bujumbura: street sellers, most of them Hutus, can now move around throughout the city without difficulty and, unlike previously, when they lived up in the hills around the city and brought their wares down to it from there, they are now living permanently in Bujumbura.

He lastly observed that the polarisation between the Hutu and Tutsi communities in Bujumbura has come to an end and everyone, regardless of ethnic origin, can now move around the city without difficulty.

Gérard Ngendabanka also considered the security situation in Bujumbura and in Burundi as a whole to have improved of late, going on to explain that there has been no need for assistance in investigating politically motivated murders in Bujumbura since 1995 or 1996.

An anonymous FRODEBU member of the Burundian National Assembly likewise judged the security situation in Bujumbura to have improved over the last year, while pointing out that rebels are nevertheless active just 10 km away from the capital.

2.4. Ability and willingness of the authorities to afford protection against ill-treatment

Frédéric Ngenzebuhoro pointed to very positive developments in the authorities' ability and willingness to protect the country's population. He castigated foreign news media coverage of Burundi, explaining that such media almost always exaggerate the country's security problems. He added that the country's population generally behave peacefully towards one another.

Adrien Sibomana reported a significant fall in crime in Burundi over the last three years. Politically motivated murders have virtually ceased and criminals, whether Hutus or Tutsis, are punished for their offences. He added that the government's ability and willingness to protect the country's population, regardless of ethnic origin, is illustrated by its success in persuading Burundian refugees in place such as Rwanda to return to their former homes in Burundi.

2.5. Armed rebel groups and the security situation

Frédéric Ngenzebuhoro pointed out that it is up to the armed rebel groups themselves, including PALIPEHUTU, whether they wish to be involved in the country's peace process. He explained that armed rebel groups operate in a number of parts of Burundi, including Bujumbura Rurale and the province of Makamba, in the south of the country on the border with Tanzania. There rebels launch raids inside Burundi from bases in Tanzania.

Frédéric Ngenzebuhoro made the point that the protection of Burundi's population is the government's responsibility, but the presence of rebel groups such as the FDD and PALIPEHUTU means that civilians are exposed to aggression. He explained that such groups often attack civilians and the government does what it can to protect the civilian population against aggression.

He made it clear here that, although human rights are generally respected in Burundi, it is difficult to guarantee individual human rights and safety when rebel groups are active. At the same time he pointed out that considerable progress has been made in protecting the population against attacks and persecution. An anonymous FRODEBU member of the National Assembly regarded it as helpful for the security situation that former Tutsi militias have now been incorporated into the country's national army.

2.6. Relations with neighbouring countries

Frédéric Ngenzebuhoro highlighted the security aspect of Burundi's position in the conflict-ridden Great Lakes region of central Africa. The area still contains remnants of the Interahamwe Rwandan Hutu movement, responsible for Rwanda's genocide in 1994, in which up to a million people were massacred within a short space of time. Some Interahamwe members subsequently fled to Zaire (now the DR Congo), but were driven out of the country. There are now remnants of that terrorist movement to be found in Bujumbura Rurale. Mr Ngenzebuhoro could not give any details of the number of Interahamwe militia units in the area, but reported that their members constantly roam the area, ruthlessly terrorising and killing civilians, regardless of ethnic origin. Interahamwe members are therefore not safe anywhere. He added that Interahamwe will not under any circumstances be allowed to take part in the Arusha talks and, in his view, the movement should be suppressed and members who have committed crimes brought to justice.

The security situation in north-western Burundi has also been affected by the civil war in the DR Congo. The presence of Burundian refugees and rebel groups in neighbouring Tanzania has ultimately had an impact on security in Burundi's border areas. Various rebels have bases in Tanzania, from where they have repeatedly crossed into Burundi, bringing insecurity to some border regions. Several sources pointed out that some refugee camps in Tanzania probably serve as recruiting centres for rebel groups.

2.6.1. Democratic Republic of the Congo

Wohlgemuth and Övergaard consider the civil war in Burundi's western neighbour, the DR Congo, not to have had such an adverse effect on the peace process in Burundi as many had been led to fear (Wohlgemuth and Övergaard, 11 March 1999).

Adrien Sibomana would not rule out the possibility of the situation in the DR Congo having some bearing on Burundi's peace process. He added that the Burundian government supports dialogue between the parties involved in the conflict in the DR Congo, as an important principle. He admitted the presence of Burundian rebel groups in the DR Congo, fighting on the side of that country's President Kabila in the civil war, as well as the presence of Rwandan troops there. Should the conflict in the DR Congo escalate, he saw a risk of it having a negative impact on the security situation in Burundi, although the government has stationed troops on the border with the DR Congo in the north-west of Burundi. He denied that there are any Burundian government troops inside Congolese territory.

Balthazar Habonimana emphasised that, despite many rumours to the contrary, Burundi enjoys good relations with President Kabila. The uprising against Kabila in August 1998 and the troubles in the east of the DR Congo did give rise to some difficulties, as the CNDD/FDD and PALIPEHUTU etc. took the opportunity to move from Tanzania to the DR Congo. The Burundian armed forces are therefore putting a great deal of effort into guarding the border with the DR Congo. He made it clear that Burundi's only desire in relation to the DR Congo is to guard the border and it has no territorial claims in that country.

The ICG reports that since August 1998 FDD rebels have been recruited to the Congolese army and the FDD has received weapons from that army (ICG, 27 April 1999).

2.6.2. Rwanda

Balthazar Habonimana reported that Burundi currently enjoys good relations with Rwanda. The Rwandan President in fact visited Burundi shortly before the delegation. Mr Habonimana described Rwanda as a sister country with similar cultural and ethnic patterns and a closely related language; Kinyarwanda is spoken in Rwanda and Kirundi in Burundi.

Burundi has learned from experience with the Rwandan peace process and both Frédéric Ngenzebuhoro and Balthazar Habonimana pointed to the importance, as mentioned earlier, of not having followed the same course as Rwanda, where the peace process was conducted only in Arusha, i.e. was an external process without internal roots.

2.6.3. Tanzania

As stated above, rebel groups carry out raids inside Burundi from refugee camps in Tanzania, particularly in area near the border between Tanzania and Burundi, i.e. in the far south of Burundi. The rebels are thus not permanently based in Burundi, but the raids have a destabilising effect on the security situation in those areas. According to Walter Ehmeir, the bulk of the 500 000 or so refugees from Burundi are living in Tanzania. Cheikh Tidiane Sy thought it paradoxical that rebel operations should actually be launched from Tanzanian soil. However, he ruled out any risk of armed confrontation between Burundi and Tanzania over the issue.

3. Human rights situation

3.1. Human rights situation in general

Macaire Bacamurwanko, of the ACEDH, explained that human rights violations in Burundi are not the fault of the government but rather committed by individuals within the police and the armed forces. He made the point that serious human rights violations occur throughout Africa, and he would not class the situation in Burundi as worse than in many other parts of the continent. He added that, on becoming aware of abuses committed by those in authority, the Burundian government attempts to arrest the suspects and prosecute them.

Cheikh Tidiane Sy considered human rights violations in Burundi to be a consequence of the state of war in the country. The right to life is a fundamental human right which is not respected in Burundi, despite the authorities' efforts to halt the violence. He pointed out that the country's conflict does not only affect the armed forces and the rebels; clashes between the warring parties claim many innocent, civilian victims. He added that, although the government has full control over the armed forces, there are examples of local military units committing human rights violations involving civilian casualties.

Eugène Nindorera, Minister for Human Rights, Institutional Reform and Relations with the National Assembly, made it clear that the government does of course bear responsibility for human rights violations in Burundi, although it may prove difficult to trace those guilty of them, as they often turn out to have been committed not by senior figures but rather by lower-ranking members of the police and armed forces etc. out in various districts of the country.

Mr Nindorera considers that the government is acting responsibly as regards steps to curb human rights violations in the country. The government acknowledges its full responsibility for safeguarding such rights. However, the problems are very intractable, not least on account of their scale. All politicians and government institutions express the desire to uphold human rights, but they are always more concerned about the issue when violations can be laid at the other side's door. He described this as "negative solidarity" and regarded it as a basic problem.

A western diplomatic source explained that Burundi's political leadership is not directly responsible for human rights violations in the country, including army misdeeds against civilians, but added that very extensive impunity prevails and it is the government's responsibility to punish those guilty of such misdeeds. There are cases in which no arrests at all have been made. Instances in which military suspects have been arrested rarely end in convictions and so soldiers often go unpunished for crimes perpetrated against civilians.

The source added that cooperation between Burundi's Attorney-General and the army is poor, although there have been some improvements. Unlawful arrests and lengthy periods of unlawful detention have decreased since the appointment of an Attorney-General. Recently, 50 prisoners were released in the absence of sufficient grounds on which to hold them.

The source nevertheless felt that the Attorney-General was not in a position to fulfil his duties, for

Report on the roving attaché mission to Bujumbura, Burundi

want of resources to check on what the army is up to. The army thus continues to make arbitrary arrests without the Attorney-General's knowledge. The source lastly reported an assassination attempt against the Attorney-General in the vicinity of Bujumbura, allegedly organised by a Tutsi group.

Macaire Bacamurwanko explained that the Ministry of Human Rights, Institutional Reform and Relations with the National Assembly has drawn up a programme to improve the legal system. This project is being carried out in cooperation with Frédéric Bamvuginyumvira, First Vice-President of the Republic, who himself reported that there is now a close relationship between human rights organisations and the present government. As a sign that the government takes human rights issues seriously, Mr Bamvuginyumvira pointed out that human rights committees have been set up to monitor the situation in each of the country's regions. A central liaison office has also been established to keep track of work at the regional offices.

Walter Ehmeir confirmed that, at the government's instigation, human rights committees are being set up in all regions of the country. Those committees already in place now run regular human rights seminars for local authorities and grass-roots movements. The eventual aim is to establish such committees, which are independent of the authorities, right down to commune level. The committees' task will be to monitor the human rights situation in their local area, including receiving and recording individual complaints of human rights violations. The idea of setting up local human rights committees stems from work in a cooperation committee established under the government's agreement with the OHCHR.

Eugène Nindorera explained that in March 1999 his Ministry presented a programme of arrangements for future cooperation between a number of Ministries dealing with human rights issues, including the Ministry of Justice, to find a solution to the problems. He emphasised that the programme is to involve the entire government and all of its institutions, including the armed forces and the police. At around the same time, the Ministry of Justice presented a reform programme containing proposals for overhauling prosecution procedures, the legal system and the prison system.

He thought it significant that human rights violations, in the form of genocide, crimes against humanity and massacres, are not uniformly perceived by different politicians. Such issues are highly controversial and he saw it as a key task for his Ministry to prepare the ground for a common understanding of the concepts in question.

Lastly, he pointed out that the country's war problem creates a need for linkage of human rights with a peace agreement in Arusha and that all parties involved in the conflict should be present, seated around the same negotiating table. The issue of not allowing impunity is very important here, but he highlighted the difficulty of establishing a linkage between the peace process and the impunity issue. He regarded it as a source of problems should any of the parties involved in negotiations be guilty of crimes against humanity.

Gérard Ngendabanka considered the human rights situation in Burundi to be a sign of a country in

Report on the roving attaché mission to Bujumbura, Burundi

crisis. There are still reports of human rights offences, with the individual's right to life particularly under threat. Among other violations, he singled out imprisonment for years on end of people never brought before a court of law. At the same time, however, he emphasised that the authorities are making great efforts to resolve the problem. The process of ascertaining "who did what" and the lengthy periods of imprisonment require financial and human resources, necessitating cooperation between a number of institutions as well as outside assistance. The government is attempting to establish due process of law and has played an active part in relieving the difficulties.

Natalie de Oliveira, an observer with the UN Human Rights Observer Mission in Burundi, from the United Nations Centre for Human Rights, explained that the OHCHR has deployed a number of human rights observers, together covering the entire country. They travel around Burundi, gathering information on human rights violations. The OHCHR also provides legal assistance for Burundi's three courts, situated in Giteka, Ngazi and Bujumbura.

Walter Ehmeir explained that the human rights observers' work involves, firstly, of their own accord approaching and interviewing victims and witnesses of abuses and local authorities in the area in which they occurred and, secondly, civilian victims themselves approaching the OHCHR with complaints of human rights violations. The information compiled on such violations is then published in the OHCHR's monthly reports.

Christophe Sebundandi reported, lastly, that ITEKA, Burundi's best-known human rights organisation, receives around ten complaints a day from people feeling they have suffered injustices at the hands of the authorities. ITEKA has a section just to deal with such complaints.

3.2. Freedom of association and political freedom

Burundi's National Assembly is not popularly elected, nor is it empowered to dismiss the President or the government. Following the 1996 coup, the National Assembly elected in 1993 was temporarily dissolved, but in the autumn of 1996 it regained most of its powers, and parties such as FRODEBU and UPRONA were allowed to operate. As mentioned earlier, upon conclusion of the 1998 partnership agreement, the National Assembly was expanded from 81 to 121 members, designated on the basis of the results of the 1993 election, in which FRODEBU won a sizeable majority. The newly created seats were mainly taken by Tutsis from the political world and civil society, under the partnership agreement, to balance the ethnic composition of the National Assembly.

Léonidas Ntibayazi, Deputy Chairman of the Justice and Human Rights Committee (FRODEBU), did not know of any politically motivated arrests of, say, FRODEBU members, whether Hutus or Tutsis, since the conclusion of the partnership agreement in June 1998. He added that, following the 1993 conflict, the authorities arrested many FRODEBU members, as the ringleaders of the massacres of the Tutsi population in 1993 were FRODEBU members. There are thus still now FRODEBU members in prison on suspicion of involvement in genocide. As a result, a number of FRODEBU members continue to fear for their safety. Some Hutus therefore still regard the

imprisonment of FRODEBU members as an act of vengeance by the Tutsi population.

Macaire Bacamurwanko made the point that political freedom in Burundi is clouded by the fact that there are detainees, from both the Hutu and the Tutsi community, who can be classed as political prisoners. Active members of the *Parti pour le Redressement National* (PARENA) may face ill-treatment by the police in Bujumbura. He denied that FRODEBU members generally face ill-treatment, while pointing out that the partnership agreement has given rise to divisions between FRODEBU members, adding that this is an internal problem for FRODEBU. He emphasised that, since the conclusion of the partnership agreement, FRODEBU members have not been harassed by the police in Bujumbura, although he could not rule out the possibility of harassment of FRODEBU members in rural districts of Burundi.

Macaire Bacamurwanko explained that PALIPEHUTU is not represented in Bujumbura, it being impossible for an active member of that party to live there in safety. Any such member showing his face in the city would risk being arrested. In the source's view, it will not be possible for active PALIPEHUTU members to live in Bujumbura in safety until a final peace agreement is forthcoming, although anyone having left the party would have no difficulty living there. Burundi's present Minister for Education and other prominent politicians are former PALIPEHUTU members, and there are other examples of former members of opposition movements such as the CNDD now living in Bujumbura without any danger. The main thing is for such people to keep a low profile and not to agitate for their former party. Mr Bacamurwanko personally knew a number of former PALIPEHUTU members who, after a period in exile, are now living in Bujumbura without any problem. He considers that there has been significant political liberalisation in Bujumbura, and that anyone can freely express their views and, for instance, discuss broadcasts heard on foreign radio stations such as the BBC.

Cheikh Tidiane Sy also made the point that any of the country's citizens can discuss political issues freely, with no risk of interference by the authorities.

3.3. Freedom of movement

Adrien Sibomana noted that the authorities do not hamper people's free movement, either in Bujumbura or in the rest of the country.

3.4. Freedom of speech and of the press

Adrien Sibomana reported no restrictions on freedom of speech. There are three private radio stations in Burundi, broadcasting throughout the country. In addition there are quite a number of independent newspapers, although most appear irregularly owing to a shortage of resources for printing and distribution. He reported no restrictions on freedom of the press.

Walter Ehmeir, on the other hand, did not consider Burundi to enjoy freedom of the press or freedom of speech.

3.5. Arbitrary and unlawful arrest

Maroufa Diabira reported unlawful arrests in which the police detain people without having obtained a court order or being in possession of an arrest warrant. This is the commonest form of unlawful arrest. There are also a number of instances of the armed forces placing people in military detention centres without any legal authority, as well as examples of detainees being held in unauthorised "prisons". He added that some people are thus detained without being charged and that this is a widespread occurrence, with 80% of all detainees not yet having been presented with an indictment. There is also a problem of many people having been arrested without any case being opened.

Walter Ehmeir was able to confirm that arbitrary arrests do occur, even in Bujumbura. He found it difficult, however, to single out any particular group or individuals targeted by such arrests, although they are mostly people accused of collaborating with rebel groups. He added that, in the parts of the country where many internally displaced people are living, arbitrary arrests may be made, for instance, where the police or the armed forces suspect individuals of supporting the rebels.

Frédéric Bamvuginyumvira explained that the code of criminal procedure, regarded as inadequate and a legacy from the colonial past, has been revised, reshaping the relationship between magistrates and the public. Specifically, the objective is to put a stop to the many arbitrary and unlawful arrests and periods of imprisonment without trial. Recently, 200 people imprisoned without trial were released. The government has also called for a general review of the situation with a view to bringing about the release of those imprisoned without trial.

Gérard Ngendabanka reported cases of the armed forces unlawfully arresting people and not bringing them before the civilian courts, as well as cases of the armed forces arresting criminals and holding them in military prisons and detention centres without trial for several years, in some instances up to four or five years. However, such illegal acts are not carried out on the orders of the military leadership, he said, adding that these abuses have now largely ceased. The authorities are well aware of such problems and Burundi's First Vice-President recently toured the country with the aim of resolving them. Courses in human rights issues are also being held for the relevant government institutions.

3.6. Detention and prison conditions

Macaire Bacamurwanko, of the ACEDH, reported there to be about 15 000 prisoners in Burundi's prisons, 2 680 of them in Bujumbura's only such establishment, Mpimba prison, which he described as overcrowded. Walter Ehmeir put the number of prisoners in Burundi's prisons at 9 500, but with an unknown number of detainees also held at the country's various detention centres and unofficial prisons, including military "prisons".

Oscar Nibogora, a FRODEBU member of the National Assembly, estimated the number of prisoners in Burundi to be over 10 000. He explained that the bulk of those prisoners are suspected of collaborating with the rebels, especially the FDD, and added that a serious problem faced by

Report on the roving attaché mission to Bujumbura, Burundi

prisoners is lack of access to a lawyer or opportunity to appear before a magistrate.

Léonidas Ntibayazi reported prison conditions in Burundi to be poor, prisons overcrowded and many prisoners not yet brought before a magistrate. Some have been in prison since 1993 without ever having appeared before a magistrate. He put the problem down in part to the legal system being somewhat Tutsi-dominated.

Eugène Nindorera admitted that far too many people are currently being held on remand in the country, adding that 80% of all current prisoners have not yet been brought before a magistrate. Keeping track of cases poses a major problem and some prisoners have been held for over a year without appearing before a magistrate. Shortage of human and financial resources represents a considerable problem, making it hard to provide sufficient numbers of police officers, lawyers and magistrates.

Maroufa Diabira reported the vast majority of detainees and prisoners in Burundi to be Hutus. He estimated Hutus to make up about 85% of all prisoners, while pointing out that being a Hutu cannot be equated with membership of the Hutu-dominated FRODEBU party. Only a small proportion of prisoners are in fact FRODEBU members. He added that, even under quite normal circumstances, it would be natural for the bulk of prisoners in the country's prisons to be Hutus, as the Hutu population constitutes a large majority in Burundi.

Madeleine Katarunwe, a legal adviser at the OHCHR, could confirm the occurrence of lengthy periods of detention in Burundi. She attributed this to a shortage of human resources, including police officers, and emphasised that the situation is not due to any lack of will on the part of the country's authorities, but is merely a matter of resources.

Macaire Bacamurwanko confirmed cases of lengthy remand in custody and regarded this as a violation of human rights. There are instances of remand prisoners remaining in that position for several years, as well as instances of unlawful imprisonment by the armed forces. He described prison conditions as appalling and reported serious ill-treatment of prisoners in both military and civilian prisons. He had himself visited prisons and observed conditions there. It used to be impossible for human rights lawyers to get permission to visit prisons but, with the establishment of a Ministry of Human Rights, Institutional Reform and Relations with the National Assembly in Burundi, this has now become possible. However, it remains impossible to get permission from the armed forces to visit military prisons. Next of kin of prisoners in civilian prisons are allowed to visit them.

3.6.1. Use of torture

According to Macaire Bacamurwanko, torture is practised on inmates of the country's prisons, being used in particular on Hutus suspected of involvement in the genocide against the Tutsi population and on Tutsis belonging to the Hutu-dominated FRODEBU party. He described such torture as politically motivated, adding that torture is a common problem in all of Burundi's prisons. In his view, about 50% of all prisoners are subjected to some form of psychological or physical torture.

Physical torture may involve electric shocks, beating of the arms and legs, burns caused by placing

Report on the roving attaché mission to Bujumbura, Burundi

burning plastic bags on the skin or, as in the Kayanza district of northern Burundi in 1997, standing prisoners in a hole full of water so that they stood up to the neck in water for days until they died. Six prisoners in all died as a result of that form of torture. The atrocity took place at a time when a large influx of internally displaced refugees was passing through the Kayanza district. Mr Bacamurwanko explained that this last form of torture is no longer practised, but the other forms still are. There are about 150 cases a year of prisoners dying as a result of prison conditions and the ill-treatment meted out to them. Undernourishment, malnutrition and inadequate hygiene pose another problem in the country's prisons.

Mr Bacamurwanko stated that such abuses are continuing for political among other reasons. He also pointed to a shortage of resources, with Burundi's newly appointed Attorney-General lacking the wherewithal to inspect the country's prisons. Another problem is that independent human rights organisations in Burundi do not operate on a full-time basis, for lack of resources. They thus do not have the capacity to keep a constant watch on prison conditions.

He added that human rights organisations produce reports on torture in prisons for the Ministry of Justice and lodge official complaints with the authorities. They also organise human rights seminars for the police and others. The source lastly reported that it is often difficult to persuade released prisoners to give details of ill-treatment, as they fear re-imprisonment.

Walter Ehmeir noted that it is not normally in the country's prisons that torture is practised. Where used, torture takes place before a detainee is put in prison.

3.7. Legal safeguards

Adrien Sibomana explained that the question of the legal system and any judicial clearing up of Burundi's genocide is a highly sensitive issue both for the Hutu and Tutsi communities and for the country's politicians. The tendency nowadays, however, is for anyone who has committed a crime to be brought to trial and punished. The government has decided that the courts are to hear such cases and the accused, where appropriate, given a chance to call on the services of foreign lawyers. Mr Sibomana considered that any accused can expect a fair trial, but said that the shortage of lawyers in Burundi is a problem.

Macaire Bacamurwanko reported that defendants do not have access to free legal assistance, although there is limited scope for assistance from private aid agencies such as the International Human Rights Office and *Avocats sans Frontières* and from the OHCHR's legal assistance programme. This has not yet significantly relieved the problem however.

Mr Bacamurwanko pointed out that a lack of trust between the Hutu and Tutsi communities results in mutual suspicion even in the event of a genuinely fair trial. He thought it generally harder for Hutus to get a fair trial than for Tutsis, owing to virtually complete Tutsi domination of the legal

Report on the roving attaché mission to Bujumbura, Burundi

system. In his view, the appointment of a Hutu as Burundi's Attorney-General has not as yet significantly altered this state of affairs, for "the mere presence of one individual does not change the system". The Attorney-General does in fact come from the Hutu community and is a former Minister of Justice.

Madeleine Katabarunwe, a legal adviser at the Office of the UN High Commissioner for Human Rights (OHCHR) in Burundi, explained that prior to 1996 there was no real cooperation between the political system and the legal system, there being quite simply a lack of trust between the country's National Assembly and the legal system. Tutsis were and still are in the majority in the judicial system, despite efforts by the authorities to change this. As the situation now stands, there remains a large majority of Tutsis among magistrates, even though Hutus make up about 80% of the population as a whole. Trust is therefore a key issue in legal safeguards. The point was made, however, that judgments nowadays are only rarely politically motivated.

Maroufa Diabira, too, pointed out that the question of a fair trial has nothing to do with ethnic background, the problem being one of inadequate resources and skills. He added that there used to be cases in which a Tutsi lawyer might be afraid to defend a Hutu in legal proceedings, although in his view no such fear would be felt today. He made it clear that the government is now putting a great deal of effort into resolving problems of this kind.

Mr Diabira considered that Burundi's judicial system does work, but it has to be borne in mind that the country is in a state of war. There are thus large numbers of people held in prison in the country, both men and women, with steps under way to have the many prisoners brought to trial. The UN has established a legal assistance programme to help the authorities initiate such legal proceedings. The aim is to provide legal assistance for both the accused and the prosecution. The programme forms part of the government's peace and reconciliation initiatives.

Genocide is a very delicate issue in Burundi, not least because of the country's political and ethnic situation. Gérard Ngendabanka said that his office is working hard to resolve the issue and genocide cases have now been opened with a view to bringing legal proceedings. The first stage of the process involves having the suspects arrested, on the basis of information supplied to the authorities by the public. The courts go on to obtain further details of individual cases, which are then referred to magistrates. He added that there are a large number of such cases. He regarded the entire process as showing that justice is being done in Burundi and pointed out that the process will continue. He also reported that those suspected of being behind the murder of ex-President Ndadaye of Burundi have now been charged.

Mr Ngendabanka went on to state that the government certainly has its sights set on ensuring due process of law. The problem here is that Tutsis make up about 80% of the country's armed forces, courts and police, which has undermined those institutions' credibility. There are thus examples of those institutions being influenced by ethnic considerations, although he made it clear that the government does what it can to ensure that justice is done. He was nevertheless concerned that so many people continue to focus on the ethnic issue and said the government would like to see more

Report on the roving attaché mission to Bujumbura, Burundi

Hutus in the police, the armed forces and the court system, adding that the Burundian Ministry of Justice recently decided that qualified Burundians in exile can be offered jobs at that Ministry, if they return home, regardless of ethnic origin.

The objective is to help provide greater opportunities for Hutus to take up jobs within the legal profession. He added that consideration is being given to offering grants to Hutus wishing to train as lawyers, while pointing out that there is no question of Tutsis having to leave their present posts.

In general terms he saw shortage of financial resources as a serious problem. The judicial system has been cut off from the country's other institutions and there are thus cases which have never been heard in court. He regarded this as a violation of human rights.

3.8. Position of women and children

Eugène Nindorera did not consider violence against women within the family to be a general problem in Burundi, saying "there is no tradition of it in this country", while adding that the family is traditionally male-dominated. Considerable progress has been made, but it remains difficult to change people's way of thinking. He pointed out that women's right to inherit property, including land, is limited by traditional rules and female politicians have therefore organised to press, among other things, for women's right to inherit, although there are in fact few women in politics, whether in the government or in the National Assembly. Of the 22 Ministers in the government, only one is a woman, and the 121 members of the National Assembly include just 12 women.

Mr Nindorera highlighted widespread poverty and the large number of street children in Bujumbura as a serious problem in Burundi.

3.9. Education

An anonymous FRODEBU member of the National Assembly did not consider there now to be any general discrimination against Hutu students at the country's university.

Macaire Bacamurwanko pointed to an imbalance between the two ethnic groups in the education system. At primary school level there is a reasonable balance between the two, whereas secondary school level shows a falling proportion of Hutu pupils. At university the number of Hutu students is very limited. An anonymous FRODEBU member of the National Assembly confirmed the existence of a large Tutsi majority among university students.

A western diplomatic source thought it generally difficult for Hutus to get an education. The source also pointed to the imbalance between ethnic groups in the education system, adding that there are only 400 Hutus out of 6 000 university students in Bujumbura. In addition many schools in Hutu-dominated parts of the country remain closed.

Macaire Bacamurwanko pointed out that this imbalance between ethnic groups in the education system results in Hutus also being under-represented in Burundi's state institutions, with the legal system, for instance, continuing to be Tutsi-dominated. In this connection an anonymous FRODEBU member of the National Assembly brought out the importance of training more Hutus in

law and economics.

A western diplomatic source likewise made the point that the imbalance between Hutus and Tutsis at university leads to very few Hutu lawyers being trained. The source also reported rumours that the army mainly attempts to recruit and employ Tutsi rather than Hutu university students, even where the latter are equally well-qualified. This makes reform of the Tutsi-dominated army very difficult to carry out.

4. Reasons for asylum

Adrien Sibomana explained that the years from 1993 to 1996 saw a great deal of violence and crime in Burundi and those who left the country during that time in search of asylum or a residence permit abroad, including Europe, still see the events of that period as the reality of life in Burundi. The government is therefore making great efforts to keep in touch with Burundians abroad and is actively endeavouring to persuade them to return home.

Madeleine Katabarunwe also pointed out that those who fled abroad from Burundi in the past still have a psychological fear of returning home.

Natalie de Oliveira considered that some people have reason to fear the arbitrary arrests reported to occur in Burundi. She added that Burundi does in fact have capital punishment and the country's prisons currently hold 220 people on death row. She went on to report that the last executions took place in 1997 and, in her view, the government will not allow those sentenced to death actually to be executed. "That would be a serious mistake and politically unwise", she concluded.

Maroufa Diabira regarded arbitrary arrests as an important reason why many Burundians have sought refuge abroad.

Gérard Ngendabanka considered it an individual matter whether a Burundian national may be in need of protection abroad.

Macaire Bacamurwanko pointed out that Tutsi FRODEBU members may find themselves discriminated against by sections of the population.

Balthazar Habonimana explained that a large proportion of the refugees from Burundi's troubles in 1993 fled to Tanzania, Rwanda, Zaire and Europe and, in his view, they had good reason to flee in search of safety. The government has now drawn up a programme to persuade those refugees to return home. Burundi's First Vice-President, Frédéric Bamvuginyumvira (FRODEBU), recently visited Denmark and other European countries where Burundian refugees are living, in order to build confidence and peace of mind among the refugees and persuade them to return home. However, Mr Habonimana was convinced that most refugees in Europe will not return home until the Arusha talks are completed at the end of 1999. He reported it to be the government's declared intention to have all Burundian refugees return home.

Report on the roving attaché mission to Bujumbura, Burundi

Frédéric Ngenzebuhoro did not think that anyone now needs to seek safety and possibly asylum abroad for security or political reasons; in his belief, Burundians mainly seek asylum for economic reasons. On the other hand, he could well understand that those who in the past sought refuge abroad, and who are still living with their memories of the massacres, need time to assess for themselves whether conditions in Burundi are now such that they will consider returning home again.

He explained lastly that, from his own experience, he thought that Burundian refugees in Denmark (and in Europe generally) should be given a chance to decide for themselves whether to return home and he requested that refugees not be forcibly repatriated. At the same time, however, he believed that many of the Burundian asylum seekers in Denmark had come in search of training and not protection. Economic development in Burundi can therefore help reduce the flow of people leaving the country in search of asylum.

Frédéric Bamvuginyumvira said that he had talked to a number of Burundians in exile in various countries, including Denmark, France, Switzerland and Belgium. He had recently visited Denmark twice, firstly in March 1998 as a member of the National Assembly and secondly in September 1998 as First Vice-President. The government plans to send another delegation to Europe in May and June 1999 with the aim of explaining developments in Burundi to exile groups. While this is the purpose of sending a delegation to Denmark, he believes it will be hard to convince Burundians there to return home. He stressed that it will never be possible to get exile groups to admit that considerable progress has been made in Burundi, mainly because they fear being forced to return home should they concede the point.

Mr Bamvuginyumvira concluded by complaining that foreign countries' calls for a peace agreement to be signed in Arusha before they will respond to developments in the country are not helping Burundi to advance.

An anonymous FRODEBU member of the National Assembly saw genuine improvements in the security and human rights situation as the only thing that can persuade exiles to return to Burundi of their own free will. He pointed out that many refugees returned home following the 1993 election, only to leave the country again shortly afterwards as a result of fresh troubles.

The source also took the view that those living in exile for some while tend to overestimate the risk factors in Burundi and therefore have an exaggerated fear of returning home. At the same time, however, he felt virtually nothing has happened to improve the situation in the country's courts, police and armed forces. Problems remain in the legal system, and the police and armed forces are still the same as before. Overall the source considered nothing to have changed as regards the key factors in Burundi, i.e. the police, the armed forces, the legal system and the internal and external peace process. The source nevertheless regarded all reasons for asylum as individual matters, adding that the question of a fair trial is also an individual one. This is one reason why people leave Burundi and not even Tutsis feel safe under such a system.

The source added that a bill is currently up for adoption in the National Assembly on the subject of genocide in Burundi. If adopted, that bill would hit FRODEBU particularly hard, entailing cancellation of the partnership agreement. The source added that any adoption of the bill will prompt many people to leave the country. The armed forces want to see the bill passed, regarding it as an important political instrument. FRODEBU has decided to vote against the bill but, according to the source, cannot vote freely and members risk being killed. The source regarded this as very serious and would himself leave Burundi should the bill be adopted.

The source nevertheless considered Burundi's present Attorney-General to be sound and trustworthy, adding that it had been an uphill struggle getting him appointed to the post.

An anonymous FRODEBU member of the National Assembly took the view that people may be persecuted on account of their political opinions, especially members of the Hutu community. However, the risk of persecution and abuses is closely bound up with a person's family background, those without family ties being more vulnerable, although even prominent political figures risk individual abuses.

Macaire Bacamurwanko lastly singled out Burundi's Twa community as a vulnerable population group. They make up about 2% of the population as a whole and can be regarded as a kind of aborigine people, traditionally living as hunters. Nowadays some of them make a living from odd jobs, including craft trades. The Twa are politically marginalised, but do have one member of the Burundian National Assembly, as well as a Twa studying at Bujumbura University. However, the Twa by and large enjoy no rights in Burundi. They rarely receive any kind of education and do not normally own land. Mr Bacamurwanko considered the Twa to be discriminated against economically, politically and socially throughout Burundian society.

5. Humanitarian situation

5.1. Internally displaced persons and Burundian refugees in neighbouring countries

According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Overview of the Humanitarian Situation in Burundi, 17 April 1998, there were in April 1998 a total of 668 164 internally displaced persons at 310 locations in Burundi.

At the same time, the OCHA recorded 295 000 Burundian refugees, 250 000 of them in Tanzania, 40 000 in the DR Congo and 5 000 in Rwanda.

The OCHA also recorded 173 000 refugees having returned, 62 427 of them from Tanzania, 105 632 from the DR Congo and 5 248 from Rwanda. The ICG gives approximately the same figures in April 1999 (ICG, 27 April 1999).

Walter Ehmeir, of the OHCHR in Bujumbura, put the number of internally displaced persons in Burundi at 500 000 to 600 000 and reported there to be around 600 000 Burundian refugees in Tanzania. He classified the various camps as follows:

Report on the roving attaché mission to Bujumbura, Burundi

sites de dispersés (internally displaced);

sites de regroupés (relocated);

sites de rapatriés (repatriated refugees).

He explained that the term "*regroupés*" covers groups of people which the authorities moved away from their homes or home area, with or without their consent, on account of fighting between the army and rebel groups in the area. He added that there is no famine anywhere in Burundi.

Eugène Nindorera, Minister for Human Rights, agreed with the above description of the situation in Burundi as regards the various types of camps, adding that many internally displaced people want to return home and cultivate their land. However, this is not always safe, owing to the danger of rebel attacks, with work only possible under cover of protection.

6. Military matters, civic service, recruitment etc.

Colonel Isaïe Nibizi explained that the army consists only of professional soldiers choosing to join it as a career, unlike the system in some other countries, where the army is based on conscription. Training lasts six months for privates, two years for non-commissioned officers and five years for commissioned officers.

He added that in 1996 civic service was introduced in Burundi for all citizens, women as well as men, who have completed secondary education. Civic service lasts for a year and includes three months' military training, after which the remaining period can be spent, for instance, with the gendarmerie or at schools or hospitals. It may also involve guarding public buildings etc.

Macaire Bacamurwanko could vouch for the rules given by Colonel Nibizi for civic service.

A western diplomatic source and a FRODEBU member of the National Assembly confirmed that both women and men, on completing secondary education, have to perform a year's civic service.

6.1. Risk of being pressed into service and deployed in war zones

In response to direct questioning, Colonel Nibizi replied that recruits are not sent to war zones to fight against rebels. He added that bases where recruits perform their civic service may come under attack from rebels, but these are the only cases in which they may risk finding themselves involved in combat.

According to Walter Ehmeir, there are cases of civic service recruits being deployed in war zones, as well as instances of army units out in the provinces pressing civilians into service for practical, non-military duties. He did not know of any round-ups to enlist people for the army of late.

According to a FRODEBU member of the National Assembly, people on civic service risk being

deployed in war zones. The source had received reports of over 20 people being killed in this way and added that those who have not performed their civic service are not allowed to study at university.

Walter Ehmeir reported that the Burundian army has suffered fairly heavy losses in fighting with the rebels over the last six months, including losses of people on civic service in war zones.

Macaire Bacamurwanko confirmed that civic service recruits risk being deployed in war zones, but added that they are not sent there after just three months' military training; those selected must first have received some weapons training in order to be considered.

6.2. Evasion of civic service

Colonel Nibizi, the officer in charge of civic service, explained that the issue of punishment for evading it is currently being debated in the National Assembly, with an administrative penalty or a prison sentence under discussion. The administrative penalty proposed is a two-year ban on admission to university, an alternative proposal being a one-year prison sentence, although this is meeting with considerable opposition in the National Assembly. He himself and the army in general advocate an administrative penalty only.

Colonel Nibizi pointed out that evasion of civic service in practice goes unpunished at present, there being no wish to punish people without any formal legal basis. An administrative penalty will probably be introduced shortly. No-one is currently in prison for evasion.

He added that, although students officially have to be able to show that they have performed their civic service, even those refusing to do so can enrol as students.

An anonymous FRODEBU member of the National Assembly, however, said recruits deserting from civic service at the front risk being court-martialled.

In response to direct questioning, Colonel Nibizi categorically denied that serving Hutus are discriminated against or that Hutu women risk being raped and killed while on civic service.

Macaire Bacamurwanko regarded civic service as a good idea for Burundi. The Hutu population also support it, partly because there are no cases of ill-treatment of Hutus on civic service and Hutus on it do not suffer discrimination.

Walter Ehmeir, of the OHCHR, did not know of any women on civic service having been raped or killed.

7. Exit arrangements

Upon departure from Bujumbura airport, passengers have their luggage thoroughly inspected by the

Report on the roving attaché mission to Bujumbura, Burundi

authorities. Departing passengers also have their passport checked three times. It is a fairly small airport. Following the lifting of the embargo on 23 January 1999, the following airlines currently operate flights to and from the airport: Air Burundi, Kenya Airways, Alliance Express (Rwanda), Air Tanzania, Ethiopian Airlines, Cameroon Airlines, Rwanda Airlines and Uganda Airlines. Air France and Sabena have not yet resumed flights to Bujumbura. There are thus only a few departures a week to destinations in the region and no direct air links with Europe.

There are ferries plying from Bujumbura to ports in Tanzania. The road link between Bujumbura and Kigali, in Rwanda, is open to traffic.

Passports are issued by the Burundian immigration authorities. However, Colonel Nibizi pointed out that issuing procedures can prove very lengthy. He emphasised that those not wishing to perform their civic service are not prevented from obtaining a passport and leaving Burundi; they are also free to return to the country.

An anonymous western diplomatic source stated that neither deserters nor draft evaders can obtain a passport or leave the country via Bujumbura airport.

An anonymous FRODEBU member of the National Assembly said that it is impossible for a deserter to leave the country via Bujumbura airport. Such a person would be unable to obtain a passport. Should a deserter already hold a passport, it might just be possible to leave via the airport, but the source considered this extremely difficult.

Macaire Bacamurwanko thought it almost inconceivable for inmates of Mpimba prison to escape. Should they manage to do so, however, he did not consider it possible for them to leave Burundi via Bujumbura airport. However, he could not rule out the possibility that an escaped prisoner might be able to bribe the relevant authorities and thus manage to leave the country via the airport, although he had heard no reports of this having been done and very few reports at all of anyone escaping from Mpimba prison.

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Bamvuginyumvira, Frédéric, *Premier Vice-Président de la République* [First Vice-President of the Republic] (FRODEBU), Bujumbura.

Dagra, Mamadou, *Conseiller Politique, Bureau des Nations Unies au Burundi (BNUB)* [Political Adviser, United Nations Office in Burundi], Bujumbura.

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Ehmeir, Walter, *Observateur, Mission (ONU) d'Observation des Droits de l'Homme au Burundi, Centre des Nations Unies pour les Droits de l'Homme* [Observer, UN Human Rights Observer Mission in Burundi, United Nations Centre for Human Rights], Bujumbura.

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Ngendabanka, Gérard, *Procureur Général* [Attorney-General], Bujumbura.

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Report on the roving attaché mission to Bujumbura, Burundi

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Nindorera, Eugène, *Ministre, Ministère des Droits de la Personne Humaine, des Réformes Institutionnelles et des Relations avec l'Assemblée Nationale, République du Burundi* [Minister for **Human Rights**, Institutional Reform and Relations with the National Assembly of the Republic of Burundi], Bujumbura.

Ntahombaye, Philippe, *Professeur, Université de Bujumbura* [Professor at Bujumbura University], Bujumbura.

Ntibayazi, Léonidas, *Vice-Président de la Commission de la Justice et Droits de l'Homme* [Deputy Chairman of the Justice and Human Rights Committee] (FRODEBU), Bujumbura.

Sebundandi, Christophe, *Président, la Ligue Burundaise des Droits de l'Homme "ITEKA"* [President of the Burundian Human Rights League ITEKA], Bujumbura.

Sibomana, Adrien, *Membre de l'Assemblée Nationale* [Member of the National Assembly] (UPRONA), Bujumbura.

Sy, Cheikh Tidiane, *Représentant du Secrétaire Général au Burundi, Bureau des Nations Unies au Burundi (BNUB)* [Representative of the Secretary-General in Burundi, United Nations Office in Burundi] Bujumbura.

X, a western diplomat in Bujumbura.

X, a member of the National Assembly (FRODEBU), Bujumbura.

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Abbreviations

ACEDH - *Association Nationale pour la Communication et l'Education aux Droits l'Homme* [National Association for Human Rights Education and Communication]

AI - Amnesty International

BNUB - *Bureau des Nations Unies au Burundi* [United Nations Office in Burundi]

CNDD - *Conseil National pour la Défense de la Démocratie* [National Council for the Defence of Democracy]

COPRI - Copenhagen Peace Research Institute

FDD - *Forces pour la Défense de la Démocratie* [Forces for the Defence of Democracy]

FRODEBU - *Front pour la Démocratie au Burundi* [Front for Democracy in Burundi]

FROLINA - *Front de la Libération Nationale* [National Liberation Front]

ICG - International Crisis Group

NGO - Non-governmental organisation

OAU - Organisation of African Unity

OCHA - Office for the Coordination of Humanitarian Affairs

OHCHR - Office of the High Commissioner for Human Rights

PALIPEHUTU - *Parti de Libération du Peuple Hutu* [Hutu People's Liberation Party]

PARENA - *Parti pour le Redressement National* [National Recovery Party]

UN - United Nations

UNHCR - United Nations High Commissioner for Refugees

UPRONA - *Union pour le Progrès National* [Union for National Progress]

ANNEX

Map of Burundi by province and commune, showing areas of rebel activity