

Burundi

Amnesty International's recommendations on the deployment of UN peacekeeping forces

Amnesty International has repeatedly expressed grave concern about the war crimes, crimes against humanity and other human rights abuses perpetrated against the civilian population by all parties to the conflict in Burundi. These have included widespread and systematic killings, torture, including rape and other forms of sexual violence, abduction and forcible recruitment, including of children under the age of 18 years.

We have called on the international community, including the United Nations (UN), to place the protection of the civilian population at the centre of its efforts to resolve the political, security, human rights and humanitarian crises in Burundi.

Amnesty International believes that any UN peacekeeping initiative for Burundi must contribute towards ending and preventing further war crimes, crimes against humanity and other human rights abuses. We are, therefore, making the following recommendations.

A strong human rights component in the mandate, composition and structure of the UN peacekeeping force

The 16 March 2004 Report of the Secretary General on Burundi “envisaged that MINUB [UN Mission in Burundi] would include a human rights component to carry out the following tasks: monitor, verify and report on the human rights situation throughout the country; advocate and intervene with local and national authorities to protect civilians and vulnerable groups; promote the rights of women, children, and other vulnerable populations; provide training for peacekeepers and the civilian police component of the operation; and integrate human rights and protection of civilians into the overall work of the mission”. Amnesty International calls the Security Council to endorse the Secretary General’s recommendation and to specifically establish in the operative paragraphs of the resolution to be adopted the acceptance of the recommendations contained in sections IV to VI of the report of the Secretary General.

We also consider that the importance of protection of children in armed conflict should be explicitly stated. The condemnation of the use and recruitment of child soldiers by all parties to the conflict should likewise be specifically mentioned, as well as the need to bring to justice those responsible for recruiting and using child soldiers and perpetrating other human rights violations. The resolution should call upon all parties to the conflict and the UN to address these issues and commit themselves to providing long-term support to the demobilisation and reintegration process. The crucial need to address violence against women and girls, including specific provisions for supporting girls during the demobilisation and reintegration process, should be signalled in the operative paragraphs of the resolution.

Amnesty International calls the Security Council to decide on concrete measures to end impunity, and specifically measures intended to reinforce the judicial system and promote individual accountability should be mentioned in the resolution. These measures would include ensuring that the Government of Burundi places the protection of human rights among its highest priorities, specifically the reinforcement of an independent judiciary, rehabilitation of the penitentiary system, rejection of measures intended to grant temporary or permanent immunity to perpetrators of human rights violations and the ratification without reservations of the Rome Statute of the International Criminal Court.

We urge, therefore, the Security Council:

- to include in the resolution explicit reference to the establishment of a strong, independent and well-resourced human rights monitoring and advisory presence that draws upon existing UN expertise in this area. The human rights presence should be designed in such a way that it can feed back to and inform the functioning of the other parts of the UN mission, in particular the technical assistance and other institution building work. It must also have a mandate for independent and public reporting, so that its expert and substantive human rights analysis can inform the Security Council and the overall international debate on Burundi. The section, which should enjoy full political support and adequate resources, should monitor, investigate and publicly report on the human rights situation, contribute to the training of peacekeeping troops, to any eventual mechanism to address impunity and to the institution-building measures required for the long-term protection of human rights;
- to specify in the resolution that *senior* advisers on gender, child protection, HIV/AIDs and legal issues - all with adequate staff and resources to carry out their work - be located in the office of the Special Representative of the Secretary-General in order to ensure that the protection and promotion of the rights of women and children are incorporated into all aspects of the UN operation, including in the demobilization, disarmament and reintegration process.
- to request that the SG deploy these senior level advisors at the earliest opportunity, if possible with the advance team at the very beginning of the mission's inception.

A strong and unambiguous mandate and sufficient means to protect civilians

In accordance with the Secretary General's report, the UN presence in Burundi should be given the task of protecting the civilian population, and in particular returning refugees and internally displaced persons (paragraph 68).

Amnesty International urges the Security Council:

- pending deployment of the UN peacekeeping force, to instruct the multi-national force to take the necessary steps to facilitate full access by humanitarian organizations

to all those in need and to protect the human rights of civilians, especially those under threat of physical violence;

- to provide the UN peacekeeping force, acting under Chapter VII of the UN Charter, with an explicit mandate to protect the human rights of all civilians at all times;
- to ensure that the UN peacekeeping force comprises sufficient numbers and has adequate logistical support to enable it to deploy swiftly throughout the country and implement fully its mandate to protect civilians;
- to ensure that suspected perpetrators of human rights violations—committed by any of the parties to the conflict, whether or not they are signatories to the Arusha Accords—be brought to justice.

Refugees and internally displaced people

As the Secretary General affirms in his report, “The return and resettlement of internally displaced persons and refugees will constitute the major humanitarian challenge in the coming months. Returnees will need to receive the necessary material assistance, including emergency shelter, to re-establish their lives. They will also require close monitoring and protection support to ensure that their returns are in accordance with international norms.” Amnesty International believes that the main task of the UN peacekeeping presence in the country should be to establish a secure environment in which refugees and internally displaced persons can return home in safety (cf e.g. Security Council resolution 1244 of 1999 on Kosovo). The Office of the UN High Commissioner for Refugees (UNHCR) should continue to play, in cooperation with other institutions, a central role in the facilitation of return movements of refugees and internally displaced persons.

All governments and international organizations concerned have the responsibility to ensure that, in accordance with the internationally-recognized principle of *non-refoulement*, repatriations of refugees to Burundi take place on a strictly voluntary basis. Voluntary repatriation should only be promoted or encouraged when the human rights and security situation in Burundi allows for refugees to return in complete safety and dignity. No such conditions exist in most areas of Burundi at the moment, and Amnesty International is concerned that a return in very large numbers at this time, even if voluntary, could prove disastrous for the stability of Burundi and the safety of the refugees themselves.

The need for a swift and equitable resolution of land issues in Burundi, which in many cases would be a necessary precondition for the realization of the right to return to one's home, should also be stressed, and the Government of Burundi should be urged to address this issue as a matter of priority.

Arms control and collection

The provision of military assistance to armed groups and movements which are not parties to the peace process under the Arusha Agreement, as well as the direct and indirect military support to any of the parties to the Arusha Agreement, is likely to perpetuate human rights abuses in Burundi. Amnesty International believes that, in order to reduce the risk of human rights abuses against civilians, the UN Security Council should impose an arms embargo on any force where there is reasonable suspicion that arms will be used to perpetrate human rights violations and take substantial steps to reducing the availability of small arms in the region. These measures should include instructing the UN peacekeeping force to participate actively in arms collection and destruction and monitoring and report on arms trafficking in the region to the UN Security Council.

The regional upsurge in insecurity during the past decade and intense international arms trafficking have left the region awash with small arms. As the price of weaponry has decreased, the value of life has been correspondingly diminished. Ambushes, armed robbery, rape and killings perpetrated with small arms have not only violated individuals' basic rights but also perpetuated insecurity and severely diminished prospects for human and economic development in the country. Government personnel have themselves been distributing weapons to the population; the UN Security Council should condemn this practice and ensure that it is brought to an end.

Small arms reduction programs, such as collection and destruction, should be pursued in conjunction with demobilization projects in order to put small arms beyond use. Without curbing the prevalence of guns and grenades, crimes perpetrated with the aid of these arms will continue to undermine peace and diminish the population's confidence that institutions are capable of ensuring their safety.

We hope that these recommendations will be considered by the Security Council and reflected in its future decisions and statements on Burundi. We shall be pleased to provide any further information.