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Burundi: Durable peace dependent on respect for basic human rights

The signing on 8 October 2003 of an agreement on implementation of the December 2002 cease-fire agreement between the Government of Burundi and the CNDD-FDD (Nkurunziza) leaves significant challenges unresolved.

It comes as Burundi approaches the 10th anniversary of the assassination of its first democratically elected president, Melchior Ndadaye, and the descent into political violence and armed conflict.

"It is essential that the Government of Burundi and the leaders of the CNDD-FDD (Nkurunziza) assisted by regional and international actors who have supported the peace process commit themselves to addressing fundamental questions such as impunity and the accountability of their forces. A determination by all parties to end the human rights and humanitarian crises must underpin a political settlement," Amnesty International said.

"Immediate action is needed if a further and potentially uncontrollable spiral of violence is to be prevented," the organization added.

Those involved in the peace process must first address potential threats to the agreement, including the contentious questions of the status of the CNDD-FDD (Nkurunziza) as a political party and the question of who should benefit from temporary immunity. Furthermore, the other active armed political group, PALIPEHUTU-FNL (Rwasa) is yet to accept negotiations and has vowed to continue fighting.

Blatant and massive human rights abuses by all parties to the conflict have the potential to undermine any political settlement and attempts to establish a durable peace in which the human rights of all are respected.

After 10 years of political violence and armed conflict, important questions remain, not least who has the courage and power to address the root causes of the crisis, including justice, discrimination, inequality and human rights abuses. The majority of the population has paid a very heavy price; others have grown rich out of a war economy or remain at liberty despite accusations of their involvement in serious human rights abuses.

During visits to Burundi in July and in September 2003 an Amnesty International delegation again received numerous testimonies of rape, looting, extrajudicial executions and other unlawful killings by all

parties to the conflict, as well as information on a significant and dangerous rise in criminality by armed gangs. These gangs have been looting, raping and robbing, sometimes pretending to be members of armed political groups or members of the armed forces. The rise in insecurity - both through conflict and criminality - is having a staggering impact on the lives of the surviving Burundian population, destroying their health and livelihoods. The population in some regions of the country sleeps outdoors in the fields or forests to minimize the risk of being killed or raped; malaria and respiratory diseases have risen dramatically as a result. Repeated looting is affecting cultivation and food stocks.

A common thread is the proliferation of small arms among the civilian population, not least because of a long-established government policy of distributing arms to members of the civilian population in a so-called self-defence policy. Government soldiers are known to be renting their weapons to armed criminal gangs in certain provinces; others desert with their weapons and form armed gangs. Serving members of the Burundian government security forces are also involved; others turn a blind eye. Armed political groups are also reported to be distributing arms, and deserters from various armed political groups are also participating in criminal gangs. The scale of this phenomenon has dramatically increased over the last 12 months.

At the same time, lack of confidence in the ability and willingness of law enforcement agencies and the judiciary to arrest, investigate and bring to justice those responsible for such abuses is perhaps at an all time low. Allegations of corruption abound. As a result, the population is increasingly resorting to mob justice and lynching as well as relying on armed political groups to administer "justice" often resulting in summary execution. Ordinary people have killed suspected criminals without being deterred or brought to justice.

The response of government authorities has been to authorise the distribution of more arms to the civilian population. In Kayanza Province, 20 arms are to be distributed per *colline* (small administrative unit). There are approximately 280 collines in the province. This distribution is being carried out under the guise of an expansion of the *Gardiens de la Paix* (Peace Guards) program. The *Gardiens de la paix* are an unpaid, untrained but armed government militia responsible for numerous human rights abuses.

"The people of Burundi hope that the agreement is the long awaited breakthrough which will end the civil war which has been characterized by massive, widespread and systematic violations of international humanitarian law and war crimes, committed with virtual total impunity. But unless the Government - whatever its composition - takes a more responsible attitude to law enforcement and is prepared to tackle human rights abuses and criminality in a way which respects human rights, they are leading their country to catastrophe," Amnesty International said.

Amnesty International is calling on:

All parties to the conflict to issue clear instructions to their combatants to respect international humanitarian law not least by ending unlawful and extrajudicial executions of civilians, rape, recruitment of child soldiers, systematic looting and to end attacks on or other impediments to the work of humanitarian organizations;

The Government of Burundi to immediately reverse its policy of arming the population through the expansion of its *Gardiens de la Paix* militia;

The Government of Burundi and the international community together to seek how best to restore as a matter of priority confidence in the judicial process and address the issue of civilians who have no responsibility or training taking part in law enforcement;

The African Union and others involved in current negotiations to ensure that addressing impunity (accountability for past, present and future human rights abuses) is central to their discussions, and in particular that the cease-fire monitoring force is given the mandate and the resources to protect human rights as well as to report publicly on any such abuses which occur.

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