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BURUNDI:

International assistance is needed to protect and promote human rights

**An Amnesty International appeal to participants of the
International Donor Conference on Burundi,
Paris, 11-12 December 2000**

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An important conference for the future of Burundi will take place in Paris on 11-12 December 2000, when international donor governments and organizations, together with leaders of Burundi's political parties, will meet to discuss a program of international aid to support the social and economic reconstruction of Burundi in the event of a final peace settlement.

The conference, which will be chaired jointly by the Facilitator to the Burundi peace process, Nelson Mandela, the World Bank and the UN Development Programme (UNDP), will be presented with a plan for reconstruction in Burundi, to be endorsed by the Burundian delegates, before considering the financial and technical support that may be made available by the international community.

The absence to date of the main Burundian armed opposition groups from the negotiations leaves the ultimate durability of any peace agreement in doubt. Although the calendar for and implementation of the August 2000 agreement has not been repeated, there have nonetheless been steps towards its implementation. The commission to monitor its application was established in November in Arusha, and the agreement was

ratified by the Burundian parliament on 1 December. The discussions due to take place in Paris on possible international financial and material assistance to Burundi will now take on a central importance in laying the foundations for a sustainable peace.

In this context, Amnesty International has repeatedly stated its view that a just and lasting settlement to Burundi's seven-year-old civil war can only be achieved if the Burundian government, opposition parties and the international community are prepared to agree and implement robust measures for human rights protection and promotion for the future¹. The organization believes that the abuses and injustices which have fuelled the conflict can only be eradicated if Burundi's institutions are persuaded and aided by the international community to embrace reforms and measures which will guarantee respect for human rights and promote social justice.

Below Amnesty International sets out certain key human rights areas which the organization believes are in vital need of assistance and support as part of any international effort to rebuild Burundi's infrastructure. The organization urges those taking part in the Paris conference to carefully consider these recommendations. Amnesty International also urges that the expertise of specialist agencies of inter-governmental organizations be made available to achieve these recommendations.

1. Reinforcing the judicial system

The biggest single factor in promoting social justice and respect for human rights will be the proper functioning of Burundi's national justice system. The present system is both under-resourced and prone to political interference and ethnic discrimination. The fairness of trials continues to be undermined by lack of both defence and prosecution witnesses, inadequate time for the preparation of defence arguments, constant deferrals and the lack of a right to a full appeal.

For the sake of Burundi's future, it is important that a national justice system should have the interests of all equally at its heart and operate with impartiality and independence. Measures and resources to strengthen and reinforce the Burundian justice system must therefore be made a priority. In particular Amnesty International believes that international financial and material resources should be made available to enable:

- ☐ further training in human rights international standards to existing members of the judiciary;
- ☐ the recruitment and training of new investigators, magistrates, prosecutors, judges and other judicial officials;
- ☐ the establishment of an independent body comprising legal and human rights experts to monitor and publicly report on the functioning of the judiciary, and to recommend action required to improve and reinforce the competence, independence and impartiality of the judiciary;
- ☐ the possible secondment of foreign judicial experts to assist the national judiciary;

¹Amnesty International has already made a series of recommendations to this end, contained most notably in *Burundi: Protecting human rights -- an intrinsic part of the search for peace* (AI Index: AFR 16/01/00, January 2000).

- the strengthening and proper resourcing of the Office of the Public Prosecutor to enable it to operate more effectively, including processing complaints of human rights violations, initiating legal action against perpetrators, and ensuring that arrests, detentions and prosecutions are carried out in accordance with international law and standards;
- a thorough judicial review of existing cases, particularly of individuals who have been held in long-term detention without trial and of those accused of taking part in the 1993 massacres ².

There is also a clear need to ensure that human rights abuses committed during the transitional period following a peace agreement are immediately investigated and the perpetrators brought promptly to justice. This would do much to ensure that the peace agreement is not undermined, but also to demonstrate a clear break with Burundi's past, in which a climate of impunity has encouraged further abuses.

Amnesty International therefore urges the international community to provide assistance and sufficient additional resources to the Burundian judiciary to enable it to carry out this vital role. Such assistance might be in the form of establishing and resourcing an independent body to monitor the investigation of human rights abuses and judicial proceedings against perpetrators, and to review the effectiveness of legislation to protect human rights and recommend further legal, political or administrative reforms aimed at preventing future human rights abuses.

2. Training of police service and armed forces

Amnesty International urges the donor conference to assist in the provision of a human rights training and monitoring program for Burundi's police service and armed forces. Such a program of training and monitoring will be crucial in preventing future human rights violations and should include training in human rights protection, in proper procedures for arrest and detention, in the importance of performing their roles independently of political considerations, and in the clear separation of policing and military functions. Particular attention should be paid to eradicating the use of torture, currently routine in Burundi's civil and military detention centres, and extrajudicial executions.

3. Protection of refugees and the internally displaced

² Trials related to the political violence and massacres of Tutsi which followed the 1993 assassination of President Melchior Ndadaye are continuing in Burundi. Several thousand people remain in detention awaiting trial, some since 1993. The subsequent mass reprisal killings of Hutu have not been investigated.

Reintegrating and ensuring the protection of internally displaced persons (IDPs) and refugees³ who choose to return to Burundi after a durable peace settlement will be a huge challenge which should not fall solely or disproportionately on the Burundian authorities. The costs and responsibilities of protecting and promoting the reintegration of these groups should be shared by the international community, as should the costs and responsibilities of providing continuing protection for refugees who choose to remain outside Burundi's borders.

The importance to peace of a successful resettlement and full reintegration of IDPs and returning refugees should be clear. Successive refugee and IDP crises, and the failure by and large of the international community to resolve these crises successfully, have been a major contributing factor to the cycle of conflict experienced throughout the Great Lakes region in recent years. Amnesty International therefore urges international donors to pay special attention to this issue.

It should be underlined that even in the event of a durable peace, not all refugees will be willing or able to return. In this context it is the responsibility of all the governments and international organizations concerned 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 and that voluntary returns should only be permitted when the human rights and security situation in Burundi allows for refugees to return in complete safety and dignity. No such conditions exist in Burundi at the moment, and Amnesty International is concerned that a mass return of refugees -- whether forced or not -- could be disastrous for the stability of Burundi and the safety of the refugees themselves.

With that in mind, Amnesty International urges the international community to:

- ☐ provide sufficient financial assurance to countries hosting large numbers of Burundian refugees, particularly Tanzania, to ensure that these states do not at any time contemplate the illegal *refoulement* and to ensure that they do not encourage voluntary returns before conditions in Burundi allow for safe returns.

In addition, and in line with international standards for refugee protection and the UN Guiding Principles on Internal Displacement, international assistance should be directed towards:

- ☐ ensuring the protection of IDP and refugee populations and provision of their essential humanitarian needs, now and as they return to their home

³ There are more than 400,000 Burundian refugees currently sheltered by neighbouring countries. The conflict has also led to the internal displacement of around 600,000.

communities, including putting in place plans, facilities and resources for the sustained monitoring of returning IDPs and refugees before any return is encouraged;

- ☐ the creation of monitoring mechanisms to ensure that the rights of refugees and IDPs are respected in full, including the right to freedom of movement and association, right not to be forcibly returned to or resettled in any place where their life, safety, liberty and/or health would be at risk, the protection of their property, and the right of families to remain together;
- ☐ programs to manage the return or resettlement and successful reintegration of IDPs and refugees, which should include measures to aid the reunification of families, the provision of identity documents, the provision of education and training, especially for children, and measures to enable IDPs and returning refugees to take part in economic activity and the full range of social and political rights;
- ☐ assisting the Burundian authorities to establish an independent and impartial mechanism which will enable returning IDPs and refugees to challenge any denial of their right to return to their place of habitual residence, and which will rule on matters of compensation and of disputes over land and property rights.

4. Protecting the rights of children

Large numbers of children have suffered abuses of their human, social and economic rights in the course of Burundi's armed conflict and protracted economic crisis. Many have been victims or witnesses of gross human rights abuses, while others have been recruited -- sometimes forcibly -- into government or armed opposition forces or been taken into these forces as sexual slaves or labourers.

In Amnesty International's view the international community cannot allow, and the Great Lakes region cannot bear, another lost generation left to perpetuate the cycle of conflict and instability. Amnesty International therefore urges donors to support measures which will aid these children to recover from the suffering they have endured, to restore their rights and allow them to play a full part in the reconstruction of their society. In particular, consideration should be given to establishing :

- ☐ programs to provide adequate medical care and psychological counselling for traumas suffered by Burundi's children;
- ☐ programs for the orderly demobilization and rehabilitation of children who have been actively involved in the conflict as child soldiers, including reuniting them with their families and promoting their psychological rehabilitation and educational and social reintegration;
- ☐ reinforced provision of education in Burundi and in refugee camps in other countries.

5. Human rights monitoring

By working to promote respect for human rights, independent national human rights organizations will be an integral part of the effort to secure lasting peace and reconciliation in Burundi. These organizations will also have an invaluable role in monitoring and reporting on human rights issues during the transitional period and beyond.

The international community should consider devoting technical and financial assistance to these organizations and to support their work in any practicable way. The commitment of international political support is equally important in protecting these organizations from reprisal, harassment or interference, to which they may be especially vulnerable during the transitional period following a peace agreement.

Linked to this, the UN Office of the High Commissioner for Human Rights in Burundi should be maintained and expanded, and given adequate financial and material resources to enable it to carry out its tasks fully and efficiently.

6. Improving prison conditions

The Burundian authorities have recently shown a willingness to improve conditions in the country's central prisons, and as a result conditions in the majority of prisons have improved substantially. However, financial resources are lacking and, even with the necessary political will, much remains to be done. Conditions in many of Burundi's prisons and detention centres remain harsh and in some cases amount to cruel, inhuman and degrading treatment. Some prisons remain dangerously overcrowded and unsanitary⁴. Medical care is often inadequate, prison food insufficient and access to clean drinking water is not always guaranteed. Conditions in Burundi's communal, gendarmerie detention centres and military detention sites (official and unofficial) are much worse⁵.

Amnesty International urges the donor conference to provide financial and material aid to improve Burundi's prisons and detention centres to international minimum standards. Such assistance should be provided in cooperation with international humanitarian organizations and national NGOs such as the *Association Burundaise*

⁴ Burundi's 11 central prisons were built to house around 3,500 prisoners, but the present prison population numbers nearly 9,000.

⁵ Detainees in these locations additionally run a grave risk of torture and ill-treatment and may be denied food. They are therefore vulnerable to malnutrition and succumb more easily to disease.

pour la Défense des droits des Prisonniers (ABDP), Burundian Association for the Defence of Prisoners' Rights and the *Ligue ITEKA*, Burundian League for Human Rights.

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