Burundi: Civilians Pay the Price of Faltering Peace Process

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Summary

A ceasefire signed on December 3, 2002 by the government of Burundi and the rebel movement, the National Council for the Defense of Democracy-Forces for the Defense of Democracy (Conseil National pour la Défense de la Democratie-Forces pour la Défense de la Democratie, CNDD-FDD) raised hopes for an end to nine years of war in Burundi. The parties to the conflict re-affirmed their commitment to this agreement in a second document signed January 27, 2003. But after weeks of uncertainty and violations on both sides, the FDD suspended negotiations on February 21 accusing the government of blocking implementation and making decisions without consulting it.

Even while the ceasefire was in effect, combat continued and Burundian civilians suffered from the same deliberate killings, armed attacks, rapes, pillage and destruction of their homes that have been their lot for nearly a decade. As so often in the past, both sides ignored legal obligations to protect civilians in time of war.[1]

As the peace process has faltered, fears have increased on all sides. Rumors abound about preparations for slaughter, such as the distribution of machetes or the massing of troops on the border, while the leading parties each accuse the other of violating the ceasefire.[2]

This briefing paper, based on three weeks of investigations by Human Rights Watch researchers, details recent violations of human rights and humanitarian law committed by both sides to the conflict in Burundi and calls for the implementation of the ceasefire and a halt to the violence against civilians.

On January 19, 2003 government troops unlawfully killed at least thirty-two and probably more than eighty civilians at Mwegereza, Gisuru commune, in the eastern province of Ruyigi. They also reportedly deliberately killed civilians in the neighboring communes of Kinyinya and Nyabitsinda. Government soldiers also raped women, both after the combat and more recently. In addition, soldiers burned some 420 houses and pillaged more than 1,000 others. They have prevented local residents, who were forced to flee, from returning to their homes to gather food, harvest their crops, and work in their fields.

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[1] Burundi is a party to the 1949 Geneva Conventions and to their Protocol Additional relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Common article 3 to the Geneva Conventions requires humane treatment for persons not taking part in hostilities and Protocol II explicitly prohibits attacks on civilians. Despite the signing of a ceasefire agreement, international humanitarian law still applies. For example, according to the International Criminal Tribunal for the former Yugoslavia in *Tadic*, Appeal on Jurisdiction, Case IT-94-1-AR72 (Oct. 2, 1995): "[A]rmed conflict exists wherever there is a resort to armed force between states or protracted armed violence between such groups within a State. International humanitarian law applies from the initiation of such conflicts and extends beyond the cessation of hostilities until a general conclusion is reached; or, in the case of internal armed conflicts, a peaceful settlement is achieved. Until that moment, international humanitarian law continues to apply in, …in the case of internal conflicts, the whole territory under the control of a party, whether or not actual combat takes place there." For accounts of violations by all sides prior to the ceasefire, see the Human Rights Watch Briefing Paper, "Burundi: Escalating Violence Demands Attention," November 2002 (available at http://hrw.org/backgrounder/africa/burundi/burundi1128.pdf).

[2] See the UPRONA statement published by Agence Burundaise de Presse, February 24, 2003, and the statement by the CNDD-FDD of February 21, 2003 at its website www.burundi-info.com.

Military officers in the region, claiming security concerns, have refused to allow humanitarian aid organizations to enter large areas of Ruyigi province since mid-January, making it impossible for them to assist the sick, the hungry, and the homeless.

The Burundian army has rarely prosecuted soldiers accused of having violated international humanitarian law. In the most egregious recent case of impunity for such crimes, a military court on February 21 acquitted two officers of responsibility for the massacre of 173 civilians at Itaba on September 9, 2002. It found them guilty only of "failure to follow orders," and imposed a sentence of four months, less than the time already served.[3]

FDD rebels have deliberately killed civilians, raped women and stolen cattle, goats, and other goods in many parts of Burundi, particularly in the central provinces of Gitega and Muramvya as well as in the eastern province of Ruyigi. The FDD has apparently not held its combatants accountable for violations of international humanitarian law.

The nine year old civil war has a strong ethnic component: Tutsi, a minority in the country, dominate the army while the most important rebel group, the FDD, is predominantly Hutu, as is the National Forces of Liberation (Forces Nationales de Liberation, FNL), the one party which has not yet signed any form of agreement with the government.

As the struggle moves from the battlefield to the political arena, the parties that have dominated the government face new challenges. The Front of Burundian Democrats (Front pour la démocratie au Burundi, FRODEBU) has been the major Hutu-led political party in the country but now must contend with the arrival of the more militant CNDD, the political wing of the FDD forces that have played a leading role in the rebellion. Similarly, FRODEBU and even the CNDD may find the FNL a powerful rival, particularly in areas around the capital, should it too decide to accept a ceasefire and enter the political process.

Leaders of two smaller and dissident wings of the CNDD-FDD and FNL returned to Burundi from exile in early February, an event which underlined recent changes in the political context. The CNDD—once referred to by officials as "the assailants" or the "genocidal terrorists"—is now to be recognized as a legitimate political party, according to the ceasefire agreement.[4]

The return of the leaders highlights also the possibility of an imminent political reconfiguration. With several Hutu-led parties struggling for dominance, the Tutsi-led Party for National Unity and Progress (Union pour le Progres National,UPRONA) of President Pierre Buyoya, may find opportunities for new alliances and for playing the Hutu parties off against each other. But UPRONA itself is challenged by the growth of another more radical Tutsi-led

[3] Human Rights Watch field notes, February 20 and 21, 2003; for details of the Itaba massacre, see Human Rights Watch, "Burundi: Escalating Violence Demands Attention." A government report at the time said 174 civilians had been killed but in February 2003 the two officers were charged only with killing 173 civilians.

[4] Accord du Cessez-le-feu entre le Gouvernement de Transition du Burundi et le Cndd-Fdd, signed at Arusha, December 3, 2002, Annex 1.A. 1.1.17. The text of the agreement is found at http://www.reliefweb.int/w/rwb.nsf/f303799bl6d207428525683000 7fb33f/013196a196f718f3c1256c850052d6ec?OpenDocument.

group, the Party for National Recovery (Parti pour le Redressement National, PARENA) headed by former president Jean-Baptiste Bagaza, held under house arrest since November 2002.

The international community is anxious to promote stability in the region and, above all, to avoid a genocide like that which killed at least half a million Tutsi and moderate Hutu in neighboring Rwanda. It has consistently—though not always effectively—pressured all parties to reach accords. In late December, the European Union took the unusual step of providing food to FDD combatants. This initiative, meant to encourage their further cooperation with the peace process, has not yet achieved the desired result.

Other African nations, including South Africa, Tanzania, and Uganda, have facilitated peace negotiations, and South Africa supplied soldiers to provide security to leaders involved in the transitional government established by the August 2000 Arusha Accords. Tunisia, Mozambique, and Ethiopia agreed also to provide observers and a peacekeeping force under the aegis of the African Union. Both parties to the war accepted the presence of the observers and peacekeepers, known as the African Mission, in the early December agreement, but in its February 21 statement, the FDD protested that it had not been consulted on the nations from which troops would be drawn. It rejected the participation of soldiers from Mozambique and Ethiopia and said that they would be seen as "elements who are coming to disturb the peace."[5] By late February only a small group of observers had arrived and they had not yet been deployed at the time of writing. Slowness in organizing the African Mission was due in part to the delay in naming a chairperson for the implementation commission, the responsibility of the U.N. Secretary-General. On February 25, Col. El Hadj Alioun Samba arrived to take this post, but only on a temporary basis.[6]

Attempts to stimulate the peace process by providing material incentives to the FDD forces, delays in positioning the peace-keeping force, and the vagueness of the ceasefire agreement itself have heightened tensions and opened the way to further abuses of civilians such as those which were committed at Mwegereza.

Background

The war in Burundi began following the October 1993 assassination by a group of Tutsi army officers of President Melchior Ndadaye. Ndadaye, freely and fairly elected some months before, was the first Hutu to serve as head of state in Burundi. His victory followed reforms instituted by Tutsi President Pierre Buyoya who had been the first to name a substantial number of Hutu to ministerial posts. Earlier attempts by the majority Hutu to win a share in power had been put down by the Tutsi, a minority of some 15 percent of the population, who have dominated political, economic, and social structures since the colonial period. After Ndadaye's assassination, Hutu, sometimes under the orders of local administrative or political leaders, slaughtered thousands of Tutsi and the Tutsi-dominated army massacred thousands of Hutu.[7]

[5] Premy Kibanja, "Burundi Rebels and peace talks," BBC News, February 21, 2003.
[6] Human Rights Watch interview, Kigali, February 19, 2003.
[7] See Human Rights Watch, Fédération Internationale des Droits de l'Homme, Ligue des Droits de la Personne dans la Région des Grands Lacs, Organisation Mondiale contre la Torture, Centre National our la Coopération au

Some of Ndadaye's followers and others took up arms in three rebel movements. By 2002, two of those movements remained active: the Forces for the Defense of Democracy (FDD) with some 10,000 combatants and the National Liberation Forces (FNL), with fewer than 3,000 fighters. In late 2001 the FDD split, with the larger number following Pierre Nkurunziza and a smaller number remaining loyal to previous commander Jean-Bosco Ndayikengurukiye. The FNL also divided in August 2002, with dissident Alain Mugabarabona claiming leadership from commander Agathon Rwasa, whom he accused of blocking efforts at negotiations. Mugabarabona, however, failed to win the support of most of the FNL, which continued to follow Rwasa.

The current government, installed in November 2001, includes seventeen political parties and a careful balance of Hutu and Tutsi. It results from the Arusha Accord of August 2000, hailed at the time as a major step towards ending the war because it brought important opposition parties together with the government. But neither the FDD nor the FNL signed the agreement and the fighting continued. In August 2002 the government and the smaller FDD branch, that under Ndayikengurukiye, signed an accord, but it was only in December 2002 that the major FDD group, that of Nkurunziza, agreed to a ceasefire and the cantonment of FDD combatants in certain areas.

The war involves neighboring states as well. Many FDD combatants are based in Tanzania and launch incursions into Burundi from there despite apparent efforts by the Tanzanian government to discourage such activity. Both FDD and FNL combatants have also had bases on the territory of the Democratic Republic of Congo and benefited from support from Kinshasa . In addition, they have incorporated into their ranks some Rwandans now fighting against the current government of Rwanda; some of these combatants were part of the army of the previous government (Forces Armées Rwandaises, FAR) or were members of militia (Interahamwe) and may have participated in the 1994 genocide against Tutsi in Rwanda.

On the other side, Burundian army troops have been supported by several thousand soldiers of the current Rwandan army, the Rwandan Defense Force, who have assisted them particularly in northern and central Burundi.

The Ceasefire of December 2002

According to the December 3 ceasefire agreement, Burundian President Pierre Buyoya and FDD leader Pierre Nkurunziza agreed to halt military activities, including combat operations, recruitment of new forces, resupply of combatants, and the laying of mines. They said that all combatants should have finished assembling in cantonment zones by the end of December. They undertook to halt all propaganda and particularly the incitation to ethnic hatred as well as "all acts of violence against the population," including killings, torture, the use of child soldiers, and sexual violence. They agreed also to accept all the principles specified in the August 2000 Arusha Accords including the formation of a state based on the rule of law with respect for human rights.

Développement, Nationaal Centrum voor Oontwikkelingssamenwerking, NOVIB, « Commission d'Enquête sur les violations des droits de l'homme au Burundi depuis le 21 octobre 1993, Rapport Final, » July, 1994.

The agreement, however, left essential matters of implementation for later discussion. The failure to resolve pressing questions, such as where the belligerent forces were to be cantoned, as well as longer-term issues such as how the FDD was to be integrated into a new army, heightened tensions, particularly among government soldiers. Asked how they view the current situation, several responded that the situation was "confused." One said that his orders changed from one week to the next as his superiors gave different interpretations to the agreement.[8]

Cantonment

As a first step to disengagement, the agreement specified that the FDD and government forces would be cantoned in zones supervised by the African Mission. The FDD zones were to be determined by a commission composed of representatives of the parties and of the African Mission while the government forces were to be posted in zones that were "to be determined" ("à convenir").[9] Members of the African Mission did not arrive until mid-February and as of this writing, the commission had not yet met. With nothing definite, rumors circulated both among soldiers and civilians about the number and location of the zones that were to be in effect conceded to the FDD.

By the time of the ceasefire, the FDD controlled much of the Kibira, an uninhabited forest. In addition, there were other populated regions where they were generally welcome and could rest, keep supplies, and move about freely, particularly at night. But throughout the nine years of war, they had usually been forced by the army to keep on the move and had not been able to establish clearly demarcated zones that they could claim to administer. In September 2002, even before the December ceasefire, the two sides were already focusing on zones of cantonment as a reason for combat. Following a late August agreement between the government and a smaller, dissident wing of the FDD, the forces of the larger wing, that of Pierre Nkurunziza, reportedly tried to establish their hold over Itaba hill in Gitega province. They were said to have told people that Itaba and adjacent hills were to become an FDD cantonment zone. This claim, and the strong reaction of Burundian government soldiers against it, helped spark combat during which government soldiers deliberately massacred 173 civilians in September 2002.[10]

Since the December ceasefire, Ruyigi was spoken of as a cantonment zone with satisfaction by FDD combatants and with resentment by government soldiers, angry that their long efforts to deny the FDD a firm territorial base had come to nought. Adjacent to the border of Tanzania, where FDD forces had rear bases, Ruyigi had known long periods of combat. A significant number of people living in Moso, a lowland area of Ruyigi, were counted as FDD supporters. A document, perhaps based on a leaked version of an early draft of the ceasefire agreement, circulated by electronic mail among Burundians in December. It too said that part of Ruyigi province would be assigned to the FDD. According to one political leader, the issue assumed

[8] Human Rights Watch interviews, Bujumbura, February 10, and Ruyigi, February 13 and 14, 2003.
[9] Accord du Cessez-le-feu entre le Gouvernement de Transition du Burundi et le Cndd-Fdd, signed at Arusha, December 3, 2002, Annex 1.A.1.1.6 and l.A.1.1.7.
[10] See Human Rights Watch Briefing Paper, "Burundi: Escalating Violence Demands Attention," November 2002.

such importance that President Buyoya himself went on the radio to insist that there was only one zone thus far for the rebels and it was the Kibira forest.[11]

In late December, the FDD increased the number of its combatants in Ruyigi and established new posts, particularly in the Moso areas of Karindo, Muvumu, and Munazi.[12] On January 8, the chief of staff of the army, Brig. Gen. Germain Niyoyankana, called the expansion a violation of the ceasefire and broadcast a call to the FDD to observe the terms of the agreement. Captain Adolphe Manirakiza, deputy spokesman of the army, stated on January 4 that the FDD had brought between 600 and 1,000 combatants from Tanzania to Ruyigi and warned that Burundian soldiers "would not stand by with their arms crossed" in the face of such an expansion.[13]

Some military officers, already suspicious of FDD intentions, saw their advance as proof that they meant to continue the war. One high-ranking officer even repeated a current rumor that the rebels had attempted to deceive the government by slipping a page that actually named the cantonment zones into the ceasefire document at the moment of signature.[14]

The FDD had indeed violated the spirit of the December 3 agreement. But since the agreement specifies only that all sides should have finished moving towards their "regroupment zones" by December 30, it is possible to argue that they had not violated the literal terms of the ceasefire.[15] With the delay in identifying the zones, they could say that they did not yet know exactly where they were supposed to remain, a claim given credibility by the highly mobile and dispersed nature of their movement.

According to the agreement, the combatants were to be permitted to take light arms into the cantonment areas. The heavy arms of the Burundian army were to be put under the supervision of the African Mission, except for those needed to pursue the war against the FNL, not a signatory to the agreement.[16]

Recruitment by the FDD

Although vague on many points, the December 3 agreement did state clearly that the parties would cease recruiting combatants once the ceasefire took effect.[17] Here too, the FDD violated the spirit if not the letter of this provision by enrolling hundreds of new combatants, whether they were actively recruited or voluntarily presented themselves to join the force. The FDD wants to increase its numbers in order to have more weight in future negotiations, particularly those concerning the part each force is to have in a new integrated army. It may also wish to enroll people who will support the CNDD, the political wing of the FDD, in any future elections. Just as the rebel movement has an interest in augmenting its ranks, so individuals have an

[11] Human Rights Watch interviews, Bujumbura, February 9 and 15, and Gitega, February 17, 2003.
[12] Human Rights Watch interviews, Ruyigi, February 12, 2003; Nyabitare, February 13; Gitega, February 17; and Bujumbura, February 18, 2003.
[13] Agence Burundais Presse, January 4 and 8, 2003.
[14] Human Rights Watch interviews, Gitega, February 17, and Bujumbura, February 18, 2003.
[15] Accord du Cessez-le-feu entre le Gouvernement de Transition du Burundi et le Cndd-Fdd, signed at Arusha, December 3, 2002, Article 1.1.
[16] Ibid., Annex 1. A. 1.1.6 and 1.1.7.
[17] Ibid., Annex 1.B.1.9.1.

interest in joining them. It is widely known that the FDD is now receiving food from the international community (see below): people who are hungry—or whose families are hungry—have an immediate incentive to sign up with the FDD. Some may expect that joining the force now will allow them to collect benefits at the time of demobilization while others may join in hopes that membership will assure future employment, now that the CNDD-FDD is becoming a legitimate actor in the political arena and will have jobs to distribute.

Radio Kwizera, an independent station based in Tanzania, reportedly recently broadcast the news that some 900 recuits joined the FDD from a Burundian refugee camps in Tanzania, 600 from Karago, and 300 from Nduta.[18] On January 8, the Burundian army captured fifty-four men, part of a larger group of 150 who were apparently about to cross the border to Tanzania. According to Burundian army sources, they had been recruited inside Burundi and trained at Munazi, a hill in Ruyigi commune.[19] The government-run Burundian press service reported that 50 men from Kayanza commune left to join the FDD in mid-January, followed by 116 from various communes of Rutana province[20] and 177 others from Cibitoke province, many of them members of the government-sponsored paramilitary group, the Guardians of the Peace.[21] The press service reported on February 12 that twenty-seven members of the Guardians of the Peace left Butihinda commune, Muyinga province, to join the FDD in Tanzania. It said that twenty others had left from the same place for the same purpose in January.[22]

In the past, the FDD has incorporated numerous children in its ranks, some of them kidnapped from their homes.[23] In December 2002, the United Nations secretary-general listed the FDD—as well as the Burundian army—among forces that recruit children.[24] Dozens of the recent recruits also were children and students from primary and secondary schools, including sixteen from a school in Kayero, seven from another in Gatara, five from a school in Kayanza and still others from a school in Gisuru.[25] A civilian knowledgeable about educational matters said that some fifty students in Muramvya province had left school to join the FDD since late last year.[26] In an effort to stop the continuing flow of students to the rebel movement, Burundian authorities held meetings with students and with parents of children who might be tempted to leave.[27]

At a press conference to present men captured en route to join the FDD, General Niyoyankana, chief of the staff of the army, and Col. Cyprien Hakiza, commander of the second

[18] Human Rights Watch interview, Gitega, February 17, 2003.
[19] Agence Burundaise de Presse, January 8, 2003; Human Rights Watch interview, Gitega, February 17, 2003.
[20] Agence Burundaise de Presse, January 17 and 20, 2003.
[21] Agence Burundaise de Presse, January 23, 2003. For details on the Guardians of the Peace, see Human Rights Watch, "Burundi: To Protect the People, The Government-sponsored 'Self-Defense' Program", A Short Report, December 2001.
[22] Agence Burundaise de Presse, Muyinga, February 12, 2003.
[23] Human Rights Watch interview, Gitega, November 2, 2002; Human Rights Watch press release, "Burundi: Children Abducted for Military," November 14, 2001.
[24] At http://ods-dds-ny.un.org/doc/UNDOC/GEN/N02/7/14/49/PDF/N0271449.pdf?OpenElement
[25] Human Rights Watch interview, Gitega, February 17, 2003; Agence Burundaise de Presse, January 17, 20, and 23, 2003.
[26] Human Rights Watch interview, Muramvya, February 17, 2003.
[27] Agence Burundaise de Presse, Cibitoke, January 23 and Muyinga, February 12, 2003.

military region, accused the FDD of violating the ceasefire by continuing to recruit and train combatants.[28]

Food for the FDD

The ceasefire agreement stated that food could be provided to combatants in order to encourage them to participate in disarmament and demobilization, processes that they might not otherwise accept.[29] The European Union was determined not to lose the apparent momentum created by the agreement and decided to provide food to the FDD forces in late December as a way to support the peace process, even though neither the preliminary stage of assembly in cantons nor the later phase of demobilization and disarmament had been implemented. The distribution, organized at a place in Bubanza province near the forest, was meant also to encourage the FDD in the Kibira to stay put and to stop pillaging the crops of local residents.[30]

The FDD and Burundian authorities agreed on quantities and procedures for the distribution, but criteria for determining who qualified as a recipient remained unclear even after the deliveries began. The amount of food distributed reportedly exceeded the needs of the FDD combatants, who may have stocked the excess or sold or given it to the local population. Despite the assistance, FDD combatants continue to attack and rob the people who live near the Kibira forest.[31]

The food distributions were suspended briefly in early January during a resurgence of combat. They resumed in early February but were halted again after mid-February because renewed fighting supposedly impeded deliveries. The FDD asked that their food ration include meat, a luxury rarely enjoyed by army troops. This request, though rejected by Burundian military authorities, prompted some to say that the FDD were being better provided for than the government soldiers.[32]

Many Burundians—especially those in the armed forces—did not understand why the European Union delivered food to rebels who were not yet consigned to cantonment areas, who continued to bear arms and to enroll new combatants, and who still pillaged and otherwise harassed other Burundian civilians.[33]

The Meeting with the Ministers

As FDD combatants arrived in increasing numbers in Ruyigi in late December and early January, they established several posts on a line leading west from the communal center of Kinyinya towards the small town of Nyabitare, including at Munazi, Musumba, Ntore, and Karinda. The Burundian army also increased its forces in the region after the first of the year, but for a while there were no armed clashes. As one local resident said: “The soldiers came and took

[28] Agence Burundaise de Presse, January 8, 2003.
[29] Accord du Cessez-le-feu entre le Gouvernement de Transition du Burundi et le Cndd-Fdd, signed at Arusha, December 3, 2002, Annex 1, E.12.1.
[30] Human Rights Watch interviews, Bujumbura, February 10 and 24 and Kigali, February 19, 2003.
[31] Human Right Watch interviews, Gitega and Muramvya, February 17 and Bujumbura, February 24, 2003.
[32] Human Rights Watch interviews, Bujumbura, February 16 and 24, 2003.
[33] Human Rights Watch interview, Bujumbura, February 10, 2003.

over the primary school at Murehe 2. They used the school desks as firewood. The FDD forces were only two kilometers away but for a week or so, they all got along and they even drank beer together."[34]

On January 12, the ministers of interior and defense and the commander of the second military region came to Nyabitare where they met with a crowd of local residents. Their objective was to assess the extent of FDD presence in the area and the local reaction to it. They meant also to "alert people not to fall into the FDD trap," as one well-informed military officer said. He told Human Rights Watch researchers that the authorities wanted to make clear that Ruyigi was not a cantonment zone and that the FDD were not in control of the area, as they had apparently claimed.

During the meeting, the authorities heard that the FDD presence was in fact growing and that many in the crowd approved of this and of the peaceful way their arrival had been treated by army soldiers. An older man stood to say that he had met several FDD combatants on his way to the meeting and that they had asked him to request government food deliveries in Ruyigi like those taking place in Bubanza. Others in the crowd seconded this proposal, saying, "they are also children of Burundi." According to some who attended the meeting, the original speaker as well as at least one other were in fact FDD members. Following the official meeting, a representative of the CNDD, the political wing of the FDD, gathered some of the crowd together and held his own meeting. Thus the ministers and other high-ranking officials witnessed not just the extent of FDD support in the area but also the readiness of the FDD to take advantage of this support. And this popular support had crystalized into a request to extend to Ruyigi the very food distribution program that had already provoked widespread criticism by military and other supporters of the government.[35]

Some who attended the meeting said that the ministers were visibly angered by the remarks from the audience. The ministers left immediately at the end of the meeting and a scheduled reception was cancelled.[36] A number of local people believe that the growing FDD strength in Ruyigi, as shown by the meeting, spurred the ministers and military officials to advocate renewed military operations in the area. Two days after their assessment visit, army troops moved into position to attack FDD combatants in Ruyigi.

The Attack at Mwegereza

Since signing the ceasefire in early December, both sides have ignored the provision promising an end to violence against civilians.[37] One Burundian suggested that it was a case of "he who signs can also unsign" ("*uwasinye niwe asinyura*"), as the Burundian saying goes.

[34] Human Rights Watch interview, Ruyigi, February 12, 2003.
[35] Human Rights Watch interviews, Bujumbura, February 9; Ruyigi, February 12; Naybitare, February 13; Gitega, February 17, 2003.
[36] Ibid.
[37] Accord du Cessez-le-feu entre le Gouvernement de Transition du Burundi et le Cndd-Fdd, signed at Arusha, December 3, 2002, article II, l. 7 and article VI.1.1.

Burundian army soldiers massacred more than thirty and perhaps as many as eighty-nine civilians at Mwegereza and elsewhere in Ruyigi in late January following four days of combat with FDD forces.

According to local residents, an elite mobile unit that they called "Amasekanya" or "The Fierce Fighters," moved from Murehe 2 School to lead the operations at and near Mwegereza on the evening of January 14.[38] They said that the unit, commanded by a major, was composed of troops from several different battalions and had no fixed base of operations. Such an elite mobile unit from Ngozi did most of the killing in the massacre of 173 civilians at Itaba in September 2002.[39] One witness said that the unit responsible for the killings at Mwegereza had come from Ngozi, another said that it was based in Kirundo. All agreed that it was made up of soldiers from outside of Ruyigi, though several said that it had passed through the area at least once before.[40] Col. Cyprien Hakiza told Human Rights Watch researchers that no troops from Ngozi had operated in his zone, which includes Ruyigi, since September 2002.[41] The people of the region say that the 26th battalion, based then at Kinyinya, backed the Amasekanya and that soldiers from the 21st, 23rd, and 24th battalions may also have participated.

On January 15, 16, and 17 government troops directed both small arms and mortar fire at a company of eighty to ninety FDD combatants at Mwegereza. Both sides called for reinforcements and at one point the FDD brought additional combatants from its base at Munazi to attack the soldiers from behind. Several soldiers were hit and perhaps some killed in the ensuing clash.[42]

Once the fighting started, many civilians fled immediately to neighboring small urban centers: some 1,000 made it to Nyabitare and another 500 to Gisuru. Others sought refuge with family or friends in areas distant from the combat or moved into the bush areas. Still others stayed at home, either relying on assurances—whether given by FDD or government authorities—or trusting their prayers to protect them.[43]

During the first three days of combat, the FDD forces shifted from Mwegereza to Muvumu and then on January 17 most left the immediate area. The following morning, at about 10:30, they ambushed a military vehicle at the place known as Gakurwa, a short distance south of the town of Nyabitare. The international press reported that the vehicle was carrying wounded soldiers, but according to Col. Hakiza the truck was carrying "goods," not wounded soldiers.[44] One local account relates that the soldiers were carrying off booty looted from a local trader and that he had called on the FDD to ambush the vehicle to recuperate his pillaged property. At least ten and perhaps twelve soldiers died in the ambush. Others who came to their aid reportedly

[38] A radical group that defends Tutsi interests in Bujumbura is also called Amasekanya. In using this name, local people may have wanted to suggest a link—even if only ideological—between them and the military unit.
[39] See Human Rights Watch Briefing Paper, "Burundi: Escalating Violence Demands Attention," November 2002.
[40] Human Rights Watch interviews, Ruyigi, February 12 and 14 and Nyabitare, February 13, 2003.
[41] Human Rights Watch interview, Gitega, February 17, 2003.
[42] Human Rights Watch interviews, Ruyigi, February 12 and 14, Nyabitare, February 13, and Gitega, February 17, 2003.
[43] Ibid; Human Rights Watch interview, Bujumbura, February 10, 2003.
[44] "Ruyigi," Agence France Presse, February 9, 2003; Human Rights Watch interview, Gitega, February 17, 2003.

deliberately killed at least one civilian who was working in a nearby rice field and perhaps as many as six civilians in the immediate area in violation of international humanitarian law.[45]

Shortly before dawn on Sunday morning, January 19, soldiers opened fire on the hill Mwegereza. Any rebels still present left rapidly. The soldiers came upon a group of people who had been praying together all night long. They belonged to a small church known as the Burundian Church of the Unity of the Holy Spirit (Eglise de l'Unité du Saint Esprit du Burundi, Esebu). Although there was a church building nearby, they were apparently holding a prayer vigil in a private home when soldiers found them. Seven men, including the pastor James Cizanye, an evangelist, and five others, were ordered to accompany the soldiers to a place near a Catholic chapel—presumably near the Murehe 2 School where their unit was based. Soldiers executed them there. In addition, soldiers burned to death an old man named Ndamuherubi along with two teen-aged girls and two other men. Soldiers also killed Leonidas, a leader of the Esebu church, his wife Josephine, and their three children, and his mother Specios Kaburo as well as Venanca Bucumi, a church member, and Cubwa, Chomari and Gasagaro. According to witness testimony, Edouard Namiye, Onesphore Ntawurusiga, Magorwa, and Nyenkori were also deliberately killed by soldiers.[46]

As soldiers moved across the hill, they burned many houses, more than 420 in the two sectors of Mwegereza and Ruhuni according to one count, and pillaged more than 1,500 others. According to witnesses who went to Mwegereza, more than three weeks after the massacre the hill was still a scene of devastation, with the people gone and the houses all burned. One said the air was unbreathable, polluted by smoke and the stench of decomposing bodies. Another witness said that soldiers had also burned and pillaged homes on the nearby hills of Muvumu and Nyabitaka.[47]

On February 6, the sector chief and some soldiers ordered some local residents to bury thirty-two victims of the January 19 massacre, including sixteen women and children. Some of the victims had been shot, while others had been killed by being clubbed on the head or by being stabbed by bayonet. Victims killed by being clubbed or stabbed are necessarily killed at close range, meaning that the soldiers who killed them must have known that these were unarmed civilians.

Soldiers deliberately killed others in nearby sectors: six at Ruhuni, two at Nyabigozi, and one at Munyinya. According to local people, a number of bodies were left unburied in the surrounding bush and others were disposed of in latrines or other places. The estimate of one government official was that a total of eighty-nine civilians had been wrongfully killed by soldiers on January 19 and 20.[48]

[45] Human Rights Watch interviews, Bujumbura, February 10; Ruyigi, February 12 and 14; Nyabitare, February 13; Gitega, February 17, 2003.
[46] Human Rights Watch interviews, Bujumbura, February 10; Ruyigi, February 12 and 14; and Nyabitare, February 13, 2003.
[47] Human Rights Watch interviews, Ruyigi, February 12 and 14, 2003.
[48] Ibid.

Soldiers have kept people who fled to safety from returning to harvest crops or to work in their fields. One man said, "The people can't return to work their fields because soldiers will shoot anyone who comes there. The people are hungry also because there is no humanitarian assistance." He said also that on one day, February 4, soldiers did tell the people of Kanira, sector Kigamba, zone Nyabitare that they could return home to harvest their crops. "The people came back and spent the day harvesting," he said. "Then the soldiers came and killed them and took the crops and sold them at Nyabitare."[49] In another incident, soldiers reportedly summarily executed 6 men at Kibandi, sector Nyakirunga, zone Nyabitare, in late January.

One woman said that soldiers are now on the hill where she lived and that she knew of men who had been killed at Kiyagara when they tried to go back to their homes.[50] Other witnesses confirmed that soldiers drove people from their homes in order to loot their property. "Soldiers threatened the people at Bitambwe, Kiyagara, Kidibizi, Kaniro and Rugaga and shot at them so they would flee without taking anything with them," one said. "Then they emptied their houses and took their animals."[51]

Rape

Government soldiers raped women and girls in the days and weeks after the attack at Mwegereza. Men and women alike spontaneously spoke of rapes by soldiers posing a serious risk to women in the area. One woman gave the names of six women who had been raped in the past month. She said:

> The problem of rape continues even today. Women are harassed wherever they have fled. On last Thursday night, soldiers killed the husband of a woman and then raped her so violently that she aborted the baby she was carrying. Immediately after the soldiers fired in the air to keep people from coming to help her.
>
> As soon as soldiers arrive on a hill, they spot where the women and girls are and then come back after dark to rape them. When the soldiers come, everyone flees because they are so traumatized because of these rapes. We have nothing, not even pots to cook with, no place to sleep, all the houses have been burned, everything is devastated.[52]

A witness said, "Women are hiding because they fear rape." He gave the details of three cases where women, one of them some seventy years old, had been raped by soldiers. One of the victims was from Mureba, another from Mago, and a third from Mwegereza.[53]

Human Rights Watch researchers met two women who sought medical attention on February 12 after having been raped by soldiers the week before. A woman who tried to assist

[49] Human Rights Watch interview, Ruyigi, February 12, 2003.
[50] Ibid.
[51] Ibid.
[52] Human Rights Watch interview, Ruyigi, February 12, 2003.
[53] Ibid.

the victims said she had reported the cases of rape to the commander of the military post at Bikobi, commune Nyabitsinda, and had even identified the perpetrators. The commander apparently did nothing, but the troops were sent away and replaced by others soon after. One witness said that the new soldiers were no better than the others and at least one woman had to fight off a soldier who tried to rape her within twenty-four hours of his arrival at the post.[54]

Official Reactions to the Mwegereza Massacre

In the past year, both civilian and military officials seemed to condone rather than condemn military attacks on civilians. In August 2002, army spokesman Col. Augustine Nzabampema told a news conference that any civilian who did not flee from rebel forces, often called "assailants," "will be treated as an assailant."[55] Such a policy violates the fundamental principle of international humanitarian law of distinguishing between combatants and non-combatants. The Ministers of the Interior and Public Security and the former Minister of Defense reportedly voiced similar sentiments.[56]

In commenting on the Mwegereza massacre, the governor of Ruyigi admitted that many people in the province believed that soldiers saw them as supporters of the FDD and deliberately killed them for that reason. He said this was not true and that "there had been losses among the people because the FDD had hidden among them."[57] After hearing a summary of the results of this Human Rights Watch inquiry, Colonel Hakiza, commander of the region, told researchers that he had received a report on the "civilians who supposedly died" ("qui auraient peri") in the Mwegereza attack from the administrator of Gisuru commune. He said that the report mentioned that some had been killed by bayonet. He said also that he had first heard reports of rape only a week earlier. In a meeting with Human Rights Watch researchers, the chief of staff of the army General Niyonyankana acknowledged that civilians might have been wrongly killed at Mwegereza. He insisted that he had no intention of covering up any crimes, but he also remarked that witnesses who saw bodies with shattered skulls might have been mistaken in concluding that the victims had died from blows to the head; they might, he said, have been killed by shells or grenades. General Niyonyankana and Colonel Hakiza agreed that the alleged crimes were serious and must be investigated.[58]

Military Justice

Given the current atmosphere of fear and mutual suspicion as well as the recent history of military attacks on civilians, it is especially important that soldiers accused of violating international humanitarian law be brought to justice. Yet, in all but one case, the senior military hierarchy and the military justice system have failed to respond adequately to allegations of deliberate killing, rape, and pillaging of civilians.

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[54] Human Rights Watch interviews, February 12, 2003. [Site of interview omitted to protect identity of the victims.]
[55] Reuters, "Burundi Army Says 1,000 Rebels Enter from Tanzania," August 9, 2002
[56] Human Rights Watch interview, Bujumbura, October 31, 2002; "Problématique du respect du droit humanitaire au Burundi," *Bulletin Iteka*, Number 49, October 2002; press conference of Defense Minister, General Cyrille Ndayikuriye, reported by Net Press, July 21, 2002.
[57] "Ruyigi," Agence France Press, February 9, 2003.
[58] Human Rights Watch interviews, Gitega, February 17, and Bujumbura, February 18, 2003.

In the one exceptional case of prompt response to alleged violations, General Niyoyankana intervened personally in early January after learning that soldiers had killed twelve civilians while pursuing rebels who had attacked their post at Gasenyi near Bujumbura. The soldiers also pillaged a great deal of property which General Niyoyankana insisted be returned to its owners. Two men were arrested and are awaiting trial.

In a meeting on February 18 military prosecutor Lieutenant Colonel Kiziba acknowledged that crimes by soldiers against civilians were increasing, including summary killings, rapes, pillaging and robberies. He said that his staff and material resources were so limited that he was unable to deal adequately with these crimes. When told of the massacre at Mwegereza, he responded that he knew nothing about it and that it was not unusual for him to be unaware of crimes committed by soldiers, particularly at a distance from the capital. He lacked means of transport, he said, and had to depend on other civilian or military authorities to inform him of matters requiring investigation. Lieutenant Colonel Kiziba said also that a law was under discussion to increase the number of military jurisdictions to one per military region, a change that would allow for more rapid and direct investigations nearer the scene of the crime. General Niyoyankana also told Human Rights Watch researchers that, on the day of their meeting, he had been discussing this proposal with the minister of defense and that he expected it to be brought before the national assembly soon.

The military justice system is indeed short of resources but, as a recent trial indicates, its failings result also from a refusal to hold soldiers accountable as required by international law. On February 20 military prosecutor Pierre-Clavier Nizigiyimana brought to trial Major Joseph Budigoma, second in command of the 4th commando battalion of Ngozi, and Lieutenant Dédite Ngendakuriyo, company commander, accused of responsibility for the September 2002 massacre of 173 civilians at Itaba. Although Lieutenant Colonel Kiziba had said in November that other soldiers were under investigation, only two were brought to court. A Human Rights Watch researcher learned that the trial was scheduled for late in the week of February 17 but had great difficulty discovering the time and place of the proceedings, which are supposed to be public. Burundian legal and human rights observers expressed great surprise at the difficulty of obtaining reliable information about a trial of this importance.

The proceedings before the war council (conseil de guerre) of Kayanza lasted two hours. The defendants, originally charged with murder, were accused during the trial of the far less serious offense of “lack of public solidarity,” an infraction defined in chapter 6, articles 351 and 352 of the penal code as failure to intervene to prevent a crime from being committed or to notify authorities in sufficient time for them to prevent its being committed. The defendants were not represented by legal counsel and said that they felt no need for such advice. They were allowed to speak about the charges but not to describe the events in detail. There were no witnesses heard and no injured parties appeared to claim damages, as they are entitled to do under Burundian law.

At the conclusion of the proceedings on February 20, the president of the court, Colonel Bandonkeye, said that in his personal opinion the defendants had conducted a good military operation, but given that 173 civilians had died and only one soldier had been wounded, it appeared that some fault had been committed. In his closing argument, prosecutor Nizigiyimana

said that the accused should have had the judgment to realize that "the assailants had retreated and that it those who were left were only secondary assailants," meaning by that civilians who had not fled the scene. He asked for a sentence of five months with subsequent reintegration into the army. The court acquitted the two officers of charges of lacking public solidarity but found them guilty of not following orders. It sentenced them to four months, less than the sentence requested and one month less than the time already served in detention. The accused had served less than one day per victim in prison time.[59]

The major and the lieutenant were freed and would presumably be reintegrated into the army, given that military law permits the reintegration of soldiers sentenced to less than six months in prison. Military spokesman Colonel Nzabampema said the light sentence was justified since these officers "had no direct responsibility for what happened at Itaba."[60]

According to the military prosecutor, he is not now investigating any serious violation of international humanitarian law, with the exception of the Gasenyi case mentioned above. Given that the acquitted officers are judged to have had no responsibility for the massacre of 173 civilians, the military prosecutor must re-open the Itaba case and bring to trial those who are in fact guilty of this heinous crime.

Léonidas Ntibayazi, president of the human rights commission of the National Assembly and one of the first to denounce the Itaba killings, called the verdict scandalous. Local and international human rights organizations also criticized the ruling. As of this writing, the United States was the only donor government to comment on the judgment, expressing "its great disappointment at the failure of the Transitional Government of Burundi to fulfill its commitment to appropriately punish under law those responsible for the massacre of civilians" and condemning all killings of civilians by any party to the conflict.[61]

Humanitarian Assistance Blocked

From the mid-January attacks until late February, military authorities prevented humanitarian agencies from delivering assistance to thousands of people at risk in the Moso area of Ruyigi. These included both vulnerable people identified by the United Nations Office of Coordination of Humanitarian Affairs (OCHA) as needing food assistance before the latest combat and those displaced by military operations during January. Although authorities claim that insecurity in the area made delivery impossible, conditions on the ground show that there must have been at least one day in a period of five weeks calm enough to permit the delivery of assistance. It appears that authorities are withholding aid from civilians in need in order to punish those perceived to be sympathetic to the FDD or in order to prevent recipients from diverting aid to FDD combatants. Blocking assistance is a violation of international humanitarian law which places obligations on a state in a civil war to facilitate relief for civilian populations suffering undue hardship because of shortages of food and medical supplies[62] and which obliges warring parties to respect the neutrality and impartiality of humanitarian agencies.

[59] Human Rights Watch field notes, Kayanza, February 21, 2003.
[60] "Massacre de civils: deux officiers condamnés à 4 mois de prison," Agence France Presse, February 22, 2003.
[61] Statement by the United States embassy, Bujumbura, February 26, 2003.
[62] See Protocol II, art. 18.

Some 1,000 displaced persons who originally sought aid from the Catholic parish at Nyabitare in mid-January were directed to a transit camp prepared by the United Nations High Commissioner for Refugees (UNHCR) but not then being used by refugees. The displaced stayed at the site until the first weekend in February but all left the site by the next Monday morning, just before a scheduled visit to the area by representatives of OCHA and humanitarian agencies. They were reportedly ordered to disperse rapidly by the local administration to prevent their plight from being seen by representatives of international humanitarian agencies.[63]

Military authorities have told representatives of organizations seeking to deliver medical or food assistance that they cannot enter parts of Ruyigi province—including Nyabitare, Gisuru, Kinyinya, and Nyabitsinda—because the presence of rebels and military operations against them makes the region insecure. Mwegereza is in this area. A delegation from Technical Follow-Up Group (Groupe Technique de Suivi), a committee trying to co-ordinate assistance and protection to displaced persons and including representatives of the Burundian government, OCHA, and nongovernmental organizations, came from Bujumbura to visit the area on Feburary 12 and 13. But military authorities said it would be unsafe for them to leave the town of Ruyigi because of FDD movements and military operations in the region. Other persons, however, went to several places in the area without incident during these days and saw no evidence of military operations by either side.[64]

When asked to make a special effort to permit the delivery of assistance to those in need in this zone, General Niyoyankana and Colonel Hakiza agreed in late February to try to arrange secure corridors permitting the passage of representatives of the humanitarian organizations. As of this writing, this plan has not yet been put into effect.[65]

FDD Abuses

FDD combatants have also committed serious abuses against the civilian population, including summary killings, rape, recruitment of children, and pillage. On February 25, for example, FDD combatants reportedly killed three civilians at a site for internally displaced persons in the commune of Gishubi, province Gitega, and killed another and wounded three more during a raid for booty in Nyamureneza commune, province Ngozi.[66] On January 26, FDD combatants reportedly assassinated a local government official in Buraza commune and also killed a civilian in a site for internally displaced persons in Itaba commune. They also burned nine homes and looted property.[67] FDD combatants raided Gitega town on February 8, killing three civilians and stealing property.[68]

[63] Human Rights Watch interviews, Bujumbura, February 9 and 10, Ruyigi, November 12, and Nyabitare, November 13, 2003.
[64] Human Rights Watch field notes, Nyabitare and Ruyigi, November 12-14, 2003.
[65] Human Rights Watch interviews, Gitega, February 17 and Bujumbura, February 18, 2003.
[66] News broadcast, Radio Publique Africaine, February 25, 2003.
[67] Integrated Regional Information Network (IRIN), "Burundi: Aid to 7,500 to proceed today," January 28, 2003.
[68] Radio Bonesha news, February 10, 2002.

According to residents of Gitega and Muramvya provinces, FDD combatants frequently raped women and stole cattle and goats in late 2002 and early 2003.[69] One resident of Murayi hill, Gitega province, told Human Rights Watch researchers that FDD rebels had raped his wife and some fifteen other women in his area as well as others on hills along the border between Gitega and Mwaro provinces. FDD groups based in the Kibira forest frequently raid civilians living near the edge of the forest while others passing through the provinces of Gitega and Ruyigi on their way to the Tanzanian border deliberately kill, rape, and rob civilians along the way. On the routes most frequently used by the FDD, two or three groups of combatants pass by each week, usually stopping at night to demand food or money from local people. One poor man said, "If you have no money to give, then you are beaten."[70] In Muramvya town, FDD forces have reportedly demanded payments from cattle owners in return for not stealing their cattle. The FDD are said to attack both Hutu and Tutsi.[71]

One man remarked that the FDD used to come to Ruyigi in small numbers and "collected money and food, whether you wanted to give or not." He said, "People would report their presence to the soldiers who would chase them away and then in three months, they'd be back again."[72] "FDD combatants have been in the bush near Munazi since last year," said one woman from Ruyigi, "but people are afraid of them and do not go near them."[73]

On the night of February 13, FDD forces reportedly pillaged a number of homes three kilometers from the center of Ruyigi town, systematically stripping residents of food and such valuable possessions as radios and bicycles.[74] On February 17, FDD combatants ambushed a commercial vehicle on the road between Ruyigi and Cankuzo and killed at least one soldier who was riding in it. On February 20 the rebels ambushed a vehicle of the agricultural service and on February 25 they ambushed three vehicles in commune Butaganzwa, province Ruyigi, killing one person and wounding others.[75]

Office of the United Nations High Commissioner for Human Rights

The small office of the U.N. High Commissioner for Human Rights divides its resources between technical assistance in the field of justice and limited monitoring of the human rights situation. A representative of the office attended the trial of the officers accused of the Itaba massacre, but the office has as yet published no comment. The field office in Burundi does not ordinarily make public its reports, limiting its impact on the local situation.

The director of the office has proposed playing a role in encouraging the African Mission to focus on questions of human rights. This initiative should be encouraged.

[69] Human Rights Watch interviews, Gitega and Muramvya, February 17, 2003.
[70] Human Rights Watch interview, Gitega, February 17, 2003.
[71] Human Rights Watch interviews, Gitega and Muramvya, February 17, 2003.
[72] Human Rights Watch interview, Ruyigi, February 12, 2003.
[73] Human Rights Watch interview, Ruyigi, February 12, 2003.
[74] Human Rights Watch interviews, Ruyigi, February 14, 2003.
[75] Human Rights Watch interview, Gitega, February 17, 2003; Radio Publique Africaine, news of February 26, 2003.

Conclusion

With the zones of cantonment undefined by the ceasefire, both sides pushed to obtain maximum control in disputed areas. The civilians massacred at Mwegereza were sacrificed to this struggle for military and political advantage. In the January 27 agreement confirming the ceasefire, the government agreed to the location of a food distribution point in Ruyigi, like that in Bubanza, thus conceding at least partially the objective sought by the FDD. But with continuing clashes in Ruyigi, no food has actually been distributed there and even the distributions at Bubanza have been halted.

The FDD cited the government blockage of food from the European Union as one of the reasons for breaking off negotiations. Having been promised this assistance and having received it for a number of weeks, the FDD clearly expects this support to continue, even though it has not yet moved its men into cantonment zones or disarmed them, measures which were in principle to precede—or at least occur simultaneously with—the distribution of food.

The international support for the FDD, combined with the growth in FDD ranks and its attempted advances on the ground, has heightened tensions among at least some Burundian soldiers who fear the burgeoning strength of the rebel movement.

The European initiative, meant to nurture the hopeful signs of peace, appears instead to have increased mutual suspicions and recriminations, perhaps because it gave an advantage to the FDD before effective concessions were made on its part.

Following the rupture of negotiations and bellicose declarations of the CNDD-FDD and UPRONA, both Ambassador Berhanu Dinka, Special Representative of the U.N. Secretary General and the African Union called on the parties to exercise restraint.[76] The arrival of an interim chairperson for the implementation commission may give impetus to the stalled peace process, but it is unclear whether the commission can execute its task rapidly enough to prevent further and even more serious combat.

What is clear is that any such combat will inevitably cause more suffering to the civilians at risk of attack and further deprivation of humanitarian assistance. The FDD has declared that with the cessation of food deliveries, it will assume responsibility for assuring its own food supply, which in the past has meant pillaging ordinary citizens already at the margin of survival. Meanwhile, given the verdict in the Itaba massacre trial, Burundian soldiers will likely see no need to avoid injury to "secondary assailants," as civilians have been called.

Recommendations

To the Government of Burundi:

- Immediately order all government armed forces to adhere strictly to the provisions of international humanitarian law concerning treatment of civilians and other non-combatants in wartime.

[76] Radio Télévision Nationale Burundaise, RTNB, news, February 25, 2003.

- Investigate and bring to justice all soldiers and officers accused of violating international humanitarian law in the unlawful killings in Ruyigi and elsewhere in Burundi.

- Discipline or prosecute, as appropriate, persons implicated in violations of international humanitarian law in accordance with international fair trial standards, including access to defense counsel.

- Facilitate access by humanitarian agencies to all civilians in need and respect the neutrality and impartiality of humanitarian agencies.

To the FDD:

- Order all combatants under your authority to adhere strictly to the provisions of international humanitarian law concerning treatment of civilians in wartime.

- Hold accountable all FDD members accused of violating international humanitarian law, including the murder of civilians, rape, looting, and the destruction of property.

- Cease the recruitment of children under the age of 18 as stipulated in the Optional Protocol to the Convention on the Rights of the Child.

To the United Nations and governments responsible for the African Mission and peacekeeping force:

- Speed the deployment of observers and peacekeeping troops.

- Insist that peacekeeping forces protect civilians and provide the training necessary for them to do so. Create a unit to monitor and report on all human rights abuses by Burundian government, FDD, or African Mission troops.

To the United Nations High Commissioner for Human Rights:

- Increase the scope and resources of the office in Burundi so that it can effectively monitor ongoing violations of international humanitarian law.

- Direct the office to assist in developing and implementing a human rights strategy for the African Mission and peacekeeping force.

- Direct the office to promptly issue public reports of investigations.

To donors assisting the Burundian government and those in contact with FDD leaders:

- Use your influence to persuade the Burundian government to immediately direct its armed forces to adhere strictly to international humanitarian law concerning the treatment of civilians during armed conflict.

- Use your influence to persuade the FDD to order combatants under its authority to adhere strictly to international humanitarian law concerning the treatment of civilians in wartime.

- Insist upon the full and rapid implementation of provisions in the Arusha Accord of August 2000, reaffirmed by the December 2002 ceasefire agreement, including those for bringing to justice those accused of violations of international humanitarian law.

- Assist the Burundian government with the resources needed to implement such justice programs.