

**BURUNDI**  
**Escalating Violence Demands Attention**  
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Against a backdrop of start-and-stop negotiations to end the civil war in Burundi, both rebels and the government army have stepped up military activities, killing civilians and raising the risk of widespread slaughter on an ethnic basis. The rebel forces are largely Hutu, as is the majority of the population. The army is dominated by Tutsi, although it has incorporated increasing number of Hutu in its ranks during the course of the war. As described in this report, both government and rebel sides appear increasingly willing to ignore their legal obligations to protect civilians in time of war.<sup>1</sup>

The rebel Forces for the Defense of Democracy (FDD) shelled the capital, Bujumbura, on November 22 and 23, killing at least five civilians and injuring a dozen more. Burundian army troops in turn bombarded Nyambuye hill on the northern outskirts of the capital, where the rebels supposedly based their artillery. Since mid-November, rebel and government troops have fought in the provinces of Bubanza, Kayanza, and Muramvya. The toll of civilian dead is not known, but at least twenty persons were reportedly killed by government bombardment from Kibimba in Muramvya province on November 21. According to international security sources, thousands of well-armed rebels have moved into the vicinity of the capital.

Since July when the pace of combat increased, Burundian army soldiers have killed hundreds of civilians, injured hundreds of others, and deprived many more of their property. In the worst incident, army troops massacred more than 174 civilians at Itaba commune, Gitega<sup>2</sup> province. Although the largest slaughter since July, it was only one of a number of deliberate killings of civilians carried out by government troops in the last four months.

During the same period rebels have killed dozens of civilians in attacks, ambushes, and assassinations of local officials; they have also destroyed hundreds of homes and public buildings and looted the property of local farmers. Rebel forces have shelled Bujumbura, Gitega, and Ruyigi, killing civilians and destroying their property. Rebels have also continued to forcibly recruit children to serve in their ranks.

Evidence of both rebel and government disregard for their obligations to protect civilians is found in the increase in numbers killed and in the failure to take action against accused killers in any but the most flagrant cases, such as the one at Itaba. Government officials display little concern for civilian casualties. In early August, 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.”<sup>3</sup> According to Burundian human rights observers,

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<sup>1</sup> Burundi is a party to the Geneva Conventions and to their Additional Protocols II, which applies to internal armed conflict. Common article 3 to the Geneva Conventions requires humane treatment for persons not taking part in hostilities and Additional Protocol II specifically prohibits attacks on civilians.

<sup>2</sup> Gitega is also the name of a commune in Gitega province and of the town that is the capital of the province.

<sup>3</sup> Reuters, “Burundi Army Says 1,000 Rebels Enter from Tanzania,” August 9, 2002.

the minister of the interior and public security expressed similar sentiments.<sup>4</sup> At a press conference on July 21, Minister of Defense Maj. Gen. Cyrille Ndayikuriye underlined what he saw as the ethnic nature of the conflict, saying that the rebels were implementing a genocidal ideology directed essentially against Tutsi. In a statement similar to that of army spokesman Nzabampema, General Ndayikuriye seemed to identify Burundian civilians with the rebel forces. He criticized residents of communes, such as Rutegama, which had been the scene of recent combat, for having tolerated the presence of rebels.<sup>5</sup>

On November 13, U.N. Special Rapporteur for Burundi Madame Keita Boucum expressed concern over the deteriorating relations between the army and civilians. The army spokesman rejected her conclusions.<sup>6</sup>

FDD spokesman Gelase Ndabirabe on November 13 warned civilians to leave Bujumbura for their own safety, further diminishing the zones of security available to civilians.<sup>7</sup>

By late November some 40,000 persons had fled the combat, bringing the total of internally displaced persons to some 390,000 persons, the largest concentration in Africa according to U.N. sources.<sup>8</sup> Because October and November are important seasons for cultivation of food crops in this nation where most people farmers, displacement has disrupted agricultural activities, creating the risk of future food shortages.

On November 3, the FDD declared a unilateral ceasefire, which was not accepted by the government. Peace negotiations set for mid-November stalled when the FDD did not appear, but began again on November 24. The government faces internal opposition to any peace settlement from Tutsi radicals grouped in the Party for National Recovery (PARENA), led by former president Jean-Baptiste Bagaza. Authorities arrested Bagaza on November 1, charging him with endangering state security and suspended PARENA for six months. Young supporters of Bagaza tried to disrupt life in Bujumbura by grenade attacks and barricading roads after Bagaza's arrest. Authorities jailed eleven supporters or supposed supporters of PARENA. Without effective international pressure on all parties to accept a ceasefire, the negotiations are likely to fail.

## **Background**

The war in Burundi began following the October 1993 assassination of President Melchior Ndadaye by a group of Tutsi army officers. 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 was 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 dominated political, economic, and social life. After Ndadaye's assassination, Hutu, sometimes under the orders of

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<sup>4</sup> Human Rights Watch interview, Bujumbura, October 31, 2002; "Problématique du respect du droit humanitaire au Burundi," *Bulletin Iteka*, Number 49, October 2002.

<sup>5</sup> Press conference of Defense Minister Gen. Cyrille Ndayikuriye, reported by Net Press, July 21, 2002.

<sup>6</sup> OCHA -Burundi Situation Report 11-17 November 2002.

<sup>7</sup> IRIN news service, November 13, 2002.

<sup>8</sup> BBC News, "Thousands Flee Burundi Combat," November 20, 2002; Iteka, "La situation sécuritaire s'empire de plus en plus au Burundi," November 6, 2002.

local administrative or political leaders, slaughtered thousands of Tutsi, and the Tutsi-dominated army massacred thousands of Hutu.<sup>9</sup>

Some of Ndadaye's followers and others took up arms in three rebel movements. By 2002, two of those movements remained important, 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, who 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 the first half of 2002, the Burundian army scored significant victories against the FNL, driving them from their bases around the capital. But a well-armed FDD, reinforced with troops brought in from outside Burundi, launched major offensives in 2002.

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. As part of its counteroffensive, the FDD sent two columns of combatants, each comprising hundreds of fighters, from Tanzania into Burundi on July 4. Burundian Defense Minister Maj. Gen. Ndakuriye on July 21 denounced this latest incursion and what he described as continued Tanzanian toleration of rebel activity. He called for an international force to patrol the frontier to halt FDD incursions.<sup>10</sup>

Both FDD and FNL combatants have had bases on Congolese territory and benefited from support from Kinshasa but many of their troops returned to Burundi in 2002, an estimated 3,000 strengthening the forces now in northwestern Burundi. In addition, the Burundian rebel movements 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 Rwandan government (Forces Armées Rwandaises, FAR) or were members of militia (Interahamwe), and some of them participated in the 1994 genocide against Tutsi in Rwanda.<sup>11</sup>

On the other side, Burundian army troops are supported by soldiers of the current Rwandan army, the Rwandan Defense Force, which has assisted the Burundian army, particularly in the country's northwest, north of the capital.

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<sup>9</sup> 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 pour la Coopération au Développement, Nationaal Centrum voor Ontwikkelingssamenwerking, NOVIB, "Commission d'Enquête sur les violations des droits de l'homme au Burundi depuis le 21 octobre 1993, Rapport Final."

<sup>10</sup> Press conference of Defense Minister Gen. Cyrille Ndayikuriye, reported by Net Press, July 21, 2002.

<sup>11</sup> See Human Rights Watch Short Report, "Burundi: Neglecting Justice in Making Peace, April 2000.

South Africa and Tanzania have attempted, with little success, to mediate the conflict. Regional leaders, under the direction of Ugandan President Yoweri Museveni, made a new attempt at facilitating negotiations in July. The result of these efforts was the late August signing of a memorandum of understanding between the government and the smaller FDD branch, that under Ndayikengurukiye. They agreed to end hostilities between their forces and to canton Ndayikengurukiye's combatants in specified areas.

### **July: Killing of civilians in Kiganda and Rutegama**

When the two FDD columns entered Burundi in early July, one came through Ruyigi and moved west, while the other came through the more southerly province of Makamba and moved north. Burundian army troops sought to block the FDD advance and to keep it from reaching the Kibira forest where the rebels have bases.

As in the past, the FDD forces advanced rapidly through populated areas, looting food, clothing, and farm animals and destroying property in an apparent effort to demonstrate the inability of the government to protect its citizens. They did not commit large-scale massacres, but in many communities killed small numbers of civilians, often those who resisted their demands. In the commune of Bugendana, Gitega province, for example, FDD combatants reportedly killed four civilians, and in the commune of Gitega, Gitega province, they killed another three.<sup>12</sup> In early July, the FDD shelled the town of Makamba, wounding one civilian, and, in mid-July, they shelled a brewery in Gitega town.<sup>13</sup> On July 17, FDD combatants ambushed vehicles at two different locations on national road 1. In an attack near Bugarama, they killed one person and wounded several others, and near Bukeye they killed five civilians and wounded eighteen.

In mid-July, FDD forces fought Burundian army troops at Rutegama and Kiganda communes in Muramvya, and some of them moved to Kivyeyi hill in Kiganda. The army followed, and there was combat at Kivyeyi and Nyagisozi hills on July 18. Most of the population fled the combat, as they had been repeatedly advised to do by the administration. On July 20, there was heavy fighting in Kiganda, with two soldiers killed and fourteen wounded and, according to official figures, twenty-eight FDD killed. The FDD forces then left the area.<sup>14</sup>

Late on the night of July 20 or early on the Sunday morning July 21, Burundian army soldiers discovered a group of civilians who had taken refuge in a valley by Kivyeyi hill. The civilians, most of whom were from a single extended family from Nyagisozi hill, belonged to a religious group called the Abasohoke. They were engaged in preparing a meal when discovered. The soldiers then shot or stabbed to death the thirty-three others, including three men, seven women, and twenty-three children. One of the women was eighty-two years old, and eighteen of the children were under ten years of age, six of them two years of age or younger. On orders from

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<sup>12</sup> Human Rights Watch interviews, Bujumbura, October 31, 2002; Col. Cyprien Hakiza, Commander of the Second Military Region, Gitega, November 2, 2002.; "Chronique Sécouritaire," *Bulletin Iteka*, number 48, September 2002.

<sup>13</sup> Ibid.

<sup>14</sup> Human Rights Watch interviews, Bujumbura, October 31; Gitega, November 3, 2002; Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues (APRODH), "Les violations des droits de l'homme imputées aux forces de l'ordre" [Bujumbura, 2002], p. 7.

the local administrator (*chef de zone*) and soldiers, local people hastily buried the dead in a mass grave.<sup>15</sup>

Soldiers reportedly found three men, members of the same family group, at the top of Kivyeyi hill and killed them. Burundian army soldiers are also accused of killing three other male civilians, one aged eighty and one aged ninety, on Kayange hill, Kiganda commune, during this same attack.<sup>16</sup>

According to witnesses, soldiers from the mobile batallion of Ngozi carried out these killings. Two witnesses said that Tutsi civilians from a displaced persons camp accompanied the soldiers.<sup>17</sup> In addition, witnesses reported that some of the soldiers appeared to be disguised as rebels; that is, they wore a mixture of military and civilian dress, presumably in an attempt to get closer to the rebels without being recognized.<sup>18</sup>

### **August: Further Killing in Rutegama**

Local residents said that soldiers killed civilians in Rutegama commune, adjacent to Kiganda, at the end of July, but combat in the area made investigation of such reports impossible. More is known about military killings in Rutegama several weeks later. On August 22, FDD forces moved into Muramvya from the Kibira forest. They went through Muramvya town and on to Kiganda. En route they burned an ambulance, stole medicines from a health center, and looted cattle, goats, and chickens from residents. On August 25, army soldiers bombarded a primary school where civilians had taken shelter, killing some twenty persons. According to one source, the civilians had been taken hostage in the school by the FDD, while another asserted that civilians had been called together to a meeting by soldiers who then killed them. Further research is needed to establish whether either of these accounts is correct or whether the civilians had sought refuge at the school on their own, only to be killed by soldiers who found them..<sup>19</sup>

Later that same day, soldiers killed more than thirty other civilians in the area, for a total of fifty-eight civilian casualties in Rutegama on August 25. According to one source, soldiers from Ngozi were responsible for these killings.<sup>20</sup>

In the commune of Bugendana, Gitega province, government soldiers were responsible for the deaths of three women. . When combat began, one woman was too far advanced in her pregnancy to flee and two others stayed to keep her company. They were killed by a bomb.<sup>21</sup>

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<sup>15</sup> Human Rights Watch interviews, Bujumbura, October 31; Muramvya, November 3, 2002; APRODH, “Les violations des droits de l’homme,” pp. 1-7.

<sup>16</sup> APRODH, “Les violations des droits de l’homme,” pp. 4-6.

<sup>17</sup> Thousands of Tutsi who fled their homes in earlier years of the war still live in camps near military posts. From the start of the conflict, Tutsi civilians from these camps sometimes accompanied soldiers to serve as guides or as porters to help carry away looted goods.

<sup>18</sup> Human Rights Watch interviews, Muramvya, November 3, 2002; APRODH, “Les violations des droits de l’homme,” pp. 4-6.

<sup>19</sup> Human Rights Watch interviews, Gitega, November 3, 2002; Bujumbura, November 5, 2002; APRODH, “Les violations des droits de l’homme,” pp. 4-6.

<sup>20</sup> Human Rights Watch interview, Muramvya, November 3, 2002.

<sup>21</sup> Human Rights Watch interview, Colonel Hakiza, Gitega, November 2, 2002.

### **September: The Itaba Massacre**

After weeks of combat throughout central Burundi, the army appeared to have driven the FDD forces away from Gitega, but then a group of them came back to Kivoga hill, Itaba commune, Gitega, on September 2. They clashed with army forces on the night of September 3 to 4 and then moved to the hills of Kanyonga and Kagoma, still in Itaba. The next day, they headed north, and the government soldiers believed they were on their way back to Tanzania. A hundred or so of the FDD forces swept through the town of Gitega on the night of September 4, looting goods, including some eighty cases of beer from a local storage facility. Although military authorities had believed that the FDD might attack the town, they were apparently unprepared for this lightning raid, and the FDD made off with their loot. On September 7, the combatants returned to Kanyonga and Kagoma in Itaba, and that night about one hundred of them made another raid on homes and shops in Gitega town, carrying off money, clothes, radios, and other valuable goods. During these attacks, the FDD killed two civilians, one a girl who tried to give the alarm when she saw them coming and the other a young man who refused to hand over his money, fled, and was shot.<sup>22</sup>

Kanyonga and Kagoma hills, located in Itaba, abut Butaganzwa and Makebuko, two other important communes in central Burundi. FDD combatants had frequented these strategically located hills for some time. According to Minister of the Interior and Public Security Salvatore Ntihakose, “the two hills provided a hospitable base to the FDD” for its operations in July and August. He said that the administrator of Itaba commune complained to President Buyoya on July 25 that local people did not cooperate with the administration.<sup>23</sup> Col. Cyprien Hakiza, commander of the second military region, which includes Gitega, told Human Rights Watch researchers that the FDD used Itaba as a base, because they could get food easily there and because the local administrative officials, intimidated by them, were frequently absent, leaving them greater freedom to move around.<sup>24</sup> According to military and administrative sources, the FDD combatants who raided Gitega in early September took their loot back to Itaba.<sup>25</sup> Soldiers who attacked the hills reported finding a hospital, which, they assert, had been caring for wounded FDD fighters, and they said also that a school at Kigoma had served as the local secretariat for the FDD.<sup>26</sup>

When the FDD arrived on September 3, many local people fled as government officials had repeatedly instructed. Some residents returned after the rebels were driven away and then did not flee again when the FDD came back a second time on September 7. According to administration sources, the FDD convinced some residents that the hills of Kanyonga and Kagoma had been set aside as cantonment areas for the FDD, a claim that may have seemed plausible given that cantonment was stipulated in the late August agreement between the government and Ndayikengurukiye’s branch of the FDD. Some local people sold goods and services to the combatants; others were forced to hand over their property without payment. The FDD reportedly looted some goats and then returned them in order to win greater popular support.

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<sup>22</sup> Ibid.; Human Rights Watch interview, Tharcisse Ntibarirana, Governor of Gitega province, Gitega, November 2, 2002.

<sup>23</sup> Ambassador Salvator Ntihakose, Minister of Interior and Public Security, “Visite des collines de Kanyonga et Kagoma, Commune Itaba, Province Gitega,” p. 3.

<sup>24</sup> Human Rights Watch interview, Colonel Hakiza.

<sup>25</sup> Ibid.; Ambassador Ntihakose, “Visite des collines de Kanyonga et Kagoma, ” p. 2.

<sup>26</sup> APRODH, “Rapport sur le massacre d’Itaba.”

They assured residents that they intended to target only soldiers and local administrative personnel, not ordinary citizens. In the face of their threats, the chiefs of the hills and sub-hills fled, accompanied by some of the local residents.<sup>27</sup>

The commander of the second military region, which includes Gitega province, called for assistance in dealing with the FDD, and the 4th commando battalion was sent to Itaba on September 5. Based in Ngozi province, the battalion was an elite mobile unit sent to deal with difficult situations in different parts of the country. They had been on the move to counter the FDD advance since early July, deployed first in the Kibira forest in Cibitoke province, then in Gitega, Muramvya, and Ngozi, before being sent to Itaba. The 4<sup>th</sup> commando battalion includes three companies and is commanded by Lt. Colonel Nizigimana. En route it had been joined at Muramvya by the 33<sup>rd</sup> battalion of Kayanza province, led by Major Ngezahayo. Only two of the three companies of the 4<sup>th</sup> battalion were sent to Itaba, but apparently all three companies of the 33<sup>rd</sup> participated in the operation.

The commander of the second military region, Col. Hakiza, is responsible for all military operations within Gitega. As he told Human Rights Watch researchers, “Someone is always responsible. In the army, there is always a responsible person.”<sup>28</sup> According to Col. Hakiza, government soldiers engaged the FDD on Sunday afternoon, September 8, and continued operations in the area for another two weeks. Other sources state that military and civilian authorities saw FDD combatants on the hills on Sunday, but that there was no combat that day.<sup>29</sup> Commander Joseph Budigoma, second in command of the 4<sup>th</sup> battalion, returned from leave on Sunday and rejoined his men at Itaba. They spent the night at Gihamagara. On Monday morning, September 9, the two companies of the 4<sup>th</sup> battalion received their orders from Lieutenant Colonel Nizigimana and Colonel Hakiza, who set the battle plan for the day. He ordered the companies to proceed to Buhoro, a nearby church center, where there was a small military detachment protecting a displaced persons camp. There they were to join a squad who knew the local terrain and could serve as guides. They were then to attack the Itaba hills, moving north to south, and eliminate any enemy they found. The soldiers from the 4<sup>th</sup> battalion did as ordered, met up with soldiers and their commanding officer from the displaced persons camp, and then moved to attack Itaba.<sup>30</sup>

Witnesses differ on three points: whether Colonel Hakiza himself delivered these orders or whether they were simply relayed through Lieutenant Colonel Nizigimana; whether Colonel Hakiza referred to the FDD having looted Gitega in the days immediately before; and whether the commanding officers specifically said that all civilians had left the area of attack.<sup>31</sup>

After having been joined by the guides from Buhoro, the two companies of the 4<sup>th</sup> battalion, each including some 175 men, headed for the Kanyonga and Kagoma hills, arriving in the area in the late morning. The 33<sup>rd</sup> battalion took up positions along the ridge of hills, blocking any escape by

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<sup>27</sup> Ibid.; Tharcisse Ntibarirana, Governor of Gitega, and Col. Cyprien Hakiza, Commander of the Second Military Region, “Rapport sur l’évènement malheureux survenu en commune Itaba sur les collines de Kanyonga et Kagoma lundi le 9/9/2002,” pp. 2-3.

<sup>28</sup> Human Rights Watch interview, Colonel Hakiza, Gitega, November 2, 2002.

<sup>29</sup> Ibid.; Human Rights Watch interviews, Gitega, November 2, 2002.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

that route. Commander Budigoma, who led the two companies of the 4<sup>th</sup> battalion, was reportedly in touch with his commanding officer, Lieutenant Colonel Nizigimana, by radio throughout the day. Lieutenant Colonel Nizigimana was said to have followed the scene with field glasses from a nearby, elevated point.<sup>32</sup>

Just after crossing a small river about one half-mile from Buhoro, the soldiers of the 4<sup>th</sup> battalion came under fire from FDD combatants. Commander Budigoma directed his men to disperse and take cover on the slopes of neighboring hills. The soldiers said that persons hiding in houses and banana plantations fired upon them and that they returned fire. One soldier was injured, apparently in one of the first exchanges of fire.<sup>33</sup>

The soldiers advanced across the hills, moving some four miles forward in the course of the day. According to government and military sources, the soldiers were under fire from the FDD combatants throughout the day. When the operation ended about 4 p.m., however, there were no deaths among the soldiers and only the one injury sustained in the first encounter of the morning, an unlikely situation if the troops had in fact been engaged in combat throughout the day.<sup>34</sup>

Local witnesses give a more probable account. They say that the FDD combatants quickly realized that they were outnumbered by the soldiers and fled soon after the first exchange of fire. After their departure and for a period of some three to four hours, the soldiers massacred most of the civilians found on Kanyonga hill and many of those found on Kagoma hill.<sup>35</sup>

Soldiers shot some of the civilians as they fled. They forced others who were hiding in houses to come out, robbed them, then ordered them back into the houses where they killed them. In some cases, those with sufficient money were able to buy their own safety or that of others. One elderly man tried to negotiate with soldiers to save the lives of some forty people who had taken refuge in his house. The soldiers accepted his payment of 60,000 Burundian francs and spared his life but killed all the others.<sup>36</sup>

Another group hiding in a house heard people nearby being killed. Believing that the soldiers had mistakenly taken the victims for rebels, they sought to avoid the same fate by coming out shouting that they were civilians. The soldiers robbed them of everything in their pockets, made them lie down, and shot them all. Only one member of the group survived to tell the story.<sup>37</sup>

One woman was returning from a visit to her father's house accompanied by her twenty-one-year-old daughter when she met a group of soldiers who demanded money. The mother had nothing with her but promised to bring them 5,000 Burundi francs from her nearby home. The soldiers told her to go fetch the money but insisted on keeping her daughter with them. En route back to where she had left her daughter, the woman came across the soldiers and gave them the

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid; Human Rights Watch interviews with Colonel Hakiza and Tharcisse Ntibarirana; Ntibarirana and Hakiza, "Rapport sur l'évènement malheureux survenu en commune Itaba"; Ambassador Ntihakose, "Visite des collines de Kanyonga et Kagoma."

<sup>35</sup> Ibid.

<sup>36</sup> Human Rights Watch interview, Gitega, November 2, 2002.

<sup>37</sup> Ibid.



money. When she asked where her daughter was, they told her to go find her where she had left her. She found the young woman with her skull crushed. She ran to her brother-in-law's house where she found both him and his wife dying in front of their house, both with their skulls crushed. She also found a second brother-in-law dead.<sup>38</sup>

The condition and location of bodies seen by officials and local people in the days following the killings substantiated the account of a deliberate massacre. Some bodies were scattered on the hill, the victims having been shot or hit by grenade or other projectiles. Groups of ten to thirty-four bodies were found in burnt houses. Other bodies were found in houses that had not been burned.<sup>39</sup> The majority of persons killed were on Kanyonga hill; the rest were on Kagoma hill.

Partial records of care delivered at a local health center also substantiate the local descriptions of the massacre. Among the persons treated in the days immediately following the attack were children aged four, five, seven, nine, and fifteen years old, all suffering from either gun shot wounds or burns.<sup>40</sup>

Some 250 houses were burned wholly or in part and a much smaller number were damaged by bullets or other projectiles. Several had the roofs burned and bodies inside, confirming reports that soldiers burned houses with people inside them.<sup>41</sup>

According to a report by the minister of the interior and public security, 174 persons were killed in the massacre, all but one of them known by name to local residents or authorities. The unidentified person, presumably from elsewhere, might have been an FDD combatant.<sup>42</sup> According to one official, virtually all the civilians present at the time of the attack were killed.<sup>43</sup>

Local people buried the victims on September 12 and 13, at the direction of civilian and military officials. Witnesses said that in some cases, where a large number of bodies were found in a house, soldiers simply threw grenades at the house, causing it to collapse on the bodies. They claim that many more than the official number of victims were killed at Itaba, some of them now buried in the remains of their houses.<sup>44</sup>

According to one soldier, battalion commander Lieutenant Colonel Nizigimana told the troops at the end of the day that they had worked well. But the next morning the two companies of the 4<sup>th</sup> battalion were abruptly sent to Bukirasazi commune where, they were told, FDD combatants had been sighted. One military source said that President Buyoya himself had ordered the sudden departure of these two companies. Upon arrival in Bukirasazi, the two companies learned that there were no rebel fighters there, and they continued on to other locations in the province of

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<sup>38</sup> Ibid.

<sup>39</sup> Human Rights Watch interviews, Gitega, November 2, 2002; ; Ntibarirana and Hakiza, "Rapport sur l'évènement malheureux survenu en commune Itaba."

<sup>40</sup> Records examined and copied by Human Rights Watch researchers during an interview, Gitega, November 2, 2002.

<sup>41</sup> Human Rights Watch interview, Gitega, November 2, 2002.

<sup>42</sup> Ntihabose, "Visite des collines de Kanyonga et Kagoma."

<sup>43</sup> Human Rights Watch interview, Gitega, November 2, 2002.

<sup>44</sup> Human Rights Watch interview, Gitega, November 2, 2002; APRODH, "Rapport sur le massacre d'Itaba.."

Ruyigi. The 33<sup>rd</sup> company remained at Itaba. On September 10, military trucks arrived to haul away all the animals and household goods pillaged by soldiers the day before.<sup>45</sup>

Although officials knew of the massacre by September 10, it was only a week later that a member of the National Assembly drew public attention to the slaughter. Léonidas Ntibayazi, president of the human rights commission of the National Assembly, demanded an investigation of the massacre, which he said could have been committed either by the FDD or by the army. The army spokesman Nzabampema stated that the army had “no responsibility” for the killings.<sup>46</sup> But after visits to the area between September 18 and 23, the governor, the commander of the second military region, and the minister of the interior and public security all concluded that Burundian army troops carried out the slaughter. On September 29, President Pierre Buyoya made an unofficial visit to Itaba and promised local people roofing materials to enable them to rebuild their houses. On October 2 authorities arrested two officers, Commander Budigoma, and one of the lieutenants under his command, D. Ngendakuriyo. The other lieutenant of the 4<sup>th</sup> battalion present at the massacre was not been arrested.<sup>47</sup>

The United Nations High Commissioner for Human Rights maintains a small field office in Burundi. It engages primarily in monitoring and assisting the judicial system. A representative of this office visited the accused officers, but the office has not made any public statements on the case. It does not make public the results of any of its investigations.

### **Killings of Civilians around Bujumbura**

The smaller rebel movement, the FNL, has challenged the government army in and around the capital of Bujumbura for several years. On July 31, the FNL, apparently with the assistance of the FDD, launched mortars on Bujumbura, killing five people and wounding ten more. The next day, the army was reported to have killed at least forty-one civilians during fighting with the FNL near Bujumbura.<sup>48</sup>

In a continuing campaign against local officials, the FNL are accused of having killed three local administrative officials in the northern part of Bujumbura in September. The FNL attacked a military post in the Gihosha zone in Bujumbura, using firearms and grenades, wounding one civilian. On November 6, FNL combatants were reportedly responsible for killing the chief of Ruziba sector in southern Bujumbura.<sup>49</sup>

At Rohe hill in the commune Kanyosha, Bujumbura-rural on September 19, government soldiers encountered FNL combatants who may have been preparing an ambush.. The soldiers captured two of the FNL combatants armed with grenades and took them to a nearby military post, where they were executed that afternoon. When civilians heard gunfire, some fled towards the military position at Kamesa and crossed the Kanyosha River without harm. But others stayed in their homes, taking cover from the gunfire. Soldiers from the military posts at Kamesa, Gisovu, and

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<sup>45</sup> Ibid.

<sup>46</sup> Human Rights Watch interviews, Gitega, November 2, 2002; Agence France Presse, “183 personnes, en majorité des civils, assassinées au Burundi,” September 17, 2002.

<sup>47</sup> Human Rights Watch interviews, Bujumbura, October 31, and Gitega, November 2, 2002.

<sup>48</sup> Agence France Presse, “Burundi government, FDD rebels confirm ceasefire talks next week,” August 4, 2002.

<sup>49</sup> Iteka, “Burundi-Sécurité, Les chefs administratifs à la base continuent à être la cible des rebelles,” November 7, 2002.

Buhanga forced civilians to come out of their homes, robbed some of them, and killed nineteen. The victims included one pregnant woman who was killed with a bayonet, a family of five persons, two elderly men, and several children. Local people buried fifteen of the victims at Kamesa and four others at Rohe. The soldiers also robbed some thirty households.<sup>50</sup>

The soldiers responsible for the attack were a group known as the “Abakanongwe,” “Those Who Castrate Leopards.” Military units in precolonial times gave themselves names to reflect their supposed bravery, and this name appears to continue that practice. The Abakanongwe also had a song peculiar to their unit. Described by local people as fast moving and ruthless, the Abakanongwe are said to include both former members of Ndayikengurukiye’s branch of the FDD who have come over to the government side and former members of the government-sponsored paramilitary force called the Guardians of the Peace.<sup>51</sup> They can sometimes be distinguished from ordinary soldiers by the rag-tag nature of their military attire or by their generally scruffy appearance which may be a deliberate effort to mislead local people or rebels about their real identity. In some cases, local people have recognized men among the Abakanongwe who were fighting with Ndayikengurukiye’s branch of the FDD several years ago. The Burundian army is apparently using these recycled rebels to attack the FNL.<sup>52</sup>

At the time of their attack on Rohe, these fighters were under the orders of a Burundian army officer based at Camp Muha, but since they are irregulars their relationship to the regular military hierarchy is unclear. On the afternoon of September 19, their commander came to Rohe and gathered together all the goods that had been pillaged by his men and burned them, apparently to reinforce a prohibition against looting.<sup>53</sup>

In another incident at Rohe, a high school student named Gregoire Minani and an elderly man were reported deliberately killed by soldiers from the post of Buhonga on October 31, when they did not flee the area at the first signs of combat between government forces and the FNL.<sup>54</sup>

The Abakanongwe were transferred from the region of Rohe four or five days after the September 19 slaughter. They were sent to Migera in Kabezi commune, Bujumbura rural. Soon after, they were reportedly involved in the massacre of some twenty civilians.

According to a report on African Public Radio based in Bujumbura, some fifty civilians had been killed at Migera some weeks before; they had been gathered together in late August to celebrate the first communion of some children, when government troops fired on them. One man who spoke on the radio said that soldiers killed eighteen members of his family.<sup>55</sup>

### **FDD Abduction of Children for Military Service**

In late 2001, FDD forces raided two schools, one in Ruyigi and one in Kayanza. They abducted more than three hundred school children to use immediately as porters and to integrate for

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<sup>50</sup> Human Rights Watch interviews, Bujumbura, October 31, November 4 and 5, 2002.

<sup>51</sup> See Human Rights Watch Short Report, “Burundi: To Protect the People: The Government-sponsored “self-defence” program in Burundi. December 2001.

<sup>52</sup> Ibid.

<sup>53</sup> Human Rights Watch interview, Bujumbura, November 5, 2002.

<sup>54</sup> Human Rights Watch interviews, Bujumbura, November 4 and 5, 2002.

<sup>55</sup> Ibid.

longer-term service in their force.<sup>56</sup> Many of the children managed to escape soon after their abduction, but others were pressed into months of privation and hard labor in service of the FDD, often exposed to the risks of death or injury in combat. One such child, whom we will call Innocent, was a twelve-year-old orphan visiting a family member in Kayanza. One of three children living alone with the support of a religious sister, Innocent was in his first year at primary school and had gone to see relatives during his school vacation. He happened to be in the vicinity when the FDD struck the school at Musema, Kayanza province and was swept up along with the school children. He believes that the relative whom he was visiting may have been among the civilians killed by the FDD at the time of that attack.<sup>57</sup>

Innocent was taken along with other children to a FDD base in the Kibira forest and there was taught to load and shoot a kalashnikov. During this time he and the other abducted children were beaten and otherwise harshly treated. He then began a year of trudging after the FDD combatants, carrying the baggage of an officer and sometimes helping to prepare food for the troops. A FDD combatant gave him the shirt of a military uniform to wear; this would make it easier to track him should he try to escape. He did try to run away four times during the year, but each time he failed and was beaten for having made the attempt.<sup>58</sup>

Innocent was part of the FDD force present in the Itaba region in November 2002. In the course of combat, the FDD fighters fled, leaving him behind. The next day, soldiers spotted him and shouted, "Get that little rebel." He was then shot in the leg and captured. He was not armed. When Human Rights Watch researchers met Innocent, he had been detained in the lockup at the headquarters of the second military region for three days. He had received medical treatment twice for the gunshot wound in his leg. Small, thin, with tiny hands and feet, Innocent was filthy from his months of military service in the bush. He had only two desires: to be sent home to his brother and sister and to go back to school. Informed of the case, UNICEF representatives were working with Burundian authorities get Innocent home.<sup>59</sup>

The FDD has abducted hundreds of civilians, many younger than eighteen, to serve as porters and general laborers. In interviews with escapees conducted in 2001, Human Rights Watch researchers heard many stories similar to that of Innocent. The FDD abducted two children in the vicinity of Muhweza, Itaba, in October 2002 and took another, a thirteen-year-old student in the sixth year of primary school, from Kiganda, Muramvya in July.<sup>60</sup>

### **Military Justice**

The relatively small Burundian military justice system includes fewer than a dozen prosecutors and their assistants, divided between two levels: the military court, which judges officers of the ranks of major and above; and the war council, which judges officers of lesser rank and ordinary soldiers. The military court also serves as court of appeals for the war council. The current

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<sup>56</sup> See Human Rights Watch press release, "Burundi: Children Abducted for Military. Mandela and UN should act to free child soldiers," November 14, 2001

<sup>57</sup> Human Rights Watch interview, Gitega, November 2, 2002.

<sup>58</sup> Ibid.

<sup>59</sup> Human Rights Watch interviews, Gitega, November 2, and Bujumbura November 5, 2002.

<sup>60</sup> Human Rights Watch interview, Gitega, November 2, 2002; APRODH "Les violations des droits de l'homme imputées aux forces de l'ordre," p. 7.

military prosecutor has recently assumed his post on an interim basis. He was formerly an officer of the national police (gendarmerie) and, like several others in the military justice system, has no legal training. There are currently 187 cases scheduled for trial, most involving common crimes like stealing, selling arms, or looting. There are a few cases of rape. Another 131 cases are being investigated.<sup>61</sup>

The case of the killings at Itaba is one of those now under investigation. Because the accused officers are a commander and a lieutenant, they will appear before the war council. The investigators have questioned survivors and local administrative officials. The military prosecutor believes that others may also be indicted in the case, but they will probably be ordinary soldiers, not others who held positions of command.<sup>62</sup>

In the military justice system, cases can be opened following requests or complaints from the civilian administration, victims, members of parliament, or others. The military prosecutor can himself initiate cases without prior complaint by others. In the case of Itaba, it was the minister of defense who requested that the case be prosecuted. The military prosecutor stated that the Itaba case is the only such case now under investigation; no inquiries have been undertaken in any other cases of reported killings of civilians by the military.<sup>63</sup>

In the past some accused soldiers have complained that they are not properly interrogated and that their cases are brought to trial without their having received any prior notice. They are just told to report to court on a given day, having had no opportunity to consult with a lawyer or to arrange for witnesses in their defense. In one case in October 2000, four soldiers were arrested and brought quickly to trial on charges of having ambushed and killed an Italian priest. They were summarily tried in proceedings lasting less than one hour and were not assisted by counsel. Three were sentenced to long jail terms and the fourth was sentenced to death, a sentence that was carried out the next day, leaving the condemned man no chance to file an appeal.<sup>64</sup>

Two members of the staff of the military prosecutor have only briefly interrogated the officers accused of the killings at Itaba. The officers say that they have been chosen as scapegoats for the massacre and that they do not expect to receive a fair trial.<sup>65</sup>

## **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 in wartime.
- Investigate and bring to justice all soldiers and officers accused of violating international humanitarian law in the massacres at Itaba, Kiganda, Rutegama, Rohe, Migera, and in any

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<sup>61</sup> Human Rights Watch interviews with the general prosecutor of the military justice system, Colonel Barahebura and the military prosecutor Lieutenant Colonel Kiziba, Bujumbura, November 5, 2002.

<sup>62</sup> Human Rights Watch interview with Lieutenant Colonel Kiziba, Bujumbura November 5, 2002.

<sup>63</sup> Ibid.

<sup>64</sup> Human Rights Watch interview, Bujumbura, October 31, 2002.

<sup>65</sup> Human Rights Watch interviews, Bujumbura, October 31, 2002, and Gitega, November 2, 2002; APRODH, Report on Itaba, p. 3.

other similar cases. Ensure that they be tried in accord with recognized international standards, including having access to defense counsel.

- End the use of civilian auxiliaries from displaced persons camps.
- Undertake serious negotiations with the FDD and FNL, ensuring that accountability for war crimes committed by all sides figures in the final agreement.

***To the FDD and FNL:***

- 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 combatants accused of violating international humanitarian law by killing or injuring civilians or looting their property.
- End immediately the practice of abducting children and other civilians to serve in your forces.
- Undertake serious negotiations with the Burundian government, ensuring that accountability for war crimes committed by all sides figures in the final agreement.

***To the United Nations High Commissioner for Human Rights:***

- Expand the mandate and the resources of the field office in Burundi so that it can effectively monitor violations of international humanitarian law related to the present war. Direct the office to publish prompt reports of its investigations.

***To the Donors Assisting the Burundian Government:***

- Insist that the Burundian government immediately direct its armed forces to adhere to international humanitarian law concerning the treatment of civilians in wartime and that it bring to justice promptly those who violate this law. Make grants of international assistance conditional upon acceptance of this requirement.
- Insist that accountability for grave violations of international humanitarian law form part of any negotiated settlement to the Burundian war. Should the conflict end, assist the government with the resources necessary to improve and expand its military and civilian judicial system so that persons accused of such crimes can be brought fairly and promptly to trial.