
Burundi

In 2005 Burundians went to the polls for the first time in twelve years, choosing a president, Pierre Nkurunziza, who declared his commitment to establishing the rule of law in a country marked by years of widespread human rights abuses. His government took office under a new constitution that guarantees power-sharing between the Hutu and Tutsi ethnic groups and among political parties. The constitution, adopted by over 90 percent of voters at a February 28, 2005 referendum, also requires that 30 percent of parliamentary seats be reserved for women, the first time they have held this much power in the legislature.

The new government seeks to end an ongoing war with the Forces of National Liberation (FNL), a guerilla group that controls territory around Bujumbura, the capital. Some FNL combatants split from the rest of the group in October 2005, claiming to want peace, but they appear to number only about one hundred. According to some in this group, other FNL under Agathon Rwaswa killed seven of those seeking peace.

During 2005, soldiers and rebel combatants killed, raped, abducted, and robbed civilians in hundreds of incidents, although none on the scale of massacres in previous years. Some of these abuses were committed by FNL combatants and by soldiers of Nkurunziza's movement, the National Council for the Defense of Democracy-Force for the Defense of Democracy (CNDD-FDD), as they struggled to control territory near Bujumbura.

As skirmishes between FNL and government soldiers increased in September and October, soldiers summarily executed five civilians and detained and tortured others in Kanyosha commune, all suspected of ties with the FNL. Intelligence agents also detained dozens of persons from the Kinama neighborhood of Bujumbura and beat some of them in the weeks just after Kinama voters had preferred candidates from the Burundian Front for Democracy (FRODEBU) to those of the CNDD-FDD.

Hundreds of soldiers, former rebel combatants, and members of a government-sponsored militia, Guardians of the Peace, ended military activities. Without any prospect of employment, some turned to crime. The many cases of armed robbery, sometimes resulting in death of the victims, and rape drew attention to the incapacity of the police and judicial systems. Nkurunziza promised that no one would be above the law, but as of late 2005 his government had yet to propose ways to deal with current crime or with the widespread crimes committed during the war, including those committed by combatants from his own force.

Peaceful Installation of the New Government

Burundians last voted in 1993 when they chose Melchior Ndadaye as president, the first Hutu elected to this position. Military officers from the Tutsi-dominated army assassinated Ndadaye soon after, touching off a twelve-year war where hostilities between Hutu (85 percent of the population) and Tutsi (14 percent of the population) colored partisan and regional struggles for power.

In addition to winning the presidency in 2005, the CNDD-FDD easily carried both the legislative and communal elections, significantly reducing the power of the parties that had controlled the previous government. Except for one limited effort by the FNL to disrupt voting, the polling was generally peaceful. In a welcome innovation, Burundian radio stations cooperated to cover polling throughout the country—their reports of calm encouraged voters to go vote. Although relatively few incidents marred voting, there were numerous reports of harm or threats by CNDD-FDD loyalists against supposed opponents during the pre-electoral period.

In contrast to neighboring Rwanda which dealt with Hutu-Tutsi hostility by eliminating ethnic categories, Burundi acknowledges ethnic groups and, under its new constitution, guarantees 40 percent of governmental and administrative posts and 50 percent of places in the armed forces to Tutsi. The new system also reserves three parliamentary seats for Twa, a minority who comprise less than 1 percent of the population. The CNDD-FDD has also tried to counter ethnic hostilities by recruiting Tutsi into its ranks, previously largely Hutu.

A Disappointing Beginning

After applauding a new government and the presidential promises for protecting human rights, Burundians have been disappointed to see officials continuing old abuses. Under the guise of searching out FNL supporters, soldiers beat and then executed four civilians in Kanyosha on October 1 and another on October 5. Intelligence agents detained dozens of persons associated with FRODEBU and beat some of them, particularly after the September local elections. Among the victims were three recently elected officials and the husband of another.

Demobilization and Disarmament

Early in 2005, the forces of the CNDD-FDD and the former Burundian Armed Forces were integrated into the new National Defense Force (FDN). There was no vetting to eliminate officers or soldiers implicated in past violations of human rights or international humanitarian law, some of whom continued in positions of responsibility. More than 16,000 former combatants have been demobilized but many of them rejoined the new army. Groups comprising several thousand Guardians of the Peace and other militia have been disbanded and their members demobilized. Dissatisfied with delays in disbursing the payments of U.S. \$100 that they are supposed to receive, former militia took to the streets several times, most recently in October 2005. Only a few hundred militia members have turned in firearms to the authorities; many weapons and grenades, in some cases distributed by the authorities themselves during the war, remain in civilian hands, posing a risk of future violence.

Justice

The national judicial system, reformed in 2003, functions poorly, in part because of lack of resources and in part because of incapacity and corruption of personnel. Popular disillusionment with the failure to arrest and try criminals has led to an increase in lynchings of suspects. One man said to have thrown a grenade in a house in Kamenge, Bujumbura, in July 2005, was beaten to death by a crowd, as was a man accused of sorcery in Nyabiraba commune, Gitega, in January. But in an exceptional break with past patterns of impunity, the Court of Appeals found senior security and prison officials guilty of the November 2001 murder of Dr. Kassy Malan, then head of the World Health Organization in Burundi. In a May 2005 decision, the court sentenced four of them to death and nine others to jail terms. Throughout 2005, Burundians debated how to ensure accountability for the many violations of international humanitarian law committed during the war and previous periods of large-scale ethnically-based killing, such as those which occurred in 1972 and 1988. The United Nations Security Council, charged by the Arusha Accords with assisting in this matter, recommended a reconciliation commission and a special trial chamber in the Burundian judicial system (resolution 1606, June 2005), both to be staffed by Burundian and international personnel. Late in 2005 the Burundian government, apparently reluctant to confront the complexities of delivering justice, had yet to negotiate details of these arrangements with the U.N.

Land and the Return of Refugees

Over fifty thousand Hutu refugees returned to Burundi from Tanzania in 2005, bringing to over 230,000 the number of returnees since 2002. Many had fled during the violence in 1993 and most of these returnees have reclaimed their former holdings. Local commissions, operating under a national office, are intended to resolve any conflicting claims. Although the commissions are not fully operational, land disputes remained scattered and local throughout 2005. Land disputes may increase with the return of 200,000 refugees still outside Burundi, some of whom fled in 1972 and have lost title to their land by an absence of longer than thirty years.

In April 2005 thousands of Rwandans fled to Burundi saying they feared false accusations and unfair trials in the Rwandan people's courts. Some also said they fled rumors of massacres planned by officials. Burundian authorities initially welcomed them but later cooperated with Rwandan authorities in forcing the refugees to return involuntarily to Rwanda, in violation of international conventions. In October Burundian and Rwandan officials agreed to repatriate another 3,000 Rwandans, against their will if necessary.

Key International Actors

The United Nations Operation in Burundi (ONUB) along with key regional leaders—particularly South Africa, Uganda, and Tanzania—played major roles in moving the various political parties through the transition period and to the installation of the new government. Tanzania continues attempts to broker a peace agreement with the FNL. Although ONUB troops have only occasionally been able to protect

Burundians from violence, the ONUB human rights division has efficiently documented and publicized many human rights abuses, exerting significant pressure towards improvements in the police and judicial systems. The U.N. Security Council delayed responding to Burundian calls for help in establishing justice for crimes committed during past periods of ethnic violence, but it now appears ready to partner with Burundi in this important effort.

In September, the U.N. secretary general called for an international mechanism, including regional and African Union representatives, to support further reforms and disarmament. Many international donors offered financial assistance, including Belgium, which provided an emergency grant of some 2 million euros to pay salaries of administrative staff in September 2005.