

BURUNDI

TO PROTECT THE PEOPLE: The Government-sponsored “self-defense” program in Burundi

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I. SUMMARY

The transitional government of Burundi, installed November 1, inherited an eight-year-old civil war in which the government clashed with two armed opposition movements, the Force for the Defense of Democracy (Forces pour la Défense de la Démocratie, FDD) and the National Liberation Force (Forces Nationales pour la Libération, FNL). The rebel groups did not participate in the protracted negotiations that produced the new government, a carefully engineered compromise among political parties and between the two major ethnic groups of Burundi, the majority Hutu and the minority Tutsi. The FDD and FNL are predominantly Hutu while the government, the army, and the business community have been dominated by Tutsi.

The new government also inherited an expanding “self-defense” program purportedly meant to protect civilians against rebel attack. It included the rural-based “Guardians of the Peace,” (*Gardiens de la Paix*), most of them Hutu, and their urban civil patrol counterparts, some Hutu, some Tutsi, depending on the neighborhood in which they operated.

Since the beginning of the program, some Guardians of the Peace have committed serious human rights abuses, including killing, raping, and otherwise injuring civilians. In some cases guardians who resisted orders to commit such abuses were themselves punished, even by summary execution. One participant in the program told Human Rights Watch researchers, “If you refused to kill people because they were civilians, women and children, then you would be killed.” Guardians of the Peace and their urban counterparts also frequently robbed or extorted money and goods from the very people they were meant to protect. Most victims of abuses were Hutu.

Guardians of the Peace were not formally conscripted into the armed forces by any legal process but many were nonetheless coerced—on threat of punishment—to serve terms of indeterminate length. They were not regularly paid and were issued no uniforms or other identifying insignia. Not governed by any specific set of regulations, most were not called to account for abuses they committed.

Guardians of the Peace and their urban counterparts participated in these programs for a variety of reasons: fear of punishment by the military or administrative officials; or, alternatively, fear of reprisals from rebel combatants if they left the safety of their units; desire to protect their families against rebel attack or to seek revenge for previous attacks; and the wish to continue exploiting civilians by dint of being armed and powerful.

Authorities maintained that guardians and their urban counterparts were civilians and subject to civilian law but in fact these fighters were trained and armed by the military and operated under military order and protection. The guardians and their urban counterparts are government forces, and the Burundian authorities are responsible for their compliance with international human rights and humanitarian law. Members of these forces who take a direct part in hostilities in the civil war as auxiliaries to the regular Burundian armed forces are bound also by international humanitarian law. Burundi is a party to the Geneva Conventions and to their Additional Protocols II, which applies to internal armed conflict.¹

All parties to the war have used children in their forces, including in combat.² Under the guise of “civilian self-defense,” Burundian authorities permitted and in some cases directed children under the age of fifteen to be enrolled in the Guardians and similar city-based programs, thus violating Protocol II of the Geneva Conventions and the Convention on the Rights of the Child.³ According to testimony received by Human Rights Watch, one child only seven years old was trained to be a guardian and three others aged twelve, fifteen, and seventeen years died as a result of beatings suffered during the course of training. Hundreds of others died in military operations, including in combat.

¹ Common Article 3 to the Geneva Conventions requires human treatment for persons not taking part in hostilities and Additional Protocol II specifically prohibits attacks on civilians.

² For the FNL, see Human Rights Watch, *Burundi: Neglecting Justice in Making Peace*, A Human Rights Watch Short Report, vol. 12, no. 2, April, 2000. For the FDD, see the November 14, 2001 press release by Human Rights Watch, “Burundi: Children Abducted for Military.”

³ Article 4(3) (c-d), Additional Protocol II to the Geneva Conventions; Article 38, Convention on the Rights of the Child, U.N. G.A. Res. 44/25 of Nov. 20, 1989, 44 U.N. GAOR Supp (No. 49) at 167, U.N. Doc. A/44/49, Entered into Force, Sept. 2, 1999.

This report is based upon interviews with members of the Guardians of the Peace and urban patrols, Burundian civilian and military authorities, and staff of nongovernmental organizations (NGOs). Information concerning the date and place of interviews is omitted from some references to protect the identity of the witnesses.

II. RECOMMENDATIONS

To the Government of Burundi:

- Halt the expansion of the Guardians of the Peace and the program of civilian self-defense. Disband and disarm the Guardians and their urban counter parts. Restore the duty of protecting the people to duly constituted police and military forces, with legally regulated procedures for recruitment, a clear chain of command, published regulations, and measures of accountability for any abuses committed.
- Investigate crimes attributed to Guardians of the Peace and their urban counterparts and bring the perpetrators to trial in procedures that conform to international standards.
- Investigate crimes attributed to members of the Burundian armed forces and bring the accused to trial in procedures that conform to international standards.
- End immediately any recruitment, training, and use of children under eighteen years of age for military service, including in Guardians of the Peace and similar urban programs. Demobilize all children, whether in regular or paramilitary forces; provide for their material, educational, and psycho-social needs and assist in returning them to their families or to the care of suitable responsible agencies.
- Accede without reservations to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and upon ratification, submit a binding declaration establishing a minimum age of at least eighteen for voluntary recruitment.
- Sign and ratify the African Charter on the Rights and Welfare of the Child.

To the international community:

- Use all possible means to pressure the Burundian government to halt the expansion of the Guardians of the Peace and self-defense programs, to hold it accountable for abuses by these forces, and to end these programs as presently constituted.
- Provide assistance to the Burundian government in demobilizing paramilitary auxiliary forces. In particular provide resources to meet the material, educational, and psycho-social needs of children under eighteen years of age who have served in regular or paramilitary forces and to assist in returning them to the care of their families or of suitable responsible agencies.

III. PARAMILITARY FORCES IN CENTRAL AFRICA

Burundi, Rwanda, and Congolese rebel forces have each organized civilians into paramilitary forces in the regional war in Central Africa. Rwanda and its Congolese ally, the rebel Rally for Congolese Democracy (RCD) have created Local Defense Forces, and Burundi has established the Guardians of the Peace.⁴

By establishing paramilitary forces Burundi, Rwanda, and the RCD shift part of the burden of monitoring and defending the local population onto the people themselves. They increase the numbers of combatants at minimal cost: participants are unpaid and ordinarily continue to live at home. Purportedly established to protect local communities, the forces are sometimes used to patrol far from home and even participate in combat to supplement regular forces. Participants are typically trained for three months or less, making their deaths or injury in combat less costly than casualties among more highly trained regular forces. Frequently participants in these forces are deployed in the front ranks in combat and bear the brunt of losses.

⁴ See Human Rights Watch Short Reports, "Rwanda: The Search for Security and Human Rights Abuses," Vol. 12, no. 1(A), April 2000; and Democratic Republic of the Congo, "Reluctant Recruits: Children and Adults Forcibly Recruited for Military Service in North Kivu," Vol. 13, no. 3(A), May 2001.

Burundi, Rwanda, and the RCD ordinarily seek to incorporate former rebels or potential rebel sympathizers into the forces in hopes of controlling their daily activities and winning—and testing—their loyalty.

The use of paramilitaries permits Burundi and Rwanda to escape the international attention that would be drawn to an expansion of their regular military forces. They can thus continue to present themselves as intent on peace while actually preparing for further war. The low costs involved do not add substantially to the military budget and hence are less likely to draw international criticism.

IV. “SELF-DEFENSE” IN BURUNDI

In October 1993 President Melchior Ndadaye, a Hutu who had been freely and fairly elected several months before, was assassinated by Tutsi army officers. In the ensuing weeks of violence, thousands of civilians took up arms. In some cases, they protected themselves, their families, and their neighborhoods, cooperating across ethnic and political divisions. But more often groups of Hutu or Tutsi acted under the pretext of self-defense to attack persons of the other group. Hutu often followed the direction of Hutu political leaders or administrative authorities and Tutsi often attacked led by Tutsi military or civilian leaders. Tens of thousands of civilians, Hutu and Tutsi, perished in these attacks as well as in further deliberate killings by soldiers of the Tutsi-dominated Burundian army.⁵

From early 1994 through July 1996 successive bi-ethnic, multi-party governments tried and failed to resolve fundamental differences over governing the country. During this period, most self-defense groups ceased their activities, but a few developed into ethnically-based militia that sporadically continued the violence of late 1993. The Tutsi militia based in the capital and other urban areas (notably, *Sans Echecs*, “Those Who Cannot Fail” and *Sans Défaite*, “The Undeclared”) blocked government initiatives by bringing urban life to a standstill in what were known as “dead city” (*ville morte*) operations. Throughout 1995 and 1996, they also drove large numbers of Hutu civilians from Bujumbura and other urban areas and defeated armed group of young Hutu, sometimes with military help. Some members of the Burundian armed forces trained the Tutsi militia and provided them firearms, ammunition, and grenades. In return, they relied on the militia to further their own political and personal interests as well as their ethnic agenda.

Major Pierre Buyoya took power in a military coup in July 1996, pledging to restore order. He brought the Tutsi militia under control, in part by incorporating many of their members into the army. Radical Tutsi protested against the signing of the Arusha Accord and attempted to revive the militia *Puissance Auto-défense-Amasekanya* in mid-2000 but the authorities promptly jailed some of the organizers and the effort failed.

Patrols

Successful in ending militia activity, the government proved unable to suppress the largely Hutu rebel movements, the FNL and the FDD, which grew stronger after Buyoya took power. In early 1997 the FDD moved into the southern provinces of Bururi and Makamba, penetrating even Rutovu, the home commune of Buyoya and others of the military elite. The government then launched a “civilian self-defense” program which the then minister of the interior Colonel Epitace Bayaganakandi described as a voluntary and spontaneous initiative of local people seeking to protect themselves.⁶ But in many communities authorities compelled local residents to engage in the nightly patrols, ordinarily with soldiers but sometimes alone. In some parts of the country, most or all Hutu adult males were required to participate, but Tutsi were often excused. Hutu with money or ties to authorities could also escape the onerous work. Those designated to serve received no indication of how long their participation would be required. According to witnesses from Cibitoke, Muramvya, Kayanza, and Karuzi provinces, anyone who refused to do this work after being designated for it by the administrators would be punished by authorities, either by beatings, fines, or short-term imprisonment. Resisters could also be accused of supporting the rebellion, a charge which could lead to long prison terms or even summary execution. According to witnesses from Cibitoke, even those who participated regularly could be beaten or fined as much as 5,000

⁵ Commission International d’Enquête sur les Violations des Droits de l’Homme au Burundi depuis le 21 octobre 1993, “Rapport Final,” (Paris, July 1994), pp. 90, 92, 103, 148, 161, 179.

⁶ Human Rights Watch, *Proxy Targets: Civilians in the War in Burundi*, (New York, 1998), p. 116.

Burundian francs (U.S.\$6) for missing one night of patrols or for falling asleep on duty. Participants ordinarily patrolled unarmed or armed only with traditional weapons.⁷

Arms Training for Tutsi

In response to further demands for action from radical Tutsi politicians, military authorities launched another component of the “self-defense” program.⁸ They invited Tutsi to training sessions to learn to use firearms. One perceptive observer described this part of the “civilian self-defense” program as “organized disorder” (*desordre organisée*), intended to limit the training to Tutsi alone. Information about the sessions was passed by word of mouth rather than publicly announced. On one of the rare occasions when a Hutu learned of a session and tried to attend, he was turned away. Women as well as men attended the classes, held in afternoons and on Saturday mornings.⁹ The program operated mostly in urban areas, beginning in Bujumbura in 1997 and somewhat later in other urban areas like Gitega. There were also reports of Tutsi being trained in several rural communes in Bururi.¹⁰

In interviews with Human Rights Watch researchers, military authorities acknowledged that the sessions had taken place as recently as early 2000 but sought to minimize their importance. They also rejected the charge that the military distributed firearms to Tutsi who participated in the sessions. They said that most participants already owned their own weapons before attending the classes. They further asserted that the government was acting appropriately in training weapons owners in the responsible use of their firearms, reducing the likelihood of accidental injury or death.¹¹ Tutsi who had taken the training might put it to use by patrolling their own neighborhoods if they deemed it necessary, but they were apparently not obliged to do so.

Although regulations require the registration of firearms, many Tutsi did not obtain the necessary authorizations for weapons they owned and kept at home. Most assumed that authorities would overlook such negligence, as in fact they did. Those who acknowledged the ownership of unregistered weapons at training sessions were apparently not subject to any sanctions.¹² Far fewer Hutu dared risk unregistered ownership of firearms, fearing that discovery of such weapons would lead to accusations of being rebels in disguise.¹³

The weapons training conducted by Burundian soldiers exclusively for Tutsi, the tolerance of Tutsi ownership of weapons, and the patrolling by armed Tutsi of their own neighborhoods—alone or with soldiers—led Hutu politicians to charge that the military was mobilizing Tutsi civilians for the exclusive defense of their own ethnic group.¹⁴

“Guardians of the Peace”

Threatened by rebel advances in Cibitoke province military authorities took the “self-defense” program a step further by organizing armed groups of Hutu under military control. They recruited former rebels who had been captured or surrendered as well as local residents who had performed well in the patrols. Most participants were aged fifteen to thirty and were known simply as “the young men” (*les jeunes* or in the Kirundi version of the French, *abajeunes*). According to participants and other local witnesses, “young ones” worked closely with soldiers, particularly in patrolling the Kibira forest where there were a significant number of rebel bases. They generally received a month or so of military training from Burundian army officers and were permitted to use firearms when on duty. Some of them stayed at military posts, both to provide services like cooking or fetching water for soldiers and to be safe from reprisals by rebels.¹⁵ When rebel activity in the area decreased, the “young ones” were credited with having contributed substantially to this success. Subsequently military authorities established similar groups in the adjacent province of Kayanza where some seventy paramilitaries worked in each

⁷ Human Rights Watch interviews, Bujumbura, December 11, 2000; Human Rights Watch, *Proxy Targets*, p. 116.

⁸ Human Rights Watch, *Proxy Targets*, p. 115.

⁹ Human Rights Watch interview, Bujumbura, December 12, 1999.

¹⁰ Human Rights Watch interviews, Bujumbura, December 12, 1999 and Gitega, June 7 and 8, 2000; Human Rights Watch, *Proxy Targets*, p. 114.

¹¹ Human Rights Watch interviews, Bujumbura, December 12, 2000 and June 14, 2001. Human Rights Watch, *Proxy Targets*, p. 115.

¹² Human Rights Watch interview, Bujumbura, June 15, 2001.

¹³ Human Rights Watch interview, Bujumbura, February 15, 2000.

¹⁴ Human Rights Watch interview, Bujumbura, June 15, 2001.

¹⁵ Human Rights Watch interviews, Bujumbura, December 11, 2000.

of the three communes that bordered the Kibira forest, Kabarore, Muruta, and Matongo. On several occasions in 2001, travelers along the main road to Kayanza which borders the forest saw armed civilians in groups of twenty moving along the road, presumably heading home after having spent the night patrolling in the forest. In addition, the paramilitaries in Kayanza served to guard camps for internally displaced persons.¹⁶

With the FDD advance into southern Burundi in 1997, military authorities began to organize armed paramilitary groups in the communes of Rumonge, Buyengero, and Burambi in Bururi province and later in Nyanza Lac, Vugizo, Mabanda, Kibago, and Kayogoro communes of Makamba province and in several communes of Rutana province. Known at first also as *abajeunes*, they were renamed “Guardians of the Peace” (*gardiens de la paix*) and, numbering more than three thousand, began to play a major role in fighting the rebels.¹⁷

V. AMBIGUITIES OF “CIVILIAN MILITARY WORK”

At one point, Burundian authorities described the work of the Guardians of the Peace as “civilian military work,” *travail civile militaire*, an appropriate description of its ambiguous status. In June 2001, a military officer in charge of the self-defense program stressed the autonomous character of various programs in different parts of the country, saying that each local military commander decided how paramilitary groups would work in the area under his authority.¹⁸ Yet it is clear that all these programs were sanctioned at the national level and that local commanders, as well as the paramilitaries whom they commanded, were acting as agents for the state.

Recruitment

Burundi requires military service from secondary school graduates who are continuing on to higher education, thus exercising the right to conscription generally recognized by international law. But the young men recruited for service in the Guardians of the Peace did not fall into the category covered by law nor were these paramilitary units considered part of the Burundian armed forces. In most cases, local administrative authorities, acting at the behest of military commanders, simply designated those who were to serve.¹⁹ Some joined willingly to protect their homes, to seek revenge for previous rebel attacks, or because they hoped to use their position for personal gain. But a substantial number, perhaps the majority, agreed to serve only because they felt compelled to do so. One unwilling recruit said,

When the guardians started, I refused at first to have anything to do with them, but those who refuse are considered to be supporters of the rebellion. So I agreed to do this rather than face the consequences.²⁰

“I felt forced to join the guardians,” said another recruit, “because refusing would make me look like an accomplice of the rebels.”²¹ Others joined because they feared such punishment as fines or imprisonment if they refused.

As rebel activity increased beginning in 1997, authorities forced hundreds of thousands of rural residents to move into regroupment camps. The concentration of people in these sites made recruitment for the Guardians of the Peace easier. As one witness described it:

The governor ordered that young men who are not in school should come and join the Guardians of the Peace. He made a speech about this in the site and then the zone chiefs carried out the local organization. They distributed papers to write down the names of recruits. They said that those who are against this program will be punished.²²

¹⁶ Human Rights Watch interviews, Bujumbura, May 18, 2000 and February 7, 2001; Kayanza, August 24, 2000; Human Rights Watch observation, September 9, 2001.

¹⁷ Human Rights Watch interviews, Bujumbura, October 17, 2000 and June, 2001

¹⁸ Human Rights Watch interview, Bujumbura, June 14, 2001.

¹⁹ Human Rights Watch interviews, Mutambu, June 16, 2000; Bujumbura, August 28, October 4 and 17, and December 11, 2000.

²⁰ Human Rights Watch interview, Bururi, August 18, 2000.

²¹ Human Rights Watch interview, Bururi, August 18, 2000.

²² Human Rights Watch interview, June, 2001.

According to this witness, the youngest recruits were ten-year-old children while the oldest were married men who had three or fewer children. Administrative authorities took care to ensure that all possible recruits were included, although on occasion they excused those who had enough means or personal influence to arrange an exemption.²³

The vast majority of participants were Hutu. In Gatete, one of the six zones of Rumonge commune, for example, only one of 540 guardians of the peace was reported to be Tutsi.²⁴ In Makamba province, where Tutsi and Hutu live together in displaced persons camps, a somewhat larger number of Tutsi serve in the guardians.²⁵

Authorities particularly sought to recruit those who had once been rebels both because they already had military experience and because they could provide valuable information about rebel movements. According to participants, the number of former rebels now serving among guardians of the peace varies from as low as 10 percent in some areas to more than 75 percent in others.²⁶ A former FDD combatant said that he was recruited to serve in the guardians after having spent seven months as a prisoner doing labor at a military camp in Rutana. By agreeing he was able to return to his family and home commune.²⁷ One government official admitted that he knew of military officers who had forced former rebels to join the guardians against their will and had tortured those who refused to provide information about the rebellion, some of them to the point of death.²⁸

Recruitment and Use of Children as Guardians of the Peace

Burundi is a party to Protocol II of the Geneva Conventions which prohibits the recruitment of children under the age of fifteen for military service and requires that all feasible measures be taken to ensure that those under fifteen not take part directly in hostilities. Burundi has also ratified the Convention on the Rights of the Child, which provides similar prohibitions.²⁹ Yet military and civilian authorities have recruited and trained many children under the age of fifteen as Guardians of the Peace. One knowledgeable observer estimated that between 750 and 900 children aged seven to twelve years of age were recruited and trained in one year in Bururi. Human Rights Watch researchers were able to obtain the name and other identifying information about the youngest of these children, who was widely known for having begun his military service when he was seven years old. These youngsters suffered greatly through the rigors of military training. One witness recounted that the younger ones sometimes cried, especially when they were beaten by soldiers for failing to perform adequately. Recent recruitment efforts apparently have spared very young children, but recruitment of those fourteen and older continues.³⁰

Parents were often reluctant to allow their sons to join the paramilitary force, but many feared punishment if they refused. The father of one sixteen-year-old said he had agreed to send his son to the guardians to avoid a fine or imprisonment. The child, who had just finished sixth grade in primary school, received firearms training for two days at the soccer field next to his school. A month later he was killed in combat.³¹ Many other children, certainly hundreds of them, died in combat between 1997 and 2001.

Training

Some of the earliest recruits in Bururi province were subjected to an intense two weeks of training at the Bururi military camp where instructors were officers or soldiers of the Burundian army. Major Ntungumburane reportedly was in charge of the training along with Major Kibati, who was the camp commander. The colonel in charge of the fifth military region was said to have visited at least one of the training sessions. Recruits were

²³ Human Rights Watch interview, Bururi, August 18, 2000.

²⁴ Human Rights Watch interviews, Bujumbura, June 10 and October 4, 2000 and Bururi, August 18, 2000.

²⁵ Human Rights Watch interview, Bujumbura, September 13, 2001.

²⁶ Human Rights Watch interviews, Bururi, August 18, 2000, and Bujumbura, August 28 and October 17, 2000; and June and July, 2001.

²⁷ Human Rights Watch interview, Bujumbura, September 13, 2001.

²⁸ Human Rights Watch, "Emptying the Hills," A Human Rights Watch Short Report, Vol. 12, No. 4 (A), July 2000, p. 15.

²⁹ Article 4 (3) (c-d), Protocol II to the Geneva Conventions, which applies to all forces in a non international armed conflict; Article 38 (2), The Convention on the Rights of the Child, UN General Assembly resolution 44/25 of November 20, 1989, 44 U.N. GAOR SUPP. (No. 49) at 167, U.N. DOC. A/44/49 (1989), entered into force September 2, 1990.

³⁰ Human Rights Watch interviews, Bururi, August 2000; Bujumbura, October 18, 2000; July, 2001.

³¹ Human Rights Watch interview, Bururi, August, 2000.

taught military tactics and practices, civics, and the laws of war. They learned how to shoot and became familiar with more than a dozen firearms, learning to assemble and disassemble a number of them blindfolded. They were subjected to harsh conditions, sleeping on the ground with no bedding and eating only one scant meal a day. Recruits participated in strenuous physical exercise for several hours a day and were beaten by soldiers wielding sticks, if they failed to perform or collapsed. In one training program, three young recruits—one aged about twelve, one aged about fifteen, and one aged about seventeen—died from the effects of beatings and exhaustion.

Other recruits received a far more summary form of training. One participant in Rumonge, for example, says he was trained for only three half days at the soccer field next to the local zone office. His group learned only how to load and fire Kalashnikovs, nothing else.³² One participant who joined the Guardians of the Peace in the early months expressed his concerns about the whole program as well as about the limited training:

Because many of us are poor, armed, desperate, there is a real risk that we will fall prey to politics. Some may be tempted with money to do terrible things as in the past in Burundi. This is really a problem because many of us have little or no education and risk being easily manipulated. We had no ideological training and learned nothing about the laws of war. We were just shown how to use a gun and put to work.³³

VI. STATUS

Burundian authorities maintain that the Guardians of the Peace are civilians and remain subject to civilian laws; there are no regulations specific to these paramilitary groups except for those relating to the functioning of the units set by the occasional administrator for his own district. In one case, for example, a communal administrator declared that any guardian who left his unit without permission would be fined 5,000 Burundian francs and imprisoned for fifteen days in the communal lockup.

Trained by military officers, the Guardians of the Peace also generally operated under the direct orders of the military and often in their company. They received arms, grenades, and ammunition from soldiers of the Burundian army, including a usual allotment of thirty bullets. They ordinarily returned their arms to the soldiers supervising their unit at the end of their daily period of duty and accounted to them for the number of bullets or grenades used.³⁴ They were subject to punishment by soldiers if they disobeyed orders or failed to execute them satisfactorily, but such punishment was meted out arbitrarily rather than according to any set of regulations. One guardian complained that soldiers mocked and beat participants in his group, calling them rebels if they failed to perform as expected. “We do this work,” one commented, “but we are humiliated and we are not paid. We would like to quit, but we are afraid of being put in prison.”³⁵

The guardians were issued no uniform or identifying insignia, although some received gifts of cast-off military shirts or trousers from soldiers. Some wore uniforms or parts of uniforms taken from rebels slain in combat. One participant proudly displayed a blue beret and said he had taken it from the corpse of a FDD combatant whom he had killed. To promote a sense of solidarity, some guardians named their groups, using either names drawn from Burundian history, like *Rugemansazi*, or those with modern referents, like the *Metaliques*. This practice echoes the use of names by earlier militia groups.³⁶

The guardians received no regular pay, although a small number who lived at military posts rather than at home shared in military rations.³⁷ Authorities occasionally recognized the work of the guardians at celebrations where beer and sometimes meat were provided. But as one guardian remarked, his share of one cow divided with 500 others seemed small recompense for having put his life at risk throughout the year.³⁸ In 2001 authorities in Rumonge commune distributed forty pieces of sheet metal roofing to each of 180 guardians. The sheet metal is a

³² Human Rights Watch interviews, Bujumbura August 28 and Bururi, August 18, 2000.

³³ Human Rights Watch interview, Bururi, August 18, 2000.

³⁴ Human Rights Watch interviews, Bururi, August 18, 2000 and Bujumbura, August 28, September 28, and October 4, 2000.

³⁵ Human Rights Watch interview, Bururi, August 18, 2000.

³⁶ Human Rights Watch interviews, Bururi, August 18, 2000, Mutambu, June 16, 2000; Bujumbura, June 26, October 4 and October 17, 2000 and July, 2001.

³⁷ Human Rights Watch interviews, Bujumbura, June 10 and 26, and August 28, October 4, 2000; Kayanza, August 24, 2000; Mutambu, June 16, 2000; Bururi, August 18, 2000.

³⁸ Human Rights Watch interview, Bururi, August 18, 2000.

valuable commodity in communities where many houses have been destroyed and residents are seeking to repair their roofs. Others received gifts of new sweat suits.³⁹

Authorities provided at least some guardians with medical insurance cards, guaranteeing medical care for them and their families at local hospitals and clinics. Some who were wounded in combat were treated in military medical facilities in Bururi and Bujumbura. But the government paid no death benefits to families whose sons were killed as Guardians of the Peace.⁴⁰ One father complained:

No military officer or administrative official ever came to explain why my son had died. They gave us no money or help for his burial and no one from the government was present at his funeral. Now I am without a son and someone to help support my family.⁴¹

VII. DUTIES

Guardians of the Peace, like the “young ones” in northern provinces, scouted with and for soldiers. They also guarded populated areas, whether towns like Makamba and Nyanza Lac, or sites where rural residents had been relocated. They kept watch over traffic on the main roads, sometimes with clusters of armed guardians posted every few hundred yards. They served as a liaison between soldiers and local people, supervising the delivery to the troops of water, firewood, and portage service provided by the community. They themselves also did chores and manual labor for the soldiers.⁴²

After mid-1997, Guardians of the Peace in the southern provinces played an increasingly important role in military operations both against the civilian population and against rebel combatants. At the time rural residents in some areas resisted the move to regroupment camps. Many wanted to continue cultivating the fields which sustained them and to protect their homes and crops against possible raids by rebels or soldiers. Others feared that they were suspected of rebel sympathies and might be singled out for punishment once under the control of authorities in the camps. Guardians of the Peace assisted soldiers in sweeping the hills clean of civilians who delayed moving or who went into hiding in bush areas.

Guardians also began serving in regular combat against the rebel forces, often being deployed in groups as large as several hundred in the company of a small number—perhaps several dozen—soldiers. Rather than being used as a “self-defense” force to protect their home regions, guardians were sent as surrogate soldiers on maneuvers miles away and for weeks at a time. Half or fewer of the guardians would be armed with automatic weapons, with the rest carrying supplies and ammunition. Participants and other witnesses agree that guardians always preceded the soldiers, both in moving across the countryside and in direct instances of combat. In part because of this pattern of deployment, according to participants, the number of guardians killed or wounded in such combat ordinarily exceeded the number lost among regular soldiers.⁴³ Caught between soldiers and rebels, the guardians were frequently caught in the cross fire. According to one guardian, “The soldiers tell us that if fighting starts, we should fall to the ground. Otherwise we risk being shot, even from behind.”⁴⁴ According to an estimate from one knowledgeable observer, as many as 25 percent of guardians who began their service three or four years ago have been killed in combat.⁴⁵

VIII. ABUSES BY GUARDIANS OF THE PEACE

Killing civilians

Guardians of the peace violated international humanitarian law in the gravest and most widespread way during operations to relocate rural residents into regroupment sites. According to one guardian,

³⁹ Human Rights Watch interviews, July, 2001.

⁴⁰ Human Rights Watch interviews, Bururi, August 18, 2001 and Bujumbura, October 17, 2000; July, 2001.

⁴¹ Human Rights Watch interview, Bururi, August 18, 2000.

⁴² Human Rights Watch interviews, Bururi, August 18, 2000; Bujumbura, May 13 and 17, June 3, June 10, August 8, 2000; June and July, 2001.

⁴³ Human Rights Watch interviews, Bururi, August 18, 2000, Bujumbura, October 4 and 17, 2000; June and July, 2001.

⁴⁴ Human Rights Watch interview, Bururi, August 18, 2000.

⁴⁵ Human Rights Watch interviews, June and July 2001.

We spent a lot of time looking for people who hadn't gone into the camps as they were told to do. We killed anyone who was not in the camps. We killed a lot of people, we all did, just like the military. We killed most with guns and others with machetes, bayonets, and even old hoes.⁴⁶

A guardian said that some of the worst massacres of civilians took place in Buyengero commune, estimating that hundreds had died there. "The soldiers and the guardians of the peace killed many people," he said, "not all were rebels, but civilians too, we killed women and children." He said that in some cases guardians decided to take the women and children back to the relocation sites instead of killing them, but he did not explain why they did so. He described some of the people they had hunted down as nearly white in color, their skin badly bleached by the malnutrition suffered during their months in hiding. Asked by Human Rights Watch researchers if soldiers witnessed the killings of civilians, he confirmed that they had. Asked further if any soldiers had reminded them of the rules of war taught in some of the training sessions for guardians, he answered that they had not. And he smiled.⁴⁷

Guardians who refused to kill civilians in these circumstances were suspected of sympathizing with the rebels and could be punished severely, even by death. According to a guardian, "If you refused to kill people because they were civilians, women and children, then you would be killed." As an example, he provided convincing details of the killing of a young guardian, executed because he had refused the order to kill his sister who was married to a rebel and who had been found outside the designated site.⁴⁸

As the FDD presence and the intensity of combat diminished in the region in late 1998 and 1999, some guardians adopted a more lenient attitude towards civilians found outside the sites. One guardian who admits having allowed civilians to ransom themselves for 5,000 or 10,000 Burundian francs said he suggested that others do the same. "I told the other guardians, look they are people just like you," he said. "There is no reason to kill them. Instead just get them to pay up and take them back to camp."⁴⁹ The ransom was ordinarily required only of men because women and children were known to have no cash to meet such demands. Some soldiers knew that ransoms were paid. They collected their share of the cash and took no other action.

Guardians have also reportedly killed civilians in the course of robbery and extortion. Two guardians reportedly beat an old man to death in Musongati commune, Rutana province, because he refused to give them money. In a similar incident at Gatete zone, Rumonge commune, two guardians allegedly shot a middle-aged man named Pamphile Barayunguye after he refused to hand over his money to them. On August 3, three guardians shot and killed a fish seller named Nzeyimana on the main road from the lakeshore to the center of Bururi, apparently in order to rob him of his catch and equipment.⁵⁰ Others died as a result of beatings after having been detained for alleged petty offenses. On June 12, 2001 guardians from Minago zone, Rumonge commune, arrested a seventeen-year-old named Bihawe after he had been involved in a scuffle at the market with another person. They detained him in a lockup next to the market where they kicked him repeatedly and beat him with sticks and belts. They released him on June 15 and he died the next day from his injuries.

Rape

One guardian said that many of his fellows had raped women. He said they did not do this in the course of military operations but rather when they were either on duty or at leisure in the regroupment camps. He explained,

We would come upon the women in the sites and threaten to report them for some infraction. We had guns and it would be our word against theirs. They could do nothing but comply.⁵¹

Guardians and soldiers also reportedly raped women caught on paths going to fetch water outside the sites.⁵²

⁴⁶ Human Rights Watch interview, June, 2001. A used hoe, *agafuni*, has been frequently used as a weapon in this region in the last few years. Cheap and easily obtainable in an agricultural society, the old hoe is used to kill by a blow to the head.

⁴⁷ Human Rights Watch interview, June, 2001.

⁴⁸ Human Rights Watch interview, June, 2001.

⁴⁹ Human Rights Watch interview, June, 2001.

⁵⁰ Human Rights Watch interviews, Bujumbura, September 29 and October 4, 2000; July 6 and August 30 and 31, 2001.

⁵¹ Human Rights Watch interview, June, 2001.

⁵² Human Rights Watch interview, July, 2001; Human Rights Watch, "Emptying the Hills: Regroupment in Burundi," pp. 18-19.

Robbery and Extortion

Several guardians admitted that they or their comrades used their weapons or grenades to rob or extort goods from the very people whom they were supposed to protect. One guardian said, "We would steal and loot from the houses and this way we could come back and have something to eat. Many of us liked to smoke and this would give us money to buy cigarettes."⁵³ Another indicated that they felt justified in taking what they needed because they were not paid. This lack of salary is the reason why "there is a lot of stealing and looting in the area."⁵⁴ One said bluntly, "We are poor, we need money, so we stole and extorted money."⁵⁵

An observer who has watched guardians operate in several parts of Burundi commented:

The people themselves hate the guardians because they steal from them. The guardians collect informal taxes, say 100 Burundian francs, a few pieces of manioc, a fish, some rice from those who pass by on the road. No one can refuse because they are carrying guns. . . . They don't have much work to do and they get to take what they want. Many of them used to be unemployed. Now they work only once in a while and they get prestige and free food.⁵⁶

In one case three guardians reportedly threw a grenade into a house to make the residents flee so that they could pillage the place. One woman was badly burned in the attack. In another case, three guardians from Gatumba, outside of Bujumbura, made repeated forays across the border into the Democratic Republic of Congo (DRC), where they committed armed robberies. Guardians regularly appropriated fish from fishermen along the lakeshore or produce from women sellers in the market. They collected money from travelers along the road on the pretext that their papers were not in order. Beginning in 2000 authorities closed most of the regroupment camps in Burundi, but during 2001 some residents of Bururi were still prohibited from working in their fields in certain areas, supposedly because they were insecure. Guardians who found residents in zones that were officially closed to normal activities made them pay to be allowed to return to the camp.⁵⁷

According to one guardian from an area where combat is less frequent than before, the guardians do more stealing now because they have fewer other things to keep them occupied.⁵⁸

Some guardians said that soldiers too robbed and extorted from civilians and sometimes used the guardians to carry out these abuses for them. As an example, one said, "They would order us to remove pieces of metal roofing [from vacant houses] and collect them together. Then they would sell them for money."⁵⁹ In some cases, soldiers directed guardians to harvest palm oil nuts from the rich and temporarily deserted fields in Rumonge. They then had the nuts pressed and sold the oil.⁶⁰ Guardians and military personnel working together were suspected of several ambushes along roads in southern Burundi. In one incident such a group reportedly ordered a pickup truck carrying fish and other merchandise to stop en route to the town of Bururi. When the driver continued without stopping, the guardians opened fire. The driver and his passenger fled unhurt and the guardians and the soldiers seized all the abandoned merchandise. When the local military commander learned of the attack, he had the guardians arrested, but the soldiers continued to sell the stolen merchandise, apparently undisturbed.⁶¹

IX. ACCOUNTABILITY FOR ABUSES

Guardians enjoyed virtually unquestioned authority over the civilian population, a situation which shielded them from accountability. Said by authorities to be civilians operating under civilian laws, the guardians in practice answered far more directly to soldiers for their conduct. Guardians got their orders, weapons, and

⁵³ Human Rights Watch interview, June, 2001.

⁵⁴ Human Rights Watch interview, Bururi, August 18, 2000.

⁵⁵ Human Rights Watch interview, June, 2001.

⁵⁶ Human Rights Watch interview, July, 2001.

⁵⁷ Human Rights Watch interviews, Bururi, August 18, 2000; Bujumbura, August 28 and October 17, 2000; June and July 2001.

⁵⁸ Human Rights Watch interview, June, 2001.

⁵⁹ Human Rights Watch interview, June, 2001.

⁶⁰ Human Rights Watch interviews, Bururi, August 18, 2000; June 2001.

⁶¹ Human Rights Watch interviews, July, 2001.

ammunition from soldiers. They also got from them sometimes less explicit but still clearly understood indications of what kind of behavior would be tolerated. Although soldiers sometimes scorned and insulted the guardians, they nonetheless depended on them as their link to local people. “Ordinary people didn’t dare say a word against us,” said one guardian. He continued: “The soldiers took our word for everything. Even if a guardian said someone was a rebel, the soldiers would believe them without proof. The soldiers said, ‘These are your people. You know them better than we do.’”⁶²

In several of the cases of common criminality detailed above, guardians have been arrested and charged with crimes but have not yet been brought to trial.⁶³

X. EXPANSION OF THE GUARDIANS OF THE PEACE

When rebel activity diminished in some parts of Burundi in 1999, authorities permitted some guardians to end their service. But when FNL rebels attacked in force near the capital, Bujumbura, in September and October 2000, military authorities brought hundreds of Guardians of the Peace from the south to reinforce regular troops. Promised substantial rewards if they drove the rebels from Gitenga in Kabezi commune, the guardians suffered heavy losses against the battle-hardened rebel combatants.⁶⁴

In a more serious attack on the capital in February 2001, the rebels took and briefly held the zone of Kinama. Increased numbers of rebels who had been based in the Congo were returning to Burundi at this time, apparently at least partly in reaction to an anticipated loss of support from the government of the Congo. The new Congolese president, Joseph Kabila, installed in January 2001 was under considerable international pressure to end aid to the Burundian rebels, his allies in the war against the Congolese Rally for Democracy and Rwanda. Rebels based in or near camps for Burundian refugees in Tanzania also stepped up incursions across the border, underscoring a new intensity to the war.

In reaction to this renewed military challenge from the rebel movements, Burundian authorities began to expand the Guardians of the Peace program in March and April 2001. They organized training programs in virtually the whole country, including parts of Rutana, Ruyigi, Cankuzo, Muyinga, Kirundi, Karuzi, Mwaro, in some places using experienced guardians from the southern provinces to help mobilize young people. They subsequently expanded an existing program in Bujumbura-rural. The government has published no total for the numbers of guardians in Burundi, but in a letter of early September 2001, a Burundian major knowledgeable about the program wrote that some 30,000 Burundians had received military training as Guardians of the Peace.⁶⁵ Information gathered locally indicates that there may be as many as 5,000 in the province of Bururi, another 1,000 in Makamba, and hundreds in each of the other provinces where groups were being organized in mid-2001.⁶⁶

In some areas guardians received new assault rifles (*fusil automatique léger, FAL*) to replace the older Kalashnikovs they had been using and played an increasingly important role as surrogate soldiers. Deployed in larger numbers than regular troops and in advance of them, guardians sustained high casualties in combat, with dozens killed in just in the two months of June and July 2001.⁶⁷ Authorities who in the past minimized the role of the guardians, especially in combat, increasingly recognized the significance of their contribution.⁶⁸ As one high-ranking military officer said speaking of the guardians, “They have already killed a lot of rebels. They do a good job.”⁶⁹ At a public meeting in Bubanza in early September 2001, President Buyoya congratulated the Guardians of the Peace for their success against the rebels.⁷⁰

The rebel movements responded to the growing importance of the guardians by launching a campaign of intimidation against them. In Kabezi commune, Bujumbura-rural province the FNL has reportedly targeted men who were training as guardians. On June 26, 2001 four men were shot to death during the night, Pierre Minani; sons of Coga, named Paul and Kabwana; and Nyamuda, son of Nsengiyumva. The assailants, said to have been

⁶² Human Rights Watch interview, June, 2001.

⁶³ Human Rights Watch interviews, Bururi, August 18, 2000; Bujumbura, September 29 and October 4, 2000; July 2001.

⁶⁴ Human Rights Watch interviews, June and July, 2001.

⁶⁵ Letter read by Human Rights Watch researchers, September 27, 2001.

⁶⁶ Human Rights Watch interviews, June and July, 2001.

⁶⁷ Human Rights Watch interviews, June and July, 2001.

⁶⁸ Agence Burundaise de Presse, *Informations*, No. 1282, May 31, 2001; No 1284, June 2, 2001; and no. 1313, June 21, 2001.

⁶⁹ Human Rights Watch interview, Bujumbura, June 15, 2001.

⁷⁰ Agence Burundaise de Presse, *Informations*, no. 1429, September 7, 2001.

FNL combatants, dumped the bodies on a main road near the river Karonke, supposedly to serve as a public warning to other guardians. According to some local residents, at least some recruits refused to attend further training sessions after the murders.⁷¹ In areas further south where the FDD was strong, they circulated tracts in June and July threatening guardians and their families. In one tract signed by Anicet Ruyego as the “commandant” of Bururi region, the FDD warned that it was going to increase attacks against the guardians and that it would catch and kill them. It also forbade families of guardians to cultivate their fields and asked others in the community to cut all ties with those who served as guardians.⁷²

In at least one area, military authorities warned guardians that not only they but also their families would suffer punishment, possibly even execution, if they deserted their posts.⁷³ A small number of guardians fled nonetheless to join the rebels: several from the communes of Giharo and Bukemba in Rutana reportedly crossed to Tanzania and seventeen others from Rumonge commune joined FDD ranks. Others handed over ammunition to rebels, either in return for cash or for assurances of safety should they encounter rebels in the future. Others, saying they feared the growing risk of death in combat, moved to other parts of the country where they took refuge with family or friends.⁷⁴

XI. “CIVILIAN SELF-DEFENSE” IN URBAN AREAS

Since early 2000 violence increased against persons and property in many neighbors of Bujumbura. In some cases the assailants apparently had political motives: rebels based in the hills overlooking the city raided to intimidate and show their presence as much as to acquire goods. Groups of soldiers attacked neighborhoods which they suspected of sympathizing with the rebels and “punished” residents for these supposed loyalties by killing, injuring, or stealing from them. In some cases armed rebels or soldiers were accompanied by crowds of civilians who joined in carrying away the booty. Given conditions of extreme poverty and inadequate police protection, armed criminal bands also operated freely, apparently for profit and with no political agenda.

In mid-2000 local officials in the northern zone of Kinama, inhabited mostly by relatively poor Hutu workers, established an urban variation of the Guardians of the Peace program. They recruited about one hundred young men who were unemployed or who had worked only occasionally. Some, but not many of them, had been former rebel combatants. The youngest were sixteen years old, but most were in their late teens or in their early twenties.⁷⁵ The recruits were trained by soldiers or national policemen for two months and learned to fire Kalashnikovs. They then patrolled their section of the city at night, using arms collected from the local military post and returned there in the morning. They supposedly operated under the authority of the local administrative official but in fact were more typically under the supervision of soldiers with whom they patrolled, often walking in front of them. Soldiers frequently returned to their posts in the early part of the night, leaving the auxiliaries to continue patrolling alone.⁷⁶ Authorities instituted a similar program in Buterere, also a poor working class neighborhood, in late 2000, where some fifty recruits began patrolling the area both during the day and at night, armed with automatic weapons.⁷⁷

In Kinama, authorities asked residents to contribute 500 Burundian francs (about U.S. 60 cents) per month so that participants in the program could be paid a salary of 5,000 Burundian francs. The amount assessed, the cost of several pounds of rice or bunches of bananas, represented a considerable burden on the poor. Several residents complained that their payment had not brought improved security.⁷⁸ “There are two major military camps and other small posts throughout the zone,” remarked one resident. “Why can’t those responsible for providing security do the job?”⁷⁹ Officials claimed that the presence of the patrols had increased security in Kinama, but in

⁷¹ Human Rights Watch interviews, Bujumbura, July 27, 2001.

⁷² Tract on file at Human Rights Watch.

⁷³ Human Rights Watch interview, Bujumbura, June 2000.

⁷⁴ Human Rights Watch interviews, Bujumbura, September 29, October 4 and 7, 2000; June, July, and August 2001.

⁷⁵ See below for information about children aged fifteen years old and younger participating in the program in 2001.

⁷⁶ Human Rights Watch interviews, Bujumbura, July 20, 21, and 28 and August 22, 2000.

⁷⁷ Human Rights Watch interview, Bujumbura, March 6, 2001.

⁷⁸ Human Rights Watch interviews, Bujumbura, August 22 and September 6, 2000.

⁷⁹ Human Rights Watch interview, Bujumbura, July 28, 2000.

the initial period of its operation, approximately the same number of criminal attacks were recorded as for the period immediately before. Nor was there any greater success in apprehending assailants.⁸⁰

At about the same time military officers revived the weapons training for Tutsi civilians which they had offered sporadically since 1997. Some of those so trained also joined soldiers in patrolling their neighborhoods or patrolled on their own initiative, sometimes under the leadership of a former or retired soldier who himself lived in the neighborhood.⁸¹

XII. “SELF-DEFENSE IN SOLIDARITY”: OVERCOMING THE ETHNIC DIVISIONS?

After the FNL took and briefly held parts of Bujumbura in February 2001, the government decided to reorganize “civilian self-defense” on a new basis. Authorities recognized that Hutu residents of urban areas feared that “Tutsi were being trained to shoot them,” according to one officer who worked on the new version of the program. They wanted to change that perception. They also sought to avert a resurgence of militant Tutsi activism. There were reports in March that militia like PA-Amasekanya were organizing weapons training for Tutsi, perhaps with the aid of some soldiers.⁸² “Groups were organizing into militia within neighborhoods,” said one high ranking official. “Authorities had to take control of this situation to avoid possible conflict on an ethnic basis.”⁸³

Authorities called the program launched in April 2001 “self-defense in solidarity” (“*auto-défense solidaire*”), recycling a name used to little effect four years before and meant to underline the multi-ethnic nature of the new effort. The training sessions began with little public fanfare, allowing doubts to persist about the objectives of the program. But the training concluded on June 16, 2001 with a public ceremony and distribution of certificates to 1,000 graduates in the presence of the ministers of defense and interior, indicating that national authorities now publicly took responsibility for the “self-defense” program. According to press accounts, they stated that “self-defense” would henceforth be a permanent part of national defense and would be extended to the rest of Burundi. They said also that participants were expected to serve for an undetermined length of time.⁸⁴

According to authorities, participants remain civilians subject to the civilian courts as they did in the older version of the program. Although now recognized as a government initiative and in the process of expanding throughout the country, the self-defense program still has no body of regulations to govern its operation.⁸⁵

One high-ranking military officer stressed that in contrast to the previous program the new effort devoted much more attention to “civic” education and correspondingly less to “technical” matters—i.e., actually learning to handle firearms. The objective, he said, was to convince everyone ‘that the people must stand together in defense of their neighborhoods.’⁸⁶ Others, including some trained in the program, confirmed this information.⁸⁷ Another officer writing about the program said it was meant to diminish the “attractiveness of tribo-genocide.”⁸⁸

In its operations, the new version of “civilian self-defense” differed little from the old. Graduates of the program patrolled in the neighborhoods at night and sometimes also kept watch at public places, like markets. Those who were armed collected their weapons from military posts at the start of work and returned them at the end. In regions of relatively high risk, they patrolled together with soldiers. In others, they supposedly worked under the supervision of a resident who was a former soldier or, if such a person was not available, at least a government official or employee. Officially all were volunteers, although some were reported to have joined as a result of pressure and to avoid being fined or imprisoned.⁸⁹ In one case, a young man who did not want to join was warned by others in the program that he might not receive protection in the future should he need it, given his

⁸⁰ Human Rights Watch interview, Bujumbura, August 8, 2000; Jamaa Info, “Situation Sécuritaire en Alerte,” no. 6, July-August 2000.

⁸¹ Human Rights Watch interviews, Bujumbura, June 15, 2001.

⁸² Human Rights Watch interview, Bujumbura, June 12, 2001.

⁸³ Human Rights Watch interview, Bujumbura, June 15, 2001.

⁸⁴ Human Rights Watch interviews, Bujumbura, June 15 and July 7, 2001; *Le Renouveau* no. 5661, “Lancement d’un “système” d’auto-défense civile solidaire”, Serge Gahungu, June 27-28, 2001, p. 5.

⁸⁵ Human Rights Watch interviews, Bujumbura, June 15 and July 12, 2001.

⁸⁶ Human Rights Watch interview, Bujumbura, June 15, 2001.

⁸⁷ Human Rights Watch interviews, Bujumbura, June 12, July 12, and August 30, 2001.

⁸⁸ Letter seen by Human Rights Watch researchers, September 27, 2001.

⁸⁹ Human Rights Watch interviews, Bujumbura, June 12, July 11 and 13, and August 24 and 28, 2001.

refusal to participate.⁹⁰ Participants were not paid, although in some areas administrative officials collected money from residents to pay expenses for any who needed medical attention.⁹¹ According to one sixteen-year-old recruited for the program, participants were supposed to be aged fifteen to twenty-five.⁹² According to another, boys as young as thirteen took part in the training but reportedly were not subsequently assigned any duties.⁹³ Participants wore no uniform, except the occasional piece of military clothing received from a soldier, and carried no identification.⁹⁴

Beneath the gloss of “solidarity” serious ethnic tensions and inequities persist within the self-defense program. In part this results from the program being organized within the limits of residential units which have become largely monoethnic as a result of seven years of conflict between Hutu and Tutsi. Although some training sessions apparently brought together groups from several neighborhoods, this was not always the case. And once operating in neighborhood units, Hutu and Tutsi rarely served together.⁹⁵ Said one critic, “If the government is serious about assuring security to everyone, then the program has to be organized across neighborhood boundaries.”⁹⁶

In addition, some officials reflected continuing distrust of Hutu called upon to serve in the units. One explained that as recruits were trained in the new program, they would replace those previously responsible for local security. He stated that the eventual goal was to advance all current patrol members to the point of active armed assistance to the military, but not until they had received proper preparation. Some people of the neighborhood, he said, “were close to Bujumbura-rurale,” meaning they were Hutu with likely sympathies for the rebels known to be based in the rural areas outside the city. “It will take some time,” he added, “before arms could be trusted to everyone.”⁹⁷ In some areas, authorities preferred to distribute arms only to those who owned property in the neighborhood.⁹⁸ According to one observer, “This ensures that they will not run off to the bush with the weapons, because they have land and houses to protect.”⁹⁹

Local variations have fed the distrust with which some Hutu view the “self-defense” program. Although national authorities have taken responsibility for the “self-defense in solidarity” program, they have limited central direction in its implementation. In June 2001 one high-ranking officer stated that local military commanders and administrative officials determine the extent and kind of program in their jurisdictions, a position that echoed statements of military authorities dating back to 1997.¹⁰⁰ Variations result, he said, from “the differences in energy, intelligence, dynamism, and commitment” of those in charge in each locality.¹⁰¹ Hutu, both participants in the program and observers, have remarked differences in the kind and availability of arms in various localities. Self-defense units in some predominantly Hutu neighborhoods were armed with rifles that fire only a single shot at a time, while groups that were largely or exclusively Tutsi were armed by the military with more lethal Kalashnikovs or other automatic weapons. In addition, Hutu participants patrolled with arms received from and returned to military control, while some Tutsi participants used their own weapons which they kept in their homes. Given the highly polarized ethnic situation in Burundi, such variations led some Hutu to conclude that authorities were providing Tutsi areas with added protection meant to give them the advantage should conflict develop between them.¹⁰²

“Self-defense in solidarity” programs were begun also at urban centers outside the capital, including Cankuzo in the east and Bubanza in the north.¹⁰³ One witness speaking of Bubanza said that “Arms are being distributed in areas where there is a Hutu population that is considered ‘trustworthy.’”¹⁰⁴

⁹⁰ Human Rights Watch interview, Bujumbura, July 5, 2001.

⁹¹ Human Rights Watch interview, Bujumbura, July 12, 2001.

⁹² Human Rights Watch interview, Bujumbura, August 28, 2001.

⁹³ Human Rights Watch interview, Bujumbura, August 24, 2001.

⁹⁴ Human Rights Watch interview, Bujumbura, July 12 and August 24 and 28, 2001.

⁹⁵ Human Rights Watch interviews, July 12 and 13 and August 30, 2001.

⁹⁶ Human Rights Watch interview, Bujumbura, July 13, 2001.

⁹⁷ Human Rights Watch, Bujumbura, July 12, 2001.

⁹⁸ Human Rights Watch interviews, Bujumbura, June 12 and August 24, 2001.

⁹⁹ Human Rights Watch interview, Bujumbura, August 24, 2001.

¹⁰⁰ Human Rights Watch interviews, Bujumbura, June 15 and August 24, 2001; Human Rights Watch, *Proxy Targets*, p. 116.

¹⁰¹ Human Rights Watch interview, Bujumbura, June 15, 2001.

¹⁰² Human Rights Watch interview, Bujumbura, July 12, August 4 and 30, 2001.

¹⁰³ Human Rights Watch interviews, Bujumbura, July 18, 2001.

XIII. ABUSES BY SELF-DEFENSE PATROLS

Authorities involved with the new self-defense program claim that it has improved security in Bujumbura. In fact, raids by armed rebels or government troops continue largely unabated, as do such widespread common crimes as robberies and rape.

In some cases, the armed participants in the self-defense program themselves perpetrated abuses on the people they were supposed to protect. One knowledgeable observer believes that a criminal gang that carried out many armed robberies in the zone of Kinama included participants in the self-defense program.¹⁰⁵ Several witnesses from Kinama zone complained that patrol members harassed local residents, sometimes on the pretext that they had violated the 11 p.m. curfew.¹⁰⁶ He said:

The patrols go around beating people up at night even before the curfew has started, demanding money. They catch you, they beat you, and they ask for any money that you have. If you don't have any they beat you more. Or they come to your house and do the same thing.

He concluded, "Because these men have guns, there is no way to work with them, to negotiate with them."¹⁰⁷

In the evening of September 27 a self-defense patrol came across three teen-agers outside a house in Kinama. Two were school students, reportedly preparing their lessons. The patrol ordered them to go inside, saying they were violating the curfew. The three teen-agers did not respond readily and may have taunted the patrol, made up largely of youngsters like themselves. One of the patrol, himself apparently aged fifteen or sixteen, shot the three, wounding all of them in the legs. He was imprisoned at the local lockup but several days later, no investigation had been done of the incident. On September 29, the person responsible for the patrols said that the young detainee had been imprisoned briefly for "misbehavior," but would soon be released.¹⁰⁸

Commenting on the incident, a witness said that the patrol had come from Ngozi quartier to his area of Muramvya as they often did, but that he did not know if they were officially designated to work there. "They don't have any laws, rules, or regulations," he said, "so it is impossible to know where they have the right to patrol. It seems that they make their own decisions and do just what they want."¹⁰⁹

A resident of another part of Kinama zone complained about the men who patrol his neighborhood, saying that they "ask money from property owners and hit people for not paying up."¹¹⁰ At least one member of the self-defense program in Kanyosha zone was reportedly guilty of similar behavior.¹¹¹

One resident of the frequently troubled northern area of the city said that residents had hoped security would improve with the establishment of the self-defense program. "But," he continued, "giving guns to people has not brought peace. . . . all it has done for the moment is to increase the poverty of the people and sometimes even produce killings."¹¹² Another remarked that some participants in the self-defense program abused the residents even more than did the military. He explained, "It is because they are poor and have nothing. So they abuse people in order to get by."¹¹³

Just a month after the newly trained members of the self-defense program began working in Kinama, one of them was accused of having shot to death a twenty-five-year old man known by the nickname of Toto. The case illustrates both the latitude given to members of the self-defense program and the extent to which administrative and national police back them up. The victim and a friend were returning home on the night of August 17 when the two were stopped by a patrol of six armed men, purportedly led by someone named Kiroombo. The patrol members took the two to a partially constructed church on Sixth Avenue in the Musinga quarter and began to beat

¹⁰⁴ Human Rights Watch interview, Bujumbura, May 17, 2001.

¹⁰⁵ Human Rights Watch interview, August 27, 2001.

¹⁰⁶ Human Rights Watch interviews, Bujumbura, September 28 and 29, 2001.

¹⁰⁷ Human Rights Watch interview, Bujumbura, August 24, 2001.

¹⁰⁸ Human Rights Watch interviews, Bujumbura, September 28 and 29, 2001.

¹⁰⁹ Human Rights Watch interview, Bujumbura, September 29, 2001.

¹¹⁰ Human Rights Watch interview, Bujumbura, August 28, 2001.

¹¹¹ Human Rights Watch interview, Bujumbura, July 12, 2001.

¹¹² Human Rights Watch interview, Bujumbura, August 24, 2001.

¹¹³ Human Rights Watch interview, Bujumbura, August 30, 2001.

them and ask them for money. After they had beaten Toto for ten minutes with sticks and electric wire, he fled from the church, pursued by three patrol members. On Seventh Avenue one of the patrol shot Toto, apparently in the back, and killed him.

Patrol members tied the second man with his arms behind his back and brought him to the lockup at the zone office. On the way, they passed Toto's body and patrol members taunted the second man that he would be killed next. They detained him briefly in the lockup and then brought him outside to an adjacent national police (*gendarmes*) post. Four policemen and members of the patrol used their fists and sticks to beat the man, who still had his arms tied tightly behind his back. They also cut his arms and a leg with a bayonet. They asked him repeatedly for money, but he had none to give. After the beating, he was locked up for two more days until a family member secured his release with a bribe of 2,000 Burundian francs. Four days later the zone leader had him detained once more, but he was released the following day.¹¹⁴

As the day began on August 18, many local residents saw Toto's body still on Seventh Avenue being guarded by patrol members. One who reported this in a radio interview later that day was arrested for having spoken out. On August 20, twelve members of a self-defense patrol armed with firearms took him from his home to the national police post next to the lockup. The officer in charge hit him and accused him of having revealed military secrets in the radio interview. Several patrol members who were there also beat him. Later that morning the zone leader also interrogated the witness about the radio interview and then ordered the six patrol members who were present to beat him. They did so with sticks and electric wire, leaving wounds two inches long on his back. He was kept in the lockup until August 24 when he was released on the order of the zone leader, perhaps because the same radio station which had earlier broadcast the interview reported on his subsequent arrest.¹¹⁵

XIV. A SYSTEM OF TWO-FOLD ABUSE

The "self-defense" program operates at two levels, a duality which risks increasing tensions in a highly polarized situation. On one level it offers urban residents--many of them Tutsi--the opportunity to learn to shoot and encourages but does not oblige them to organize patrols to protect their neighborhoods. On the other, it actively recruits--and in some cases coerces--Hutu who live in poorer urban neighborhoods and in the countryside to follow military training and to serve as Guardians of the Peace or as part of urban patrols.

By requiring unwilling participants to serve in the guardians or urban patrols, authorities have abused their rights through a system of ad hoc conscription. Not authorized or regulated by law, this system subjects them to arbitrary requirements to provide unpaid service for indeterminate periods of time. Although international law allows governments to raise armies and provide for the national defense, Human Rights Watch holds that conscription must be carried out in accordance with law and with a measure of fairness, rather than at the unfettered discretion of local authorities. Conscripts should know how long they must serve and under what conditions. Thousands of those required to serve in these programs are children in violation of provisions of international humanitarian law, which the Burundian government has agreed to observe.

Guardians of the Peace and members of urban patrols have committed many human rights abuses, generally with impunity. Whatever powers they exercise are not formally established or publicly known to other civilians. The ambiguity surrounding the status of participants, who are subject to no regulations specific to their service, makes it difficult to ensure accountability for any abuses. Because Guardians of the Peace and their urban counterparts remain "civilian," civilian authorities supposedly bear responsibility for monitoring their conduct. But final authority in security matters rests in the hands of the local military commanders. In such circumstances, it is unlikely that civilian authorities will demand accountability for abuses by "civilians" acting as adjuncts to the military and often at their direct order. Nor will members of the regular armed forces ordinarily take the initiative in ensuring that their auxiliaries be brought to justice within the civilian judicial system as is shown by some of the cases documented in this report.

In some instances, members of the regular armed forces used Guardians of the Peace or members of self-defense patrols to carry out politically-motivated or common crimes against the civilian population, a practice which could permit them also to escape from personal responsibility for the wrong done.

¹¹⁴ Human Rights Watch interviews, Bujumbura, August 24 and 30, 2001.

¹¹⁵ Human Rights Watch interviews, Bujumbura, August 24 and 30, 2001.

XV. "SELF-DEFENSE:" A TROUBLING IDEOLOGY

Although Burundian authorities have tried to depict the Guardians of the Peace and the urban self-defense program as spontaneous and locally-created, it is clear that they are state-initiated and state-directed. National military and civilian officials retain control over these programs, even if they delegate authority over them to local military officers or administrative officials through some sort of decentralized structure.

In seeking to disguise the official nature of these programs, Burundian authorities have preached the ideology of "self-defense." Claiming that the state lacks the means to protect its citizens, they have invited the people to defend themselves. Such an invitation must inevitably heighten the fears already prevalent in a situation of severe ethnic tension, leading each group to believe that it has the right—perhaps even the duty—to protect its own interests. Politicians or military officers seeking to advance their own personal or ethnic agendas may try to exploit the impulse to "self-defense." If they do, they will find thousands of Burundians already trained to shoot and with firearms in their homes, or at least, knowing where they are stored in their neighborhoods.

One Burundian troubled by the self-defense programs said,

Only the authorities and recognized forces of order should be protecting the people. . . . If they need more manpower, then those doing the patrols should be made part of the armed forces, accountable under the law and following a clear chain of command. Otherwise they could be manipulated and used for purposes other than what was intended.¹¹⁶

XVI. ACKNOWLEDGEMENTS

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¹¹⁶ Human Rights Watch interview, Bujumbura, September 6, 2000.