



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2003/45
25 February 2003

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-ninth session
Item 9 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS IN ANY PART
OF THE WORLD**

**Report on the human rights situation in Burundi submitted by the
Special Rapporteur, Ms. Marie-Thérèse A. Keita Bocoum, in
accordance with Commission resolution 2002/12***

* In conformity with section B, paragraph 8, of General Assembly resolution 53/208, this report is being submitted on 18 February 2003 so that it will contain as much updated information as possible.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Summary		3
Introduction	1 - 6	5
I. GENERAL SITUATION	7 - 22	6
A. Political situation	8 - 20	6
B. Economic and social situation	21 - 22	8
II. HUMAN RIGHTS SITUATION	23 - 78	9
A. Civil and political rights	24 - 62	9
B. Economic, social and cultural rights	63 - 67	16
C. Justice system and the rule of law	68 - 73	17
D. Promotion of human rights	74 - 78	18
III. OBSERVATIONS	79 - 89	19
IV. RECOMMENDATIONS	90 - 110	21
A. To the parties to the conflict	91 - 95	21
B. To the Burundian authorities	96 - 104	21
C. To the international community	105 - 110	22

Summary

The present document is the sixth report submitted by Ms. Marie-Thérèse A. Keita Bocoum, Special Rapporteur on the human rights situation in Burundi, whose mandate was extended by the Commission on Human Rights in its resolution 2002/12 of 19 April 2002. The Special Rapporteur presented an oral report to the General Assembly at its fifty-seventh session. This report, which follows the sixth mission to Burundi from 16 to 25 October 2002, concerns the general situation in Burundi, especially the question of human rights and their promotion and the justice system and the rule of law.

During this visit, the Special Rapporteur met the highest political authorities, namely the President and Vice-President of the Republic, the new presidents of the National Assembly and the Senate, the judicial, military, administrative and civil authorities, former presidents Sylvestre Ntibantuganya and Jean-Baptiste Bagaza, the two former vice-presidents, representatives of the diplomatic corps and the African Union, the head of United Nations system agencies in Burundi, representatives of political parties and forces of all persuasions, representatives of civil society - in particular representatives of women's, trade union and youth associations and human rights associations, the press and religious communities - and the Special Representative of the Secretary-General for Burundi and the Special Representative of the Secretary-General for the Great Lakes region, in Nairobi. She also visited the province of Gitega, specifically Itaba commune, and went to Kanyosha commune in the province of Bujumbura Rural, where there had been massacres of the civilian population. She visited Mpimba prison in the Bujumbura Urban province to assess changes in prison conditions and meet with certain detainees, specifically juveniles.

Based on the information gathered, the Special Rapporteur addresses in chapter I of this report the political, economic and social situation in the country, focusing on developments in the peace process during the first phase of the transition, which was inaugurated on 1 November 2001, and the insecurity and fragility of the political balance that characterizes this transition.

Chapter II deals with the situation of civil and political rights in Burundi and violations of these rights resulting from the armed conflict such as violations of the rights to life, freedom, security and inviolability of the person, freedom of opinion, expression and trade union freedom, and freedom of movement and freedom to choose one's residence. It also describes the situation of internally displaced persons, repatriates and refugees. The Special Rapporteur also discusses the situation of persons in detention, women and child soldiers. She then analyses the situation with regard to economic, social and cultural rights, especially the right to health and education, and traces developments in the sphere of justice, strengthening the rule of law and promotion of human rights.

Chapters III and IV contain the Special Rapporteur's observations and recommendations based on her consideration of these situations.

The Special Rapporteur has noted an increase in the number of violations and the rising toll of victims among the civilian population, which is harassed alternately by government forces and armed groups. The lack of a ceasefire undermines the work of the transitional institutions

and prevents the Arusha Agreement from being implemented in its entirety. The Burundi peace process has a regional dimension. It is important that the various national agreements should be applied in a coordinated manner. The reintegration of combatants after the ceasefire, including child soldiers and members of militias, will remain a problem so long as appropriate and immediate steps are not taken to make this happen. In addition, many repatriates are victims of various forms of abuse and violence (e.g. land disputes and insecurity) which force them back into exile. Activities relating to human rights are crucially important in the current situation in Burundi. In this context, the role of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Burundi is gaining in importance. The financial and human resources currently at its disposal are clearly insufficient for it to discharge all its assigned functions. The future activities of the United Nations in Burundi should place human rights at centre stage so as to lend greater support to national capacity-building efforts.

In addition to the recommendations made in her previous reports (E/CN.4/2000/34, paras. 133-167; E/CN.4/2001/44, paras. 154-207; A/56/479, paras. 128-157 and E/CN.4/2002/49, paras. 99-123), the Special Rapporteur has further recommendations to make to the parties to the conflict, the Burundian authorities and the international community. She urgently appeals to all the belligerents to respect the rights of the civilian population, in particular the right to life, security and inviolability of the person. She urges them to discontinue hostilities, respect international humanitarian law and refrain from attacking economic and social infrastructures. She calls upon the belligerents to implement the agreements that they have signed and invites those armed groups which have not joined the negotiating process to recognize the urgent need for a negotiated solution. The Special Rapporteur encourages the Burundian authorities to press ahead with the establishment of the institutions provided for under the Arusha Agreement, especially those pertaining to human rights, and to continue to ensure the smooth functioning of those institutions which are already in place. She welcomes the mediation in the Burundian conflict and commends the countries of the subregion on the progress which they have made towards a ceasefire. She supports the organization and holding of an international conference on peace, security, democracy and development in the Great Lakes region, as advocated by the Security Council and the Secretary-General. She recommends that the funds pledged at the Paris and Geneva conferences should be released and requests the international community to support the efforts of the Burundian Government to encourage respect for and promotion of human rights and to secure lasting peace (e.g. demobilization and reintegration of combatants; reform of the justice system; establishment of the Truth and Reconciliation Commission; rights of women and children; rights of repatriates and displaced persons; economic and social rights; and especially care for HIV/AIDS sufferers). The Special Rapporteur urges the international community to increase the amounts budgeted for human rights monitoring, protection, promotion and training, and in particular the activities of the OHCHR Burundi office, so as to strengthen national capacities effectively and set an early deadline for the establishment of an independent national human rights commission in Burundi.

Introduction

1. By its resolution 2002/12, adopted on 19 April 2002 at its fifty-eighth session, the Commission on Human Rights extended the mandate of the Special Rapporteur on the human rights situation in Burundi for one year and maintained its gender-specific dimension. The present report, which covers the period from 15 July to 31 December 2002, is submitted pursuant to that resolution. It is chiefly based on the Special Rapporteur's sixth mission to Burundi from 16 to 25 October 2002.
2. During her stay, the Special Rapporteur had the opportunity to meet with Burundi's highest political authorities, namely the President and Vice-President of the Republic, the new presidents of the National Assembly and the Senate, the judicial, military, administrative and civil authorities, representatives of the diplomatic corps, the head of United Nations system agencies in Burundi, representatives of civil society - in particular representatives of women's, trade union, youth and human rights associations and religious communities - and the Special Representative of the Secretary-General for Burundi and the Special Representative of the Secretary-General for the Great Lakes Region, in Nairobi.
3. The Special Rapporteur visited the province of Gitega, specifically Itaba commune, and went to Kanyosha commune in the province of Bujumbura Rural, where there had been massacres of the civilian population. She visited Mpimba prison in Bujumbura Urban province to assess changes in prison conditions and meet some of the detainees, specifically juveniles.
4. The Special Rapporteur wishes to thank everyone she met for their courtesy and availability and for contributing to the success of her mission. She is deeply grateful to the OHCHR Burundi office and its staff, and also to the heads of the United Nations system agencies and the special representatives of the Secretary-General, for the kindness they showed her throughout her stay and for their contribution to the success of her mission.
5. The Special Rapporteur's mission took place following the signing of a partial ceasefire agreement between the Burundian Government and a faction of the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD), and several days after the expiry of the deadline set by the Regional Initiative countries for the other rebel forces to join negotiations. This development has not, however, led to the end of hostilities in Burundi. On the contrary, the Special Rapporteur's entire visit was marked by clashes between government and rebel forces, adding yet more victims to the already excessive toll of civilians who have died in massacres perpetrated in September by government forces in the regions of Gitega and Bujumbura Rural.
6. The Special Rapporteur again noted the impact of the political, economic and social situation on the development of human rights. Her report will focus on the general situation, i.e. on the country's political, economic and social development, then on the human rights situation over the past few months, and finally on the resulting observations and recommendations.

I. GENERAL SITUATION

7. This section traces political developments, themselves bound up with the implementation of the peace process, as well as the deterioration in the security environment and in the economic and social situation.

A. Political situation

8. Some notable progress has been made in implementing the peace process, despite persistent warfare and the resulting climate of insecurity. The arrest and detention of unarmed opposition politicians contributes to political instability.

1. Development of the peace process

9. In the political arena, the Special Rapporteur notes the establishment on 1 November 2001 - the date on which the Transitional Government was formed - of the National Assembly and the Senate, the adoption by Parliament of certain laws provided for by the Arusha Agreement and the appointment, in the spirit of the Arusha Agreement, of new governors in nine provinces. The reform of local administration is scheduled to extend down to the commune level. The Government has submitted an assessment of the first six months of the transition to the Congress (i.e. the National Assembly and the Senate).

10. Nevertheless, progress on the political front is still seriously compromised by the lack of a complete ceasefire. Certain rebel forces continued to fight, despite domestic and international calls for a complete cessation of hostilities. The Transitional Government signed a ceasefire agreement at Dar-es-Salaam on 7 October 2002 with two minor factions - the Alain Mugabarabona wing of the Party for the Liberation of the Hutu People-National Liberation Forces (PALIPEHUTU-FNL) and the Jean-Bosco Ndayikengurukiye wing of the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD) - but the armed groups continued to clash in the field, killing many people, mainly among the civilian population. The Eighteenth Summit Meeting of the Heads of State and Government of the Regional Peace Initiative on Burundi issued a strongly-worded demand that the two recalcitrant armed groups - the Peter Nguronziza wing of the CNDD-FDD and the Agathon Rwaswa wing of PALIPEHUTU-FNL - immediately embark on face-to-face negotiations with the Transitional Government in order to conclude a ceasefire within 30 days, failing which "appropriate measures" would be taken against them.

11. On 29 October 2002, negotiations began at the highest level between the Government and the Peter Nguronziza wing of CNDD-FDD; the Agathon Rwaswa wing of FNL declined to participate after putting in a brief appearance. On 2 December 2002, a ceasefire agreement was signed between the Transitional Government, represented by President Pierre Buyoya, and the Peter Nguronziza wing of CNDD-FDD, in the presence of Mr. Zuma, Deputy President of South Africa, and the Chairman of the Regional Peace Initiative. The agreement ushered in a ceasefire which was to take effect on 30 December 2002; during the first 14 days after the date of signing, the belligerents were supposed to communicate to their troops, throughout the chain of command, their decision to cease hostilities. The truce was to enter into force within 72 hours after the signing of the ceasefire agreement. This agreement would entail cessation of the supply

of ammunition and weaponry; the prohibition of the distribution of lethal logistical supplies to any armed forces; the release of all political prisoners; the withdrawal of all foreign troops pursuant to the findings of the Commission of Inquiry, which would investigate their presence within both the Burundian armed forces and the ranks of CNDD-FDD; the total prohibition of mine-laying operations and operations to obstruct demining; the cessation of all propaganda between the parties and of incitement to ethnic hatred inside the country; the cessation of all acts of violence against the population, any act of vengeance, summary executions, torture, harassment, detention or persecution of civilians based on their ethnic origin, religious beliefs or political affiliation, arming of civilians, use of child soldiers, sexual violence and sponsoring and encouraging terrorists or genocidal ideologies.

12. The agreement further stipulated the cessation of all air, land and lake attacks and all acts of sabotage and the cessation of any action that might hinder the proper implementation of the peace process. The African mission would be responsible for monitoring and verifying the ceasefire. The signatories to the agreement agreed to the founding of a State governed by the rule of law, based on national unity, democracy, pluralism and respect for human rights; the training of new defence and security forces composed of government forces and combatants of the armed political parties; and the establishment of a power-sharing system within the framework of an inclusive Transitional Government.

13. The scope of the ceasefire remains limited, however, by the absence from the peace process of the Agathon Rwasa wing of FNL. This movement, completely ignoring national and international appeals to come to the negotiating table, is continuing to wage a relentless struggle around Bujumbura and in the province of Bujumbura Rural, despite the threat of sanctions by the Regional Initiative countries against all those who continue fighting. It should also be added that certain CNDD-FDD combatants have also carried on fighting despite the decision taken by their leader.

2. Insecurity and fragility of the political balance

14. The political situation is still influenced by the climate of insecurity, which has steadily worsened since the Special Rapporteur's last visit and now affects the majority of the provinces, including in the northern part of the country, which had thus far been spared. In the past four months, the provinces of Cancuzo, Ruyigi, Rutana, Makamba, Bururi, Gitega, Muramvya, Bubanza, Bujumbura Rural, Mwaro and Kayanza, like the city of Bujumbura, have witnessed unprecedented violence that has claimed hundreds of lives among the non-combatant civilian population.

15. The violence culminated in the attacks on the communes of Itaba in Gitega province, Rutegama in Muramvya province and Kanyosha in Bujumbura Rural province. There has also been an upsurge in delinquency and crime throughout the country, with more and more cases of armed robbery, looting, cattle rustling, rape, crop spoiling and destruction of schools and health facilities.

16. In April and May 2002, the human rights situation deteriorated in the provinces most affected by the fighting. Civilians continue to be caught between attacks by government forces and armed groups. Forced movements of civilians have dramatically intensified in the provinces

of Bujumbura Rural and Ruyigi. Rebel ambushes of civilian vehicles resulting in full-scale massacres, especially on the road linking Bujumbura with the rest of the country, have been brought to the Special Rapporteur's attention. Moreover, this climate of insecurity is magnified by the practice of unlawful arrest and detention and numerous cases of torture in various police lock-ups.

17. Bujumbura came under rocket attack from rebel groups in July. Similar attacks were made on the towns of Ruyigi and Gitega. The escalation of the violence in July meant that the main roads linking Muramvya to Gitega and Bujumbura Rural were closed for several days, as were schools in these provinces. The situation did not change significantly in August, and in September the breakdown of the ceasefire negotiations between the Government and the rebels led to more clashes and numerous human rights violations. Hundreds of civilians were killed; every day, tens of thousands, fleeing the fighting, were forced to leave their homes in search of whatever help they could find.

18. In August the spokesman for the army apparently announced at a briefing that any civilian who did not flee at the sight of rebels, commonly described as "attackers", would be treated as a rebel. In practice, all civilians must cooperate with the local authorities and the army in the campaign against the rebels; such cooperation includes denouncing rebels or suspected rebels.

19. In November, the Government was again confronted with radical political opposition of Tutsi origin within the Party for National Recovery (PARENA), led by former President of the Republic Jean-Baptiste Bagaza, who was arrested on 1 November 2001 for breaching State security. His party was suspended for six months. In the ensuing uproar, 11 of his associates, real or supposed, were also arrested.

20. Events unfolding in the countries of the Great Lakes region have an impact on the political situation in Burundi. Consequently, the search for a resolution of the crises in all these countries should also be taken into account.

B. Economic and social situation

21. Both economically and socially, the war in Burundi continues to compound the problem of poverty in the country. The recent devaluation of the Burundian currency and the increase in the price of fuel (January and September 2002) and beer are exacerbating the living conditions of the population, who are unable to satisfy their most rudimentary needs. Furthermore, economic development continues to be hampered by the destruction of the social and economic infrastructure and widespread corruption.

22. The reporting period has been characterized by incessant strikes that have complicated the social situation even further, to the extent that only partial disbursements of the amounts pledged by donors at the Paris Conference in 2000 and the Geneva Conference in 2001 had been made when the Special Rapporteur left Burundi. An agreement was signed on 9 October 2002 between the International Monetary Fund (IMF) and the Burundian Government which could result in the release of these funds and help revitalize the Burundian economy.

II. HUMAN RIGHTS SITUATION

23. The human rights situation continues to be plagued by problems encountered in the political, economic and social fields: war, insecurity, economic collapse, the fraying of the social fabric, etc. The principal human rights violations involve the right to life, inviolability of the person, liberty and security of the person, freedom of movement, people's freedom to choose their residence, the right to freedom of opinion and expression, the rights of women and children, and economic, social and cultural rights.

A. Civil and political rights

1. Violations of the right to life

24. These violations involve the authorities and armed groups alike. Over the period from July to September 2002, however, a number of appalling acts perpetrated by the regular armed forces resulted in the deaths of large numbers of civilians, including old people, women and children who apparently had nothing to do with the conflict.

25. Since July, the army has reacted with extreme violence to attacks by armed groups. Sometimes their reaction is disproportionate and inexplicably directed against the civilian population. Likewise, the exactions by armed groups which the Special Rapporteur has learned about are principally directed at the civilian population. The crisis also breeds banditry and attacks by unknown persons.

(a) Violations attributed to agents of the State

26. Between July and October 2002, more than 300 civilians are thought to have died, principally at the hands of agents of the State. The Special Rapporteur gathered information in Gitega about the events of 9 September 2000 at Kanyonga, Kagoma and Kivoga, during which hundreds of people were reportedly killed. The total number of civilian deaths varies according to different informants, who put the number at anywhere between 173 and over 300. Identification of the victims revealed that many were old people, children (sometimes mere babies) and women, some of whom were pregnant. Many of the women had been raped. The military authorities and the Government concluded that the killings were an unfortunate mistake, because the soldiers thought they were dealing with rebels positioned in the hills. An inquiry has been opened and two soldiers who are thought to be responsible for the incident have been placed under arrest. The list of victims, some of whom were burnt alive in their homes or shot at point-blank range, confirms that old people, women and children were among those who died. Those who escaped say that no rebels were present when the soldiers attacked; it was a surprise attack followed by robbery and looting.

27. On Rohe hill in Kanyosha commune (Bujumbura Rural province), the army conducted an operation on 19 September 2002 resulting in the death of 16 civilians according to local people (13 according to the authorities). Here too, the army claims that it was hunting down rebels, whereas local people say that they were attacked by government troops who had come

to rob them and loot their homes. The victims included old people, women and children. Two children, whom the soldiers said were rebels, were reportedly captured and forced into the army, which appears to be a common practice.

28. On 22 September 2002, it is claimed that two people, one of them a child, were killed when government troops shelled Mpungwe and Vurungengwa hills in Bujumbura Rural province. On 29 September a 20-year-old man was reportedly killed by a militiaman. This crime is yet another in the long list of abuses perpetrated by militiamen against civilians.

29. Between March and October, in addition to the massacres in Gitega and Bujumbura Rural, agents of the State were responsible for the deaths of approximately 160 people as a result of arbitrary arrest, torture, brawls, abductions and even extrajudicial executions. Thus, the Special Rapporteur has been informed that 27 people were reportedly killed at Kirombwe in Kanyosha commune (Bujumbura Rural province) on 25 March 2002. They apparently encountered a military patrol which opened fire on them without warning when they were going to market.

(b) Violence attributed to armed groups

30. In the reporting period, it is alleged that 104 people were killed by armed groups and dozens more injured. They were either ambushed, summarily executed, or attacked and tortured by armed groups of rebels. Thus, in March 2002, a vehicle was reportedly ambushed by rebel groups in the province of Cibitoke, as a result of which four people were killed. It is claimed that in the same month several similar attacks were perpetrated by armed groups in the provinces of Bujumbura Rural, Bubanza and Gitega.

31. On 2 April 2002, a group of rebels attacked three communes in the province of Cankuzo, killing five civilians and wounding another. On 17 April 2002, rebels attacked the displaced persons camp at Biniganyi in Kazirabegeni region, Nyanza-Lac commune, Makamba province. According to official sources, the attack left two dead and four wounded, with other sources citing 60 dead and 40 wounded. On 9 May 2002, FNL rebels reportedly massacred nine people on Nyantuvo hill in Nyabiriba commune, Bujumbura Rural province. On 23 May, a group of rebels attacked a minibus full of civilians at Mageyo in Bujumbura Rural province. Eleven people, including a senator of Twa origin, were allegedly killed in this ambush. During the night of 23/24 May, nine people were allegedly massacred by armed groups in Kirombwe and Gasarara regions. The following night, five civilians were reportedly killed in Isale and Bukeye communes, Muramvya province. On 24 June, rebel groups attacked six public transport vehicles in Muramvya commune (Muramvya province). In this ambush, 8 people reportedly died and 20 others were wounded. A number of similar incidents took place in April, May and June, and in the following months.

32. Thus, on 17 July 2002, public transport vehicles were ambushed by armed groups on the national road in Muramvya province, as a result of which it is claimed that five people were killed and dozens more wounded. On 5 August, the parish priest at Kiguhu in Muramvya province was reportedly killed in an ambush mounted by rebels in Itaba commune, Gitega province. The following day, Hamassi Ali Bizimana, controller of programming at Bonesha private radio station, was reportedly killed together with his five-year-old son in an attack

by FNL rebels at Mutanga nord in Gihosha region, Bujumbura. A number of other people were wounded in the same attack. During the night of 5/6 September 2002, the head of Kamenge region (Bujumbura Urban) was apparently executed by a group of armed men outside his home. His police bodyguard was also killed during the shooting. During the night of 12/13 September 2002, an administrative official in Gihosha region was reportedly assassinated by rebel groups. Following this act, it is alleged that at least nine people were killed by soldiers as a reprisal measure. Throughout the month of September, rebel groups continued to spring ambushes, inflict reprisals on the civilian population, including local officials, and burn and loot houses and property.

(c) Violence attributed to persons unknown

33. In the reporting period, 67 people were reportedly killed and several others wounded in attacks by persons unknown. Thus, during the night of 7/8 April 2002, a group of unidentified armed men allegedly attacked a family at Vimbi in Kirundo province and killed two children. On 10 April 2002, four people were reportedly killed and two others wounded in a grenade explosion. On 19 April, 29 civilians reportedly died during an operation launched by government troops against rebel groups in Bubanza province, Gihanga region. According to information gathered by observers from the OHCHR Burundi office, the population of this province, which shelters rebel armed groups either willingly or at gunpoint, is always targeted by one side or the other.

34. On 22 April a family of four was reportedly killed in a grenade attack in Buganda commune (Cibitoke province). The authorities claim that the father, Lazare Ruzobavako, had repeatedly been chased away by local people who suspected him of practising witchcraft. The home of another family in the commune had apparently been burnt down for the same reason. Accusations of this nature are apparently widespread throughout Burundi; defenceless old women or people involved in land disputes are particularly at risk. On 13 May two people were reportedly killed and another wounded when an anti-personnel mine exploded on Sagara hill in Kibuye region, Isale commune (Bujumbura Rural province).

35. On 27 May 2002, one Novance Hakizimana, an inspector of schools in Bujumbura province, was reportedly killed in an ambush on national road 7. He was one of the leaders of a teachers' strike in Bujumbura Rural. He had apparently escaped a previous ambush on 26 May at Kinama (Mubimbi commune), during which six people died and he was wounded. On 25 June 2002, one person was reportedly killed by an anti-personnel mine in Isale commune (Bujumbura Rural province). On 19 August 2002, the head of Itaba district in Gihosha region (Bujumbura Urban province), Janvier Ndashimiye, was reportedly killed in a grenade explosion.

2. Violations of the right to liberty, security and inviolability of the person

36. A number of provisions of the new Code of Criminal Procedure are still being regularly flouted, particularly those involving police custody and the duration of pre-trial detention. The Special Rapporteur has been informed of the existence of illegal places of detention, including in military camps and especially in regions affected by insecurity. The practice of torture and other cruel, inhuman or degrading treatment continues. Cases of torture are especially prevalent in

lock-ups under the control of various police forces and secret places of detention. Armed groups also stand accused of torture. As a rule, torturers are not brought to justice. Numerous armed robberies and murders perpetrated by rebels, militias, law enforcement agencies and unknown persons have come to light. The number of rapes and cases of violence against women have increased and have apparently been exacerbated by the armed conflict. The perpetrators are rarely prosecuted, with relatives sometimes preferring to settle things amicably rather than go through the courts.

(a) Violations attributed to agents of the State

37. The Special Rapporteur has been informed of a number of cases of unlawful arrest and detention, affecting among others the Congolese Banyamulenge. Thus, in March 2002, a certain Crispin was reportedly detained at the Special Investigation Brigade (BSR), whereas Gaston Zemde apparently avoided detention but members of his family were arrested in his place. Caleb Muhoza and Jackson were reportedly abducted in Bujumbura on 23 January 2002 and were detained in Rwanda after refusing to enrol in the Congolese Rally for Democracy (RCD). Other Congolese have reportedly gone into hiding to avoid arrest or deportation from Burundi.

38. Representatives of the Banyamulenge community met representatives of the OHCHR Burundi office on 8 August 2002. They claimed to have received death threats from a senior RCD official whom they had met under pressure from the chief officer of the National Documentation Service (the agency responsible for intelligence and national security in Burundi). On 16 August, the OHCHR Burundi office learned that these Congolese, who were living under the protection of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Government in the refugee camp at Ngarara, had been arrested. These refugees, spokespeople for the Banyamulenge community, had reportedly been deported to the Democratic Republic of the Congo, despite the dangers which they faced there. On 25 August, the OHCHR Burundi office received a complaint concerning the arrest of one Congolese national and the disappearance of another. They were apparently among those who had received direct death threats from the RCD representative in the course of a meeting at the Source du Nil Hotel on 6 July 2002. The arrested refugee had reportedly spent more than one month in a lock-up.

39. Come Nizigiyimana and Emmanuel Nsaviyimana were reportedly arrested on suspicion of being rebels and detained at Socarti camp before being transferred to the BSR. During the night of 11/12 April 2002, a soldier threw a grenade into a nightclub and reportedly injured six people. In April 2002, the body of Masabo, a student at the University of Burundi, was discovered at Ruzaba. His family claims that he was killed by militiamen from Kinama and then buried in secret at Ruzaba.

40. The Special Rapporteur has learned of the arrest and unlawful detention of Gipenji Manaba, who, according to his family, was arrested on 1 April 2002 in connection with a land purchase transaction going back 10 years. He was detained by the BSR from 3 April and was apparently deprived of his right to family visits. On 28 May, Eric Nzohabonayo is reported to have disappeared; his family claims that he was subsequently detained by the BSR for longer than the statutory period and that no precise charges were brought against him.

41. On 3 July 2002, five shopkeepers in the displaced persons' camp at Gatwe in Kayorogo commune (Makamba province), suspected of consorting with the rebels, were reportedly arrested and held in a gendarmerie lock-up on a charge of "breaching State security". The five shopkeepers and the population of the camp have denied these allegations.

42. Allegations of torture were brought to the attention of OHCDHB on 9 and 16 September by the families of Audace Ntahomvukiye, chief of Burenga hill (Mubimbi commune), and Gabriel Ntibinyagi, who were reportedly subjected to ill-treatment by the police and soldiers.

(b) Violence attributed to rebel groups

43. There are numerous examples of violence committed by rebel groups. The Special Rapporteur will cite here just a few examples, as she has done for other violations. Thus, in March 2002, the rebels reportedly laid an ambush at Gihanga in Bubanza province, on the main road across the country, in the course of which four people were reported injured. In addition, the rebels are said to have abducted a policeman in Matongo commune (Kayanza province). On 1 April 2002, they reportedly attacked the centre of Muramvya settlement, seriously injuring one person and looting property.

44. In April, the rebels launched a mortar attack on the city of Bujumbura and populations living on Gitwenge and Gerero hills (Gisagara commune, Cankuzo province), Kinga hill (Kayanza province), the displaced persons' site at Bahama (Kibago commune, Makamba province) and the settlement of Mugaro (Mpanda commune, Bubanza province). During these attacks, 10 civilians were wounded, 18 cows were stolen and eight houses and shops were looted.

45. On 18 May 2002, the Bishop of Ruyigi and his driver were abducted in an ambush laid by FDD rebels on the road from Kayanza to Bugarama. Two soldiers guarding the bishop were killed in the attack. On 23 May 2002, an FDD delegation handed the bishop over to the authorities in the province of Bubanza in the presence of the apostolic nuncio and senior dignitaries of the Burundian church.

46. On 3 July 2002, in the course of a childhood immunization campaign in Ruyigi province, and despite an appeal by the United Nations Children's Fund (UNICEF) and all United Nations system agencies for a lull in the fighting, rebels reportedly attacked the vehicle of the commander of the fifth battalion who had been instructed to supervise the campaign. The commander and his driver were wounded in the ambush, which was followed by a violent clash between rebels and soldiers. The damage caused and the number of casualties are still unknown. During the night of 15/16 August 2002, a group of rebels apparently made an incursion into Mweya commune, 12 kilometres from the town of Gitega, where they looted all the shops and health facilities.

(c) Violations attributed to persons unknown

47. On 24 March 2002, someone threw a grenade into Kayanza market and reportedly injured 15 people. On 17 April 2002, it is claimed that two people were shot and wounded

following a bar fight in Buyenzi region. The aggressor was caught and turned over to the police. During the night of 2/3 August, one person was reportedly killed in the Buterere district of Bujumbura. Neighbours, thinking that it was a rebel attack, did not intervene. On 4 August, a man was reportedly shot dead in Bujumbura. During the night of 17/18 August, it is claimed that a child was shot dead in a bandit attack in the settlement of Gatwe, Kayokwe province.

48. During the night of 6/7 September, a group of armed men in military uniforms, assumed to be rebels, reportedly attacked a bar in Kanyosha region, Bujumbura Urban province. It is claimed that two people died and six others were abducted for use as bearers by the attackers.

3. Violations of freedom of opinion, expression and trade union freedom

49. A number of problems have been experienced by representatives of the media: difficulty in gaining access to information, censorship and intimidation (closure of the Net Press agency in January 2002, suspension of the magazine Panafrica in July 2002, and threats against certain journalists, including the staff of African Public Radio). The publication of information originating from armed groups is banned; only bulletins from the government army spokesman may be broadcast. The printed press is virtually non-existent. In general, journalists are underpaid. National television has no facilities or money. A draft amendment to the law on the press is reportedly in preparation.

50. Some political parties believe that their freedom of expression is restricted by the transitional constitution, article 263 of which apparently bans public meetings and gatherings. Moreover, some party activists say that they have been intimidated, arrested and subjected to administrative sanctions. During her visit to Mpimba prison, the Special Rapporteur was able to meet Mr. Charles Mukasi, the detained leader of an opposition wing of the Union for National Progress Party (UPRONA).

51. Trade union representatives complain that a trade union bill adopted by Parliament, which will soon become law, has not been submitted to them or approved by them. Moreover, trade union leaders have reportedly been imprisoned following strikes, for example the teachers' strike. One trade union leader, Idelphonse Ndayigimana, has been in prison for 22 months without any confirmation of his detention.

4. Violations of the right to freedom of movement and freedom to choose one's residence

(a) The situation of internally displaced persons

52. In March 2002, clashes between rebel groups and government troops forced 82,500 people to flee fighting in the provinces of Makamba, Bujumbura-Rural and even Bujumbura Urban.

53. As of 14 April 2002, there were 50,025 displaced persons in Isale commune (8,205 households already in residence, to which were added a further 1,800 households from Rutegama). A report submitted by a mission of representatives from all the local United Nations

system agencies highlights the terrible conditions endured by the population in this area, who must endure the depredations of the army and the rebels alike. Among other things, they are reportedly forced to pay for both sides' war efforts.

54. The Special Rapporteur has learned of the situation of displaced persons in Muramvya province, which observers from the OHCHR Burundi office visited on 31 May 2002. Eyewitnesses said that, after clashing with rebels, troops went on a looting spree and drove innocent families out of their homes. People living on the hill, some 290 families, subsequently took refuge on Mpehe hill. Such reprisals against a non-combatant population are unacceptable and contrary to all international human rights instruments that Burundi has ratified.

55. During the night of 18/19 August, fighting between regular troops and rebel groups affiliated to FNL forced thousands of people to flee from the Mubone region in Kabezi commune. These people sought refuge at Ruziba, Mutambu and the administrative centre of Kabezi commune. On 19 August, following a grenade explosion, about 2,000 people took refuge in Kamenge district.

56. At the end of October, there were between 370,000 and 387,000 internally displaced persons concentrated at 226 sites.¹ Every month, another 60,000-75,000 displaced persons flee their homes and disperse more widely. At the end of November, the total number of displaced persons exceeded 390,000. Given the importance of the months of October and November in the agricultural calendar, it is to be feared that the large number of mass population movements will have a negative impact on productivity and could lead to famine.

57. The different terms used to describe Burundians affected by the conflict - "displaced persons", "regrouped persons", "the people affected", "repatriates", "returnees", etc. - often have an ethnic connotation, which does not ease the process of national reconciliation. The term "dispersed persons" has been used to refer to those who have been displaced by the fighting but do not live at a displaced persons' site. They are hard to identify because they go into hiding or are given shelter by local people. Moreover, they are often afraid to go to health centres or food distribution points, which are mostly situated near military posts.

58. The humanitarian community provides assistance to these people through the technical group on follow-up, established within the Framework for Consultation on the Protection of Internally Displaced Persons, under an agreement signed last year with the Government. The prevailing climate of insecurity makes it difficult, however, to gain access to displaced persons.

(b) Situation of repatriates and refugees

59. According to government statistics, there have been 40,000 assisted and voluntary returns. The assisted repatriation operation began on 4 April 2002. As of 5 July 2002, 32,400 people had returned, more than 16,600 unassisted. Responsibility for the protection of repatriates lies with UNHCR, which discharges this duty through national and international non-governmental organizations. The situation of voluntary repatriates in the eastern and southern provinces, i.e. the combat zones, remains very difficult, however, because these people apparently get no assistance from UNHCR, which tends to focus its assistance efforts on

repatriates arriving in the country from the north. On 16 July 2002, UNHCR reportedly decided to suspend repatriation assistance to refugees in the south-eastern provinces owing to growing insecurity in the provinces of Ruyigi, Cankuzo, Makamba, Rutana and Bururi.

60. Owing to insecurity and certain shortcomings in the protection afforded to repatriates in Burundi, there is now a reverse flow of refugees back to the United Republic of Tanzania. Thus, in August, approximately 5,000 Burundian refugees from the provinces of Cankuzo, Gitega, Karuzi, Kanza, Kirundo, Muyinga, Ngozi and Ruyigi reportedly returned voluntarily to the United Republic of Tanzania. In September, the rate of departures increased to 1,000 in the first two weeks of the month alone.

61. It is claimed that, in the course of the year, dozens of Congolese Banyamulenge refugees have been turned back, deported and extradited to the Democratic Republic of the Congo without taking account of the risks that they face. These refugees have apparently been persecuted and imprisoned in Burundi. Thus, it is claimed that on 29 May 2002, the Burundian Government invited the Congolese refugees from Rugombo camp in Cibitoke province and Ngarara camp in Bujumbura to go to the new site which had been allocated to them in Muyinga province in the north of the country. Among these refugees, the Banyamulenge apparently refused to go along with this decision because they considered it would expose them to risk. Reacting to their refusal, the Government ordered Rugombo camp to be destroyed, and UNHCR discontinued all humanitarian assistance to these refugees with effect from 30 May 2002.

5. Rights of women

62. Women are better represented in political bodies than in the past: there are 4 women in the Government, 45 in the National Assembly, 11 in the Senate, 2 ambassadors and a number of chefs de cabinet. They are playing a greater role in political parties. There has been no radical change in their situation, however. All the measures aimed at eliminating discrimination against women in Burundian legislation are still on the drawing board. The same applies to the law on inheritance, matrimonial property rights and voluntary disposition of property.

B. Economic, social and cultural rights

63. The war and the economic crisis are causing violations of all economic, social and cultural rights, in particular the right to health and education. Thus, 60 per cent of Burundians live below the poverty line (i.e. US\$ 1 a day). This explains why so many have no access to medicines, health care, education, decent housing, and wholesome food and drinking water.

64. Since the introduction of self-management in most public hospitals, patients who are unable to pay their medical costs are being illegally confined in these establishments after they have been cured. Accordingly, many people prefer to stay at home or resort to traditional medicine because they have no money. Consequently, the mortality rate is increasing, particularly in the most vulnerable sections of the population. Furthermore, the country lacks an effective social security system.

65. A ministry responsible for the campaign against HIV/AIDS is working in conjunction with a national council to combat AIDS. These institutions are recent creations, and despite their

best efforts AIDS patients still face formidable problems in the medical, social and legislative spheres. Most of them live in conditions of great hardship; they have no access to treatment and are discriminated against in the areas of employment and housing.

66. Many children dropped out of school during the 2001/02 academic year for want of money and school supplies. The problem mainly affects destitute children living in camps for displaced persons. Furthermore, during demonstrations organized by schoolchildren to demand that teachers - who had been on strike since 13 May 2002 - should return to work, a number of these children were reportedly shot dead and others wounded by the law enforcement agencies. No legal proceedings have apparently been taken against the culprits.

67. The problem of child soldiers has come into sharper focus of late. Basically, the situation here has not changed since the Special Rapporteur's previous report. Children are still being dragged into the conflict by both sides, for example to carry weapons or act as informants. It is alleged that rebel groups have abducted children and forcibly enrolled them into their ranks. A briefing paper by Human Rights Watch refers to the case of high-school students abducted at Musama in 2001 and pressed into service by the rebel FDD; this information was provided by a young man who was also abducted and then wounded when he escaped.² The briefing paper says that these youngsters were present in the Itaba area in October 2002. In their account of the events at Rohe in September 2002, the military authorities in Kanyosha told the Special Rapporteur that children suspected of being rebels had been taken away and placed under guard at a military camp; their status and situation was never precisely defined.

C. Justice system and the rule of law

1. Administration of justice and strengthening of the rule of law

68. Despite the hopes engendered by the various reforms, especially the adoption of the new Code of Criminal Procedure, problems persist in this field. Most of these problems were identified by the independent commission on issues relating to prisoners, provided for by the Arusha Agreement, which submitted its report to the Government in February 2002. In July 2002, a national commission was established to implement its recommendations. While this commission has begun work, its efforts to date have not yielded significant results.

69. Impunity continued unabated in 2002. The perpetrators of many crimes are not apprehended. The commissions of inquiry that have been set up are slow to make their findings known. According to the Principal State Prosecutor of the Republic of Burundi, the long-awaited findings of the inquiry into the murder in 2001 of Professor Léopold Kassy Malan, the representative of the World Health Organization (WHO), should pave the way for a trial in Bujumbura scheduled for March 2003.³

2. Places of detention

(a) Prisons

70. In July, the population of the three main prisons in Burundi, namely those at Mpimba, Gitega and Ngozi, was 6,383, of whom 3,944 were remand prisoners, 2,409 convicted prisoners

and 30 infants. This total included 123 minors. There have been positive developments in the prisons at Mpimba and Gitega, in that the number of remand prisoners has been brought into line with the number of convicted prisoners. At Mpimba, convicted prisoners are now in a majority. At Ngozi, on the other hand, remand prisoners still heavily outnumber convicted prisoners. From 31 January to 30 August 2002, the total population in these establishments fell by 414. The number of remand prisoners decreased from 4,458 to 3,837, i.e. a reduction of 621, whereas the number of convicted prisoners increased from 2,170 to 2,382. Discrepancies are attributable to acquittals, provisional release from detention on remand, and completion of sentences. Still greater efforts should be made, however, to reduce prison overcrowding in Burundi.

71. In all prisons in Burundi, conditions are still harsh despite the joint efforts of the prison authorities, the International Committee of the Red Cross (ICRC) and human rights associations. Burundi's prisons have room for 3,750 inmates, but in October the total prison population was 8,352, including 4,742 remand prisoners.⁴

72. The situation of women and child detainees remains difficult. With the exception of Ngozi, none of the provinces has specialized facilities. Furthermore, in the absence of a civil register, it is hard to know the exact age of detained minors, which is left to the police to determine - a practice which can give rise to numerous abuses.

(b) Other places of detention

73. In the period from March to October 2002, observers from the OHCHR Burundi office visited 63 district, brigade and police lock-ups in provinces all over Burundi. Of the facilities visited, only 24 were in a situation of full legal compliance. The others were overcrowded or were holding people improperly, for example, for periods longer than those laid down in the Code of Criminal Procedure.

D. Promotion of human rights

74. The Government Commission on Human Rights (CGDPH) is encountering problems in connection with rapid staff turnover and lack of money. It continues to hold weekly meetings with the OHCHR Burundi office but has not submitted a report since it was formed on 25 April 2001.

75. The standing machinery for consultation with and training of non-governmental organizations was established on 16 November 2001 to encourage pooling of experiences and coordination of non-governmental organization activities. It currently brings together 42 human rights associations but lacks the means to launch and implement its projects.

76. During the reporting period, the OHCHR Burundi office ran a number of workshops on the role of civil society and the promotion of peace. Thus, it organized a brainstorming seminar from 26 to 28 May 2002 on the role of civil society in the implementation of the Arusha Peace Agreement, in collaboration with the Ministry of Institutional Reforms, Human Rights and Relations with Parliament and the standing machinery for consultation with and training of non-governmental organizations. At the end of their discussion, the participants recommended the establishment of a framework of action for civil society and frameworks for dialogue with

the Government, Parliament, donors and the Arusha Agreement Implementation Monitoring Committee; the strengthening of civil society; efforts to counteract the cleavage of Burundian society along ethnic lines; and a campaign against impunity.

77. A retreat focusing on torture-related issues in Burundi was organized on 26 June 2002 at Gitega; participants included the Ministry responsible for human rights, representatives of the diplomatic corps, United Nations agencies and the Government, and members of civil society. Unannounced visits to lock-ups and other places of detention were incorporated into the agenda for the retreat, which yielded recommendations aimed at intensifying efforts to stamp out torture. Other activities were pursued, focusing on the rights of women and girls, the campaign against weapons proliferation, the rights of refugees and the application of the Code of Criminal Procedure.

78. Overall, these activities make an effective contribution to the development and strengthening of national human rights capacities, but the resources at the disposal of the OHCHR Burundi office are currently insufficient to offer a proper support structure for associations involved in consultation, to pursue the training programme and to provide the kind of judicial assistance that adequately addresses the situation in Burundi. The OHCHR Burundi office has only two human rights observers to cover the entire country.

III. OBSERVATIONS

79. **During her previous mission, the Special Rapporteur noted an increase in the number of violations and victims among the civilian population. The civil war in Burundi increasingly appears as a war waged against civilians, the principal stake in which is control of the population, which is alternately harassed by government forces and armed groups. Moreover, the principal victims of this sordid war are not the belligerents, i.e., those primarily responsible for the massacres and other violations, but children, women and old people.**

80. **In numerous public statements, the Government has developed the theme of the interlinkages between the army, the Government and the people, thereby indicating the need for close cooperation between these three constituencies. When local people fail to respect this concept, for example, by not reporting the presence of rebels or fleeing their approach, they risk being treated as rebels themselves. As a consequence of the numerous massacres that have taken place, a feeling of mistrust has grown up between the army and the population. This mistrust often develops into a rejection of the military by the population, especially in sensitive or conflict areas.**

81. **The Burundi peace process has a regional dimension. It is therefore important that the various national agreements should be applied in a coordinated manner. The lack of a total ceasefire undermines the work of the transitional institutions and hampers the comprehensive implementation of the Arusha Agreement. In addition, during her stay in Burundi, the Special Rapporteur was apprised of the concerns felt by certain signatories who fear that the Agreement could be renegotiated, thus precipitating a change in the leadership and membership of the institutions. To be sure, recent events and remarks by**

certain members of the Government and the spokesman for the army regarding the conflict have done nothing to dissipate the feeling of mistrust that has developed between the belligerents.

82. On the other hand, in order to save human lives, it is important to secure a ceasefire and a negotiated peace settlement as quickly as possible. The Special Rapporteur hopes that the “appropriate measures” which the international community intends to take in order to bring the armed groups to the negotiating table will be effective.

83. The demobilization and reintegration of combatants after the ceasefire, including child soldiers and members of militias, will pose a problem so long as appropriate, immediate and meaningful measures are not taken by the persons concerned.

84. The recruitment of militias as a civil self-defence force continues to be encouraged by the Government. There are no regulations governing the activities of members of these formations. Some of them, since they are unpaid, are prone to extort money from the population, and they have also committed rapes and murders.

85. Many repatriates are victims of various forms of violence (land disputes and insecurity), which force them back into exile. Refugees should be enabled to return to their homes in safety and dignity. The fact that UNHCR delegates matters of refugee protection to local non-governmental organizations could pose problems, considering the nature of the conflict in Burundi. Accordingly, it would be desirable formally to adopt the draft protocol of understanding between the UNHCR delegation in Burundi and the OHCHR Burundi office, with a view to establishing a programme for strengthening national capacities.

86. The slowing of the wheels of Burundian justice, including the work of the national commission on issues relating to prisoners,⁵ is apparently attributable to a number of pressures, including pressure from those who hold the view that reforms of the justice system favour impunity.

87. Activities relating to human rights are crucially important in the current situation in Burundi. The requirement to observe and protect human rights, especially the rights of repatriates and internally displaced persons, but also those of the civilian population as a whole, is becoming increasingly pronounced in this confused situation. The same will apply when the ceasefire has taken effect.

88. In this context, the role of the OHCHR Burundi office is becoming increasingly important. It is clear that the financial and human resources currently at its disposal do not enable it to discharge all the functions which have been assigned to it. Moreover, judicial assistance should be geared more to the training of Burundian lawyers and increased assistance to the national judicial system and the legislative process. The OHCHR Burundi office should likewise help foster a democratic culture in Burundi.

89. **The future activities of the United Nations in Burundi should place human rights at centre stage in order to lend greater support to national capacity-building efforts, which should lead to the establishment in the near future of an independent national human rights commission.**

IV. RECOMMENDATIONS

90. **In order to improve the human rights situation in Burundi, the Special Rapporteur reiterates the recommendations set out in her previous reports, especially those which have not yet been followed, and sets forth new recommendations.**

A. To the parties to the conflict

91. **The Special Rapporteur urgently appeals to all the belligerents to respect the rights of the civilian population and especially the right to life, security and inviolability of the person. She exhorts them to respect international humanitarian law and requests that they refrain from attacking economic and social infrastructures.**

92. **She implores them not to recruit children either as soldiers or auxiliaries, and not to involve them in armed conflict in any way. Likewise, she urges them not to involve civilians in this conflict.**

93. **She earnestly entreats them to discontinue all hostilities.**

94. **She calls upon the belligerents to implement the agreements that they have signed and respect the commitments that they have entered into at the negotiating table, for the welfare of the population depends on it.**

95. **She invites those armed groups which have thus far refused to join the negotiations to understand the urgent need for a negotiated solution, failing which the international community's patience would be sorely tried, with the attendant risk of further increasing the unbearable suffering of the civilian population, in particular children, women and old people, whose fundamental rights have been repeatedly violated in this war.**

B. To the Burundian authorities

96. **The Special Rapporteur strongly condemns the exactions committed by the government army against the civilian population, for instance at Itaba, Kanyosha (Rohe), Rutegama and elsewhere, and recommends that such acts should not recur. She has noted the measures which the Government has already taken regarding the Itaba incident, but requests that more thorough inquiries should also be undertaken in all cases to ascertain the precise number of victims, in order to identify those responsible and bring all the culprits to justice, whoever they may be. The United Nations should be explicitly associated with these inquiries through the OHCHR Burundi office.**

97. She invites the Burundian Government to take all possible measures to prevent exactions committed against the civilian population and restore trust between civilians and the army.

98. She encourages the Burundian authorities to press ahead with the establishment of the institutions provided for by the Arusha Agreement, especially those relating to human rights, and to continue their efforts to ensure the smooth operation of those already in place.

99. She appreciates the efforts which the Government has already made to benefit repatriates and refugees. She encourages the Government to pursue and strengthen its collaboration with the OHCHR Burundi office, to ensure better protection of their rights.

100. She strongly recommends that the Government act promptly to implement the conclusions of the independent commission on issues relating to prisoners provided for by the Arusha Agreement, especially those which do not necessitate a large financial outlay.

101. She recommends that the Burundian authorities put into practice the measures which it has taken to stop the recruitment of children into the army and to demobilize those already enrolled.

102. She reiterates her recommendation that the Government should discontinue the recruitment of militias and the programme of "civilian self-defence". She calls on it to demobilize and disarm the militias and other self-defence forces and to entrust full responsibility for protection of the public to military and police forces properly constituted using regular recruitment procedures, following a clear chain of command as well as regulations which are in the public domain and provisions whereby those committing abuses will be held to account.

103. She recommends that the Burundian authorities start to prepare the requisite measures to reform the defence and security forces and, in particular, the conditions governing the reintegration of demobilized combatants.

104. She urges the Burundian authorities rigorously to adhere to all conventions on human rights and international humanitarian law to which Burundi is a party.

C. To the international community

105. The Special Rapporteur welcomes the mediation in the Burundian conflict and commends countries in the subregion on the progress that they have made towards securing a ceasefire. She encourages them to pursue their efforts to bring recalcitrant armed groups to the negotiating table.

106. She supports the organization and holding of an international conference on peace, security, democracy and development in the Great Lakes region, as advocated by the Security Council and the Secretary-General. The international community as a whole

should encourage countries in the subregion to sign bilateral security agreements to boost the chances of lasting peace and reduce the causes of conflict and mass human rights violations.

107. She recommends that the funds pledged at the Paris and Geneva conferences be released and requests the international community to support the efforts of the Burundian Government to encourage respect for and promotion of human rights and to secure lasting peace (e.g., demobilization and reintegration of combatants, reform of the justice system, establishment of the Truth and Reconciliation Commission, rights of women and children, rights of repatriates and displaced persons, economic and social rights, and especially care for HIV/AIDS sufferers).

108. The Special Rapporteur supports the efforts of UNHCR, the United Nations Development Programme (UNDP), the OHCHR Burundi office and other United Nations system agencies in Burundi to ensure better protection of repatriates and displaced persons and encourages them to strengthen their cooperation in this field.

109. She requests the international community to take steps to ensure more effective monitoring of violations of international humanitarian law in this war. It would be desirable if the OHCHR Burundi office could publish regular reports on the human rights situation in Burundi, including the situation with regard to economic, social and cultural rights.

110. She urges the international community to increase the amounts budgeted for human rights monitoring, protection, promotion and training. She particularly recommends an increase in support for the activities of the OHCHR Burundi office, in order to enable it to strengthen national capacities effectively and to establish an independent national human rights commission in Burundi in the near future.

Note

¹ UNICEF (Quarterly Emergency Report on Burundi, April-June 2002) puts the figure at 387,469 people living at 226 sites.

² *Burundi, Escalating Violence Demands Attention*, Human Rights Watch briefing paper, November 2002.

³ The Special Rapporteur has learned that the trial opened in February 2003.

⁴ Statistics supplied by the Burundian Directorate of Prison Affairs.

⁵ A national commission has been set up to implement the recommendations of the independent commission on issues relating to prisoners, provided for under the Arusha Agreement, whose end-of-mission report was filed on 15 February 2002.