

WORKING PAPER / 2009.06



LIVING TOGETHER AGAIN

The Expectation of Transitional Justice in Burundi -
A View From Below

INGELAERE BERT



University
of Antwerp



INSTITUTE OF DEVELOPMENT
POLICY AND MANAGEMENT

Working Papers are published under the responsibility of the IOB Thematic Groups, without external review process. This paper has been vetted by Filip Reyntjens, convenor of the Thematic Group Political Economy of the Great Lakes Region of Africa.

Comments on this Working Paper are invited. Please contact the author at <bert.ingelaere@ua.ac.be>.

**Institute of Development Policy and Management
University of Antwerp**

Postal address:	Visiting address:
Prinsstraat 13	Lange Sint Annastraat 7
B-2000 Antwerpen	B-2000 Antwerpen
Belgium	Belgium

**tel: +32 (0)3 265 57 70
fax +32 (0)3 265 57 71
e-mail: dev@ua.ac.be
www.ua.ac.be/dev**

LIVING TOGETHER AGAIN

The Expectation of Transitional Justice in Burundi - A View From Below

INGELAERE BERT*

NOVEMBER 2009

* Bert Ingelaere is a researcher at the Institute of Development Policy and Management (IOB), University of Antwerp. Fieldwork was made possible through the support of the Research Foundation – Flanders (FWO) and the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation, Belgium.

This paper was initially prepared as a report for the Belgian Ministry of Foreign Affairs - Buitenlandse Zaken/Affaires Etrangères S3.1. The opinions in this report are strictly those of its author. The findings and opinions do not reflect the standpoint of the Belgian government or its representatives in Bujumbura, nor do they engage the Belgian government or its representatives in Bujumbura.

Filip Reyntjens and Stef Vandeginste gave interesting comments on previous drafts and/or parts of this paper. The usual disclaimer applies. The author wishes to thank his Burundian field assistants for their perseverance, motivation and courage to undertake fieldwork in often difficult circumstances.

EXECUTIVE SUMMARY

- Burundi has known a decade of civil war and a history marked by episodes of intense violence since its independence in 1962. The ethnic bi-polar nature of the social and political landscape has structured the violence. Five moments can be identified: 1965, 1972, 1988, 1991, 1993 and more than a decade of civil war that followed. The nature of the Burundian conflict results in the fact that dealing with the past is complex and difficult. Burundi did not choose a strategy of amnesty during the peace negotiations. As a result of a UN Security Council resolution in June 2005 the government of Burundi and the United Nations are undertaking discussions to install a Truth and Reconciliation Commission and a Special Tribunal. Although not officially provided, there are discussions to use a traditional conflict resolution mechanism, the Bashingantahe counsels. These counsels are a customary institution comparable to the Gacaca in neighbouring Rwanda. The Bashingantahe are a committee of wise men in small communities (on the hills) representing a set of values commonly referred to as the Ubushingantahe.
- This report presents the findings of six months of fieldwork in six rural communities in different regions in Burundi. The research activities had the objective to explore the expectation of “transitional justice” from below. The findings reveal how the nature of (an) “official” transitional space should be shaped in the perception of ordinary people. The objective was also to gain insight into how the “space of transition” is currently (being) shaped and experienced at the officially proclaimed end of the political transition period. Are ‘transitional justice’ activities already taking place in an informal and unofficial manner through popular practices? If so, can they inform the ‘official’ transitional justice policy? The findings of the research activities contribute to the debate on transitional justice by bringing in the voices of ordinary Burundians – actors that have often been absent in their own history, at least when it comes to participation in the decision-making process that directly affects their lives. It is primordial that donor interventions and/or support to the transitional justice policy and mechanisms are based upon an informed insight into the local practices and perceptions of the ordinary population.
- Six months of fieldwork were undertaken in rural Burundian communities (hills) in 2008 in order to explore the expectations of transitional justice. The following principles were used in the design of the study: (1) establishing variance in the sites for in-depth study (multi-sited); (2) understanding the breadth and the depth of processes; (3) combining quantitative & qualitative research strategies (mixed method). Six local communities (hills) were selected situated in the different regions of Burundi for in-depth study. In total 625 respondents were consulted through focus group discussions, individual interviews, a survey and/or life history interviews.
- Burundians have experienced over a decade of violence since 1993, the start of the civil war. Considering the ethnic identities of respondents the findings indicate that both Hutu and Tutsi were severely affected by traumatic experiences. Some differences can be discerned revealing something about the particularity of the nature of the violence each group endured. Tutsi respondents report more destruction of property compared to Hutu while Hutu voice that they experienced more pillaging of belongings. Revealing is the fact that respondents belonging to the Tutsi ethnic group encountered more violent deaths of family members compared to Hutu. Hutu on the other hand were more affected by the loss of family members due to disease. Especially the people currently still living in displacement camps were severely affected by the violence and war.

- In March 1972 a Hutu uprising started in the southern region, especially in the area around Rumonge. Attacks targeted the government and its military forces. Thousands of Tutsi were massacred, mostly in the south but also in Bujumbura. In response all Hutu intellectuals and their families throughout the country were targeted in an orchestrated campaign of so-called “purification”. The “events” of 1993 play a similar role in the memory of Tutsi. The response to “events” of 1972 was a policy of amnesia. Although the fact that the experience of 1972 was sometimes a preventive factor in the unfolding of the violence in 1993, that violent episode in Burundi’s history functioned in the majority of the cases as a catalyst. The events of 1988 in the communes of Ntega and Maranga and later in 1993 on many hills throughout the country took place since ordinary people remembered the events of 1972. In an indirect way the findings of the field research suggest that not dealing with the violent events of the past – as with the events of 1972 – results in the fact that the past can and will function as the seed of new violent conflict in the future.
- Life for ordinary Burundians has slowly turned to a form of normality again since the main rebel group (CNDD-FDD) and the government signed a cease-fire agreement in 2003. Although overt and intense hostilities faded since 2003, it does not mean that the peasantry is free of violence. There are many small arms circulating in the civilian population and banditry is rife. In general, people are of the opinion that the judicial institutions are unable to tackle these crimes. Apart from a fragile security situation people often refer to abject poverty and the lack of service delivery by state institutions as elements that characterize life after war. The consequences of the war are often referred to as land problems arising from a multitude of population movements in the course of history. Facing the upheaval of the past often comes down to dealing with these complex land issues.
- Although the feeling of security is weak and the economic situation is bad, the peasants we spoke to are also of the opinion that the recent political changes in Burundi are resorting effects. Many of the respondents refer to the presidential and parliamentary elections of 2005 as democratic. Although many are aware of the fact that the government is not performing, they are also of the opinion that a new horizon has been established in the political sphere. The fact that people are convinced that the political situation can be influenced through the ballot box is a very important change in the history of Burundi. There has been a time that only taking up arms was perceived as the avenue to facilitate change. The sentiment that influence can be exercised is reinforced by the perceptions on the restructuring of the security forces.
- The only localities where opinions on the new government and the political and social situation at the local level are different, is in the displacement camps. Inhabitants of these camps are almost exclusively of Tutsi identity. They are reluctant to return home because they don’t have anything to return to but also because they are afraid. They fear their erstwhile neighbours, some of whom might have played a role in the past. They also look at the new political situation suspiciously. The people who used to live in the displacement camps but have returned in the meantime are often satisfied with their return. They appreciate the fact that they are living among their former neighbours and in close proximity to their fields. But they are aware of the fragility of the situation. The traumatic experiences of the past are scars that do not heal easily.
- The findings of the research suggest that related to the transitional justice process a fundamental decision needs to be made between ‘digging up the past’ or ‘burying the past’. This is the most important decision to be taken and the most important discussion to be held. Ordinary

Burundians were not consulted when the main features of a transitional justice process were laid out. They were not consulted with respect to the fundamental question whether they wanted a transitional justice process, although the “national consultations” that started in July 2009 must give them the opportunity to voice some opinions on the mechanisms identified to deal with the past. But ordinary people are not enough informed to voice a well-considered opinion on the technicalities of the mechanisms already envisioned to be used.

- A recurring expression was “Nta kuzura akaboze” when expressing a preference not to bring to light – in some way - the ‘events’ of the past. The expression can be translated as: “one does not have to dig up what has been buried/is rotten”. It means that it is better to leave behind what happened in the past and what has been left untouched for a long period. Bringing ‘bad experiences’ into the open would have negative consequences. An expression that was often used as well but expresses the opposite strategy is “ibuye ryaserutse ntiriyica isuka” meaning that “the stone uncovered will not damage your hoe in the future”. This expression is used when the idea is propagated that the ‘events’ of the past, their origins and consequences need to be treated openly and with care. The majority of the people consulted prefer the option to leave the past behind by “not digging up what has been buried”. An insight corroborated by the findings of other large-scale scientific research projects.
- A question probed into the expectations of the respondents with the specific reference to the mechanisms such as the Truth, Pardon and Reconciliation Commission, the Special Tribunal and the Bashingantahe counsels together.¹ This response should thus be interpreted by taking into account that respondents formulate their opinions within the framework of these three mechanisms. The findings suggest that our respondents prioritize other objectives than the ones laid down in the framework of the Arusha Peace Accords. Truth and accountability are not as often cited as reconciliation, communal ritual activities or pardon. “Communal-ritual activity” refers to the ideas of “coming together to talk (about what happened)”; “to honor the victims” and “to integrate people in society”.
- Respondents portray a general awareness that virtually everybody has been victimized by the violence of the past and many have a responsibility in the violent events. The war, massacres and ‘events’ in general have not left anyone untouched. Not only individuals but the ethnic groups as such, Hutu or Tutsi, need to take their part of the responsibility. The *longue durée* of the responsibility needs to be taken into account. Ordinary people are very much aware that identifying the responsibility is a complex exercise that needs to go back to distant events. Nevertheless, the primary responsibility for all these episodes lies with the political leaders, the administrative authorities and military officers who repeatedly resorted to violence as a strategy to rule, as an avenue to obtain access to power or to stay in power. The general opinion is that establishing responsibility needs to start with these people and not with the ordinary peasants. Although ordinary Burundians are of the opinion that every Burundian has to take a part of the responsibility of what happened in Burundi in the different cycles of violence, they make a clear distinction between levels of responsibility.
- The killing of Ndadaye stands out when considering Burundi’s long history of violent episodes. The killing of the democratically elected president is for many an event those responsible for need to

¹ We refer to a “Truth, Pardon and Reconciliation Commission” and not a “Truth and Reconciliation Commission” since the Government of Burundi is using the former expression in its communication on the transitional justice mechanism. We provide more explanation below.

be held accountable. Either because of the symbolic nature of the act (killing democracy and the will of the majority) or because it plunged Burundi into a decade of civil war and thus suffering and loss for ordinary people, both Hutu and Tutsi. People sometimes make a distinction between “the war between the peasants” and “the war between the armies”. While some periods were characterized by confrontation between neighbours at the local level, the general population of Hutu, Tutsi and also Twa were as civilian population often caught between two sides of armed groups.

- Fundamental differences can exist as to whether punishment would be a necessary strategy. Some respondents see punishment as a prerequisite to prevent a return the violence and to end a culture of impunity. Others are of the opinion that punishing perpetrators of crimes committed in the past will result in a return to violence. The majority of the people we talked to prefer pardon over a process of accountability on the one hand or a blanket amnesty on the other hand. It is important to be aware of the fact that ‘pardon’ does not mean ‘amnesty’. The choices people make for the option of pardon are thus not a choice for total oblivion. Ordinary Burundians taking the option for pardon prefer an act of pardon with a confession. It signals the need or desire to initiate a sort of dialogue or in its most basic manifestation: an encounter. The truth-telling dimension of the element of confession is more social and restorative in nature than forensic or narrative.
- People are very much aware of the fact that a process of dealing with the past and achieving the transitional justice objectives will be very difficult due to a range of major obstacles. Especially contextual elements to the transitional justice process are often cited as potential obstacles: the social, economic, cultural and institutional environment in which our respondents (need to) live and operate. Especially the phenomenon of widespread corruption is often cited; entrenched interests, injustices and inequalities are (perceived) as severe hindrances to achieve the transitional justice goals. Weak institutions are part of this general environment but the justice sector is often cited separately. Not only the socio-cultural environment and weak institutions but also issues related to power, politicians and the current regime are considered to hinder the reaching of the transitional justice objectives. A significant part of the respondents is of the opinion that the executive influences the judicial sector.
- Especially Tutsi respondents consider politics, the government and nature of power as an obstacle with regard to accountability (justice). Fear of the consequences and the overall political situation are considered a potential problem when the truth about the past needs to be established. Also here Tutsi respondents give more often voice to the fact that they perceive the nature of the political environment as an obstacle. A similar tendency is visible with regard to the objective of compensation. A number of the respondents are of the opinion that there are no major obstacles to facilitate reconciliation, although a significant part of them refer to the social environment in general as not favourable to the reconciliation process. It means that people experience a lack in the initiatives that facilitate the co-habitation process. The social tissue at the local level is severely affected by the massacres and war. Distrust characterizes life in the communities we visited.
- The people that participated in the research are not sure whether people can deal with the issue of a violent past by themselves. The features of the mechanism(s) that need(s) to deal with the past are unclear. In any case an initiation and example of high-level authorities is necessary. The expression “umwera uvuye ibuku uca ukwira hose”- “light comes from above” is revealing in that regard. As much as there is awareness of the fact that violence was mainly a political problem initiated from above and imposed upon ordinary people, there is also the awareness that the initiative to deal

with the past needs to be facilitated as well. Often a distinction is made between the local and the national level. Ordinary people emphasize that there are no major problems at the local level. The events in the past are the result of what happened at the national level. Prevention of a recurrence of the past is thus primarily a political issue for them, while the local level needs assistance in the domain of economy, everyday justice, good governance and social cohesion.

- The study probed into the expectations towards each of the mechanisms that might be used to deal with the past. Although there is a general tendency not to “dig up what has been buried”, people are often in favour of a Truth, Pardon and Reconciliation Commission if it will facilitate their cohabitation. They refer to the fact that reconciliation and living together needs to come from themselves but that a mechanism and initiative facilitating this process and mediating between the different social and ethnic groups is wanted and even needed. They even expect a mechanism to be decentralized to the most remote areas of rural Burundi in order to open a space of dialogue between inhabitants. They are reluctant to see an antagonistic and divisive dynamic inserted in their midst. Something they voice even more with respect to the discussion on the Special Tribunal. A significant number of people are not in favour of a tribunal since it will create tensions, a new round of war or simply because it will not be an adequate compensation for the losses. People are aware of the fact that a localized judicial procedure will create tensions and fear in their midst. Conflicts and sentiments arising from these judicial proceedings will hamper the difficult process of living together again. Other respondents are aware of the fact that a process of establishing accountability is necessary but especially with regard to the political, administrative and military leaders most responsible for the violence in the past.
- The Bashingantahe counsels were referred to in the Arusha peace agreement but it remains to be seen whether the institution will officially be part of a transitional justice policy since there is no mention in the “official” transitional justice strategy. But there is globally an increasing attention for the potential use of localized, informal and tradition-based approaches in dealing with the past. In Burundi, the Ubushingantahe as a set of culturally specific values and the men and women embodying these values – the Bashingantahe - are well-known to the local population and an important factor to be taken into account when exploring popular expectations on dealing with the past and the social dynamics already developing at the local level in the aftermath of violence. However, there are many problems, polemics and a process of politicization surrounding the institution and its members.
- Based on the findings of our study, the Bashingantahe are in general considered to be a source of peace and social cohesion at the local level. To come to an understanding of the functioning of the Bashingantahe counsels and the popular perceptions on the institution we asked whether people would prefer to contact the Bashingantahe counsel or the hill counsel in case of problems or conflict. Hutu respondents prefer the hill counsel over the Bashingantahe counsels. Half of the Tutsi respondents prefer the Bashingantahe, while the other half would contact the hill counsel in case of conflict and problems. Striking are the responses of demobilized rebels. This is the group that mostly challenges the legitimacy of the Bashingantahe in their answers. One has to keep in mind that the current leadership in Burundi mainly originates from the rebel forces. The difficult relationship between the leadership of the former rebel groups and the Bashingantahe at the national level is thus also reflected at the local level. But it does not seem to be a preoccupation of the other segments of society.

- Two tendencies can be distinguished in the perceptions on the Bashingantahe and the role they played during the “crisis”. There is an awareness that some tried and were able to prevent violence or temper the intensity of the violence. On the other hand people are also conscious that some of them were implicated in the violence. As a consequence, the potential use of the members of the institution is mixed as well. To a certain extent people refer to the fact that they are an ideal source of unity and peace at the local level, a factor that can facilitate social cohesion and reconciliation in their communities. On the other hand respondents sometimes refer to the fact that they cannot “judge themselves” since they have been implicated somehow, as victims but sometimes as perpetrators as well. The true Bashingantahe are still considered to represent the values of the country. They might take up the role of counsellors and “sensitizers”, bringing people from different social and ethnic groups together. Undertaking judicial proceedings to identify guilt and responsibility in regard of the large-scale crimes is considered to be beyond their abilities and competence. People tend to make a tacit distinction between the set of values commonly referred to as Ubushingantahe and the people who have to become the representatives of these values over the years, the Bashingantahe.
- It is important to take into account that ordinary Burundians seem to stress other objectives than the typical transitional justice objectives (accountability, truth, reparation, reconciliation) when they are asked to reflect on the need to prevent a recurrence of the violence of the past and the increase of social cohesion. It is in fact governance and development that should be an issue and only then transitional justice (as qualified above). What is clear is the relative importance attached to the organization of local level encounters, general meetings without specific focus on transitional justice issues, although the latter issue is also referred to in the context of encounters. The return of displaced and refugees to the community is also often cited. In sum, the strengthening of the social tissue, the aspect of being together, placing everything in its place as it used to be before everything fell apart, a revitalization of daily life and interactions are tacitly stressed. Dialogue, speech, reconciliation, pardon, festivities, ceremonies, reunions, regroupings are notions that often return.

RECOMMENDATIONS

Be aware of the “violence” that still exists in society

Although overt hostilities between armed groups have come to an end, it does not mean that there is no more violence in Burundi. Both physical and structural violence is still widespread. There are many small-arms circulating in the civilian population. Banditry is rife. The security apparatus as well as the judicial institutions are considered to be weak. The performance of the state in terms of service delivery is limited. Corruption is widespread and poverty is abject. These are obstacles to a transitional justice process. Ordinary Burundians are very much aware of these obstacles. The nature of the overall social, political and institutional environment should be such that a genuine participation in a transitional justice process is possible. It is therefore important to pay sufficient attention to policies and initiatives that will guarantee the continued transformation of society and the structures of the state.

Building strong institutions and safeguarding the promise of democracy is crucial

Especially the building of strong institutions and the safeguarding of the promise of democracy is crucial. As said, many of the respondents refer to the presidential and parliamentary and local elections of 2005 as democratic. Although many are aware of the fact that the government is not performing, they are also of the opinion that a new horizon has been established in the political sphere. Also here people are aware of the fragility of the situation but they are, nevertheless, hopeful for an inclusive future for all. Some people, both Hutu and Tutsi, voice their grievances. Asked what they would do to change the situation, both groups responded that they would vote for other leaders in the next elections. The fact that people are convinced that the political situation can be influenced through the ballot box is a very important novelty in the history of Burundi. A continued support to this fragile democratisation process is not only necessary to create the necessary environment for a genuine transitional justice process, it can be considered as a transitional justice objective in itself. Building strong and democratic institutions is a reparation of past wrong. It is equally a guarantee that the violence of the past will not be the seed of renewed conflict.

Facilitate the resolution of land conflict, the restructuring of the judiciary and the return of displaced and refugees

Ordinary Burundians often consider transitional justice to be something that goes beyond the objectives of accountability, truth, reparation and reconciliation. The consequences of the war and the long history of violence are often referred to in economic terms and especially as land problems. The Burundian conflict was characterized by massive movements of people. Facing the upheaval of the past often comes down to dealing with these complex land issues. In addition, when asked to reflect on accountability for past crimes ordinary Burundians often refer to the fact that justice should be more prospective than retrospective. Punishing crimes that were committed in the past is often considered to be unproductive. Instead, it is desired to build a strong judiciary that tackles contemporary crimes and that can function as a deterrent for potential large-scale human rights abuses. The return of refugees and displaced persons to their hills of origins would also fall outside of the scope of a transitional justice process narrowly defined. However, the first step in a process of

living together again is often the actual physical living together again. The Burundians we spoke to often emphasize the communal-ritual dimensions of a reintegration process as a necessary action to deal with a violent past. As long as people do not physically live together it is difficult to also socially live together. But also in this domain there are many obstacles. Displaced persons still living in camps are afraid to return to their hills of origins. Refugees that have lived in neighbouring countries for years or even decades have not only lost the connection with their region of origin, they have often also lost their land and belongings. Initiatives that support the reintegration of these people in their communities are not only a prerequisite to participate an upcoming transitional justice process, they are part of such a process when broadly defined.

Balance the voices from below and the international obligations

The provisions laid down in the Arusha agreement as well as international norms imply that Burundi has the obligation to implement a policy that effectively deals with the past. Amnesty for war crimes, crimes against humanity and genocide is no option. On the other hand, the findings of this study show that the ordinary population of Burundi dominantly prefers the option of “not digging up what has been buried” when faced with the fundamental question of dealing with the violence of the past or not. Although the latter issue is complex since it does not necessarily imply a strategy of total oblivion and amnesty, there is an evident tension between on the one hand the international norms and obligations and on the other hand popular expectations. Careful weighing pros and cons is necessary in order to do justice to both dimensions. Crafting an approach that takes into account both perspectives is paramount.

Create sufficient decentralized, socio-cultural insights and expertise

Over the past years, there has been an increasing attention for the use of so-called traditional justice and reconciliation mechanisms in the aftermath of violent conflict. “Traditional” refers to indigenous, home-grown dispute settlement mechanisms that operate at the local community level. Dealing with a violent past - transitional justice - used to be primarily a matter of (international) tribunals and/or truth commissions. These institutions, however, were modeled on a Western idea of doing justice – retributive – or hinged on Western assumptions about the effects of establishing the truth – spiritual or Christian redemption. In addition, they often mainly operated in capital cities, sometimes even abroad. They therefore functioned at physically and psychologically large distances for the ordinary population, of whom a significant part had been directly affected by the violence in the past. This recent attention for the use of traditional justice and reconciliation mechanisms, whether or not in parallel with a more distant institution, not only entails a turn towards more culturally appropriate and home-grown solutions, it often also implies the decentralization of the judicial procedure and/or the reconciliation process to the most remote local level: small face-to-face communities. But decentralized applications of justice and reconciliation mechanisms are not as informed as they should be. The attention to the socio-cultural dimensions of a transitional justice process necessitates specific expertise. The transitional justice field is characterized by “legalism”. Law and lawyers dominate the field. It is necessary to capitalize on other backgrounds and expertise.

Capitalize on what already exists in and originates from local communities

The global transitional justice paradigm is informed by sophisticated and well thought-out theories and ideas. Generally accepted objectives and mechanisms are transposed to different post-conflict situations and countries all over the world. But Burundian peasants have their own wisdom and insights, their own established practices to deal with these issues. The fieldwork findings have established an insight in these opinions, preferences and practices, the worldview of the peasantry. The actual implementation of a transitional justice policy will have to take these findings into account. The findings related to the popular understandings of “living together again” indicate that the sharing of food and drinks, ceremonies of conviviality and the exchange of gifts are important signs of positive social relations. Coming together during meetings or in associations are practices often referred to when reflecting on activities that will facilitate peaceful co-habitation and social cohesion. Mutual help in general and in case of distress or general collaboration between people was also often cited by respondents in the group discussions. Greeting each other on pathways or neighbourly visits are considered to be signs of good social cohesion as well.

These signs might seem evident or banal from the perspective of an outsider but what one labels as “reconciliation”, “truth”, “accountability” or “compensation” has already taken root in the ambiguities of local life. Dealing with the violence of the past and preventing a recurrence in the future is enmeshed in the web of tightly knit face-to-face communities, difficult to understand from the perspective of an outsider who is used to different preconceived categories of what is taken for granted. These elements can be supported through a range of activities that go beyond the typical transitional justice interventions: the creation of associations, the support of socio-cultural activities and groups in the countryside, theatre, radio soap opera’s etc.

In addition, it is paramount that the transitional justice mechanisms adopted do not introduce logics that run counter to the popular expectations and the existing practices. Dealing with the past from the perspective of an ordinary Burundian peasant, the large majority of the population, seems to mean the facilitation of “a change of the heart” when considering the interpersonal perspective. At the societal level it means a revitalization of the values of Burundian culture and at the macro-political level it means an inclusion and integration of all segments of society with powerholders operating in the service of the many instead of the few. Taking an inside perspective, it somehow means the revitalization of the set of values referred to by the notion Ubushingantahe, understood here in the sense of the perennial, almost universal values embedded in Burundian society, not necessarily the people that claim to be the representatives of these values.

The Ubushingantahe is not necessarily the Bashingantahe

There is a general confusion in the literature on Burundi between the notions Ubusingantahe and Bashingantahe. A clear distinction needs to be made between the Ubushingantahe values and the Bashingantahe counsels. Ubushingantahe refers to a range of values: righteousness, sociableness, sagacity, compassion, self-control, responsibility, honour, discretion, hospitality, equity, truthfulness, justice, social cohesion, coherence and balance in speech, faithfulness, transparency, tolerance, etcetera. The Bashingantahe (plural) are the men (and since recently also women) that embody these virtues and promote these values. The institution as such is universal and perennial, but not necessarily unchanging, but the members representing the institution are temporal.

The Bashingantahe occupied fundamental nodes in the socio-political order of pre-colonial Burundi. They played an important role in the conflict resolution at the local level while they aimed at guaranteeing peace, order and harmony. Due to colonial and post-colonial interventions and as a consequence of natural changes that characterized the functioning of the Bashingantahe counsels over time more emphasis has been put on the judicial features. The most common objectives of the Bashingantahe counsels on the local hills in the Burundi countryside are currently mediation, conciliation and arbitration. The one party-state system that characterized Burundi since independence did not completely annihilate the Bashingantahe counsels but took over its functioning completely and allocated their members from within the centres of power. In doing so, it drained the counsels and the practices of its members from their spirit: the Ubushingantahe. It is questionable whether the initial values (the Ubushingantahe) underlying the institution could continue to flourish in the structures of a one party-state, dictatorial in nature and with a specific ideological and ethnic profile. Since 1997 several international donors and aid agencies contributed to the so-called “rehabilitation” of the institution. This rehabilitation and especially the investiture of the Bashingantahe at the national level was not able to counter the continued spectre of politicization of the institution. Especially the fact that dignitaries of the old regimes were admitted to the national counsel gave rise to doubts on whether these persons embodied the values of the institution. The incorporation of people that might have played a role in the upheaval of the past did not facilitate the task the institution is supposed to play: guarantee unity, promote peace and harmony. The situation at the local level is different. Most people are of the opinion that the Bashingantahe are indeed a source of peace and harmony. They are legitimate bodies for many segments of society.

One has to take into account both this particular course of the Bashingantahe counsels over time as well the nature of the general expectations of the ordinary Burundians. A rehabilitation of a set of values is wanted; values that can generally speaking be labelled as Ubushingantahe. Any Burundian will have to reintegrate these values in their daily practices, it is not a task solely for the Bashingantahe counsels. Such an operation cannot be decreed through legal texts, rehabilitation operations focusing on detached nation level counsels, distant mechanisms or policies imposing changes top-down through social engineering. It can only be facilitated by adopting a carefully designed approach with complementary mechanisms.

Complementary approaches are more important than an overall compromise

With a more strict focus on the transitional justice options for Burundi, the findings of this study suggests that the stipulation of the transitional justice objectives and the design of the mechanisms not only need to be informed by the expectations of ordinary Burundians, they also need to be impregnated by the wisdom of the peasantry in order to produce the desired outcomes. This is no plea for impunity or amnesty. The findings suggest that politics and politicians are considered to bear the primary responsibility for the violence experienced in the past. Measures might be taken to hold the latter accountable but good governance issues and socio-economic development are considered to be more important than holding (low-level) perpetrators accountable or establishing the truth about what happened. Ordinary Burundians emphasize the need to adopt a non-discursive and non-prosecutorial approach that will “open a space to come together again” as their strategy of dealing with the past. A specifically designed commission – genre truth and reconciliation commission – complemented by an institution establishing some sort of accountability at some point in time – genre

special tribunal - might be part of such a process, if taking place in conjunction with sufficient attention for non-judicial and grassroots initiatives. The introduction of one mechanism that needs to achieve several objectives at all levels of society will be highly unproductive. A compromise of different approaches and objectives can facilitate a transitional justice process with regard to one objective or one group, but it might at the same time disturb or even hinder the transitional justice process on the level of other objectives or from the perspective of other groups in society. One overarching initiative will be less productive than a combination of several processes initiated at different moments in time, with different objectives and targeting different groups of the population. Carefully designed approaches introducing complementary logics are needed.

Timing, tempo and sequencing are important

A rushed approach will not yield productive results. A careful reading of the social and political forces at play is important. These forces might change over time.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
RECOMMENDATIONS	10
TABLE OF CONTENTS	16
1. INTRODUCTION	17
2. TRANSITIONAL JUSTICE: KEY CONCEPTS	21
3. BURUNDI	24
3.1. 1965	
3.2. 1972	
3.3. 1988	
3.4. 1991	
3.5. 1993	
3.6. A Decade of Civil War (1993-2003)	
3.7. Arusha Accords and Transitional Justice Provisions	
4. FIELDWORK AND METHODOLOGY	30
4.1. The selection of communities (hills) for in-depth study	
4.2. Research instruments	
4.3. Fieldwork principles	
4.4. The selection of respondents	
5. VIOLENCE	40
6. LIFE IN THE AFTERMATH OF VIOLENCE	48
7. THE EXPECTATIONS OF (TRANSITIONAL) JUSTICE	54
7.1. Peasant narratives: a general overview	
7.2. Forgetting or remembering: the options and the choices	
7.3. The Expectations of the Institutions (TPRC, SC, Ubushingantahe)	

8. RESPONSIBILITY	70
8.1. Pardon with or without confession	
8.2. Authorities & Armed Groups vs. Ordinary People	
9. OBSTACLES - ACCOUNTABILITY, TRUTH, REPARATION, RECONCILIATION	79
10. INSTITUTIONS ENVISIONED TO DEAL WITH THE PAST	93
10.1 Truth, Pardon and Reconciliation Commission	
10.2 Special Tribunal	
10.3 The Ubushingantahe and the Bashingantahe counsels	
11. LIVING TOGETHER AGAIN: OPENING SPACES OF “TOGETHERNESS”	110
12. BIBLIOGRAPHY	121
ANNEX 1: COMMUNITY HISTORIES	125
ANNEX 2 : CODE BOOK	139

1. INTRODUCTION

Every society that experienced a violent conflict or repression needs to deal with the past, somehow. Accountability was the objective that dominated in the aftermath of the Second World War. The Nürnberg trials are an example. Truth commissions followed, in South-Africa but previously already in several Latin-American countries. Recently, more attention goes to so-called “traditional” justice and reconciliation mechanisms.² Exemplary for this global tendency are the negotiations between the government of Uganda and the Lords Resistance Army. A proposal was formulated to use the Mato Oput ritual in the aftermath of the conflict. But collective amnesty, a collective oblivion, has often also been a strategy to deal with a violent past.

The United Nations published a report entitled “The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies” in 2004. The report states that dealing with the past needs to be part of policy in post-conflict situations. The objectives are multiple: holding perpetrators accountable, establishing the truth, compensating victims for the harm inflicted upon them and establishing reconciliation. The mechanisms to be used are diverse: tribunals, truth commissions, reparation funds but also commemoration monuments, customary rituals and traditions or the use of artistic practices such as theatre plays. All are part of the armamentarium to deal with the past.

Burundi is experiencing a period of fragile peace where this question on how to deal with the past is asked. Burundi has known a decade of civil war and a history marked by episodes of intense violence since its independence in 1962. Five moments can be identified: 1965, 1972, 1988, 1991, 1993 and more than a decade of civil war that followed. This history of violence is characterized as follows³:

(1) The conflict is primarily political. Ethnic, regional and clan differences and sentiments were mobilized for political purposes.

(2) Large-scale crimes were committed in the context of an authoritarian regime and a failing attempt to democratize.

(3) The cycles of violence encompass large time periods and every flare of violence was considered to be a reprisal for a previous moment of large-scale violence.

(4) The number of victims in the ordinary population (irrespective of ethnic or other identity) is very high. But also the level of participation by the ordinary citizens in the execution of these crimes is very high in comparison with other conflicts.

The nature of the Burundian conflict results in the fact that dealing with the past is complex and difficult. It can be the source of renewed political upheaval and conflict. But obstacles

² Huysse, L. & Salter, M., (2008) *Traditional Justice and Reconciliation after Violent Conflict. Learning from African Experiences*, Stockholm, International IDEA.

³ Vandeginste, S. (2009), “Transitional Justice for Burundi: A Long and Winding Road” in Ambos, K., Large, J. & Wierda, M. (eds.), *Building a Future on Peace and Justice. Studies on Transitional Justice, Peace and Development*, Springer Publishing, . P. 397

can also be identified when looking at it from a social perspective: ordinary citizens, often neighbours in small face-to-face living communities, are often either perpetrator or victim and sometimes both. Nevertheless, they need to live together again.

Burundi did not choose a strategy of amnesty during the peace negotiations. As a result of a UN Security Council resolution in June 2005 the government of Burundi and the United Nations are undertaking discussions to install a Truth and Reconciliation Commission and a Special Tribunal. Both institutions would have a mixed composition with both national and international members. Three objectives were put forward: (1) an investigation of crimes and the prosecution and punishment of those responsible; (2) mediation and reconciliation; (3) the clarification of Burundian history. A balanced mix of truth, reconciliation and accountability is sought.

Moreover, although not officially provided, there are discussions to use a traditional conflict resolution mechanism, the *Bashingantahe* counsels. These counsels are a customary institution comparable to the Gacaca in neighbouring Rwanda. The *Bashingantahe* are a committee of wise men in small communities (on the hills) representing a set of values commonly referred to as the *Ubushingantahe*. Apart from the discussion on the 'official' mechanisms and the potential use of the *Bashingantahe*, there are also a range of non-state and informal initiatives undertaken and supported to facilitate the 'transitional justice' process in Burundi. Such as for example radio broadcasts or theatre performances etc.

Burundi's transitional justice framework detailed in the peace agreements was not the result of a local demand. Several other factors played a role. Firstly, it were political calculations made by the parties involved that shaped the provisions. Secondly, international non-governmental bodies and lobby groups with the objective of tackling impunity and facilitating (transitional) justice are generally instructive and efficient in shaping the specifics of a global paradigm of how dealing with the past should preferably look like. Thirdly, the experience and 'jurisprudence' coming from other post-conflict and post-authoritarian situations come to inform other cases and thus the Burundi case as well.

The discussions on the next steps in the 'official' transitional justice strategy and the many informal and non-state initiatives are ongoing in Burundi. All of the actors and institutions that take part or will take part in the support, implementation and execution of the transitional justice policy will have to take three dimensions into account:

(1) The political context: political actors will try to influence the policy to opt for. In a similar way: the chosen policy will influence political actors.

(2) Popular expectations: despite the fact that the framework of Burundi's transitional justice architecture is already defined in the peace agreements and subsequent decisions by the United Nations there is still the outcome of a "national consultation" to be awaited. The "population" is being consulted on "transitional justice" issues since July 2009. Nevertheless, it remains unclear whether the consultation deals with merely the technical details of something already decided on and in the hands of more powerful actors. And whether the issue of how to deal with the past will be explored in-depth with the findings taken seriously.

(3) The socio-cultural environment: more than 90% of the Burundian population are peasants and live in rural areas. Neighbours and fellow villagers have become enemies in the course of the conflict due to political, ethnic, regional and other differences. They are starting to live together again since the end of the violence and the increasing return of refugees to their hills of origin. On their own initiative but also out of necessity they develop strategies to live together again and deal with the past. They use elements from the shared social and cultural repertoire to do so. Moreover, apart from their actual practices, they have a personal opinion on how to deal (or not deal) with the past.

This report presents the findings of a research project that focused on the expectation of (transitional) justice by the ordinary peasant population in the context of their socio-cultural living environment. How would ordinary Burundians want to deal with the past? What is necessary to live together again? How to prevent that the violence will characterize the future as much as it did the past? The research activities had the objective to explore the expectations of 'transitional justice' from below. The findings reveal how the nature of (an) "official" transitional space(s) should be shaped in the perception of ordinary people. Although a *Truth, Pardon and Reconciliation Commission* and a *Special Tribunal* are envisioned to deal with the violent past in Burundi, the actual implementation of this official 'transitional justice' policy is still debated (postponed) in Burundi. It is therefore important to gain insight into how the 'space of transition' is currently (being) shaped and experienced at the officially proclaimed end of the 'political transition' period. Moreover, are 'transitional justice' activities already taking place in an informal and unofficial manner through popular practices?

These findings contribute to the debate on transitional justice by bringing in the voices of ordinary Burundians – actors that have often been absent in their own history, at least when it comes to participation in the decision-making process that directly affects their lives. While bringing in the voices of these ordinary people, we pay attention to the socio-cultural context and localized dimension in which an (upcoming) transitional justice process will be situated. It is primordial that donor interventions and/or support to the transitional justice policy and mechanisms are based upon an informed insight into the local practices and perceptions of the ordinary population. This insight is important in order to anticipate the impact and consequences of the strategy adopted to deal with the past. The research activities undertaken had the objective to map how external, state-induced interventions might facilitate or hinder the informal way of dealing with the past.

We first give an overview of the main features and characteristics of the notion "transitional justice". We identify the objectives that are dominantly guiding transitional justice processes. A following section gives a brief overview of the (violent) history of Burundi and summarizes the features of transitional justice mechanisms and objectives adopted in the Arusha accords and the subsequent negotiations.

Subsequently, we also give an overview of the fieldwork approach and the methodology used during this study. Six months of fieldwork in six rural communities (hills) in different regions in Burundi were undertaken between January and June 2008. A brief follow-up research was undertaken in February 2009. A mixed-method approach combining quantitative and qualitative data and research techniques was adopted.

The remainder of the report presents the findings of the fieldwork activities. We first give an overview of the traumatic experiences respondents endured during the years of "crisis" and we

subsequently establish an insight into the nature of life in the aftermath of violence. Both elements function as a general framework to understand the horizon against which ordinary Burundians develop their thoughts on dealing with the past. A following section details the main themes in the overall expectations of (transitional) justice in Burundi: forgetting or digging up the past, responsibility, obstacles that might impede a transitional justice process, perceptions on the mechanisms envisioned and, finally, an insight into what it means to live together again in the aftermath of large-scale violence and avenues that might facilitate this process. Recommendations based on these insights are summarized in the introductory section of the report.

2. TRANSITIONAL JUSTICE: KEY CONCEPTS⁴

Countries that have experienced a history of violent conflict or an authoritarian past marked by violence, repression and/or exclusion need to deal with these legacies. It is often in the context of a “political transition” that a process of “transitional justice” is initiated. We define a political transition as the change from one regime into another. Regime change takes place when fundamental attributes of a regime are changing. These attributes can be ideological, behavioural and institutional. We define transitional justice as: “[...] the process through which States and societies deal with a legacy of large-scale human rights abuses in the context of a change of political regime”⁵ As Stef Vandeginste explains, this definition is precise but sufficiently flexible to take into account the range of issues and realities associated with the notion ‘transitional justice’.⁶ Transitional justice is characterized by on the hand the drive to reach certain objectives and on the other hand a range of mechanisms that need to facilitate these objectives. We will have a closer look at the dominating objectives: accountability, truth, reparation and reconciliation. These notions structured the fieldwork activities undertaken in Burundi. In our discussion of the history of Burundi, we zoom in on the mechanisms envisioned for use in Burundi.

Transitional justice is the process through which States and societies deal with a legacy of large-scale human rights abuses in the context of a change of political regime

Parmentier uses a dynamic presentation of the four objectives of accountability, truth, reparation and reconciliation in what he calls the TARR-model. The model reveals that these notions are considered to be interrelated and interdependent. There is empirical uncertainty and normative and theoretical discussion on the importance of these different transitional justice objectives. The preferred sequencing of the objectives or the direction of causality between the different objectives is unclear. We consider all objectives to be important in processes of dealing with the past. Some notions might ‘naturally’ be more important after a certain type of violent past while some political situations and decisions will prioritize some objectives over others.

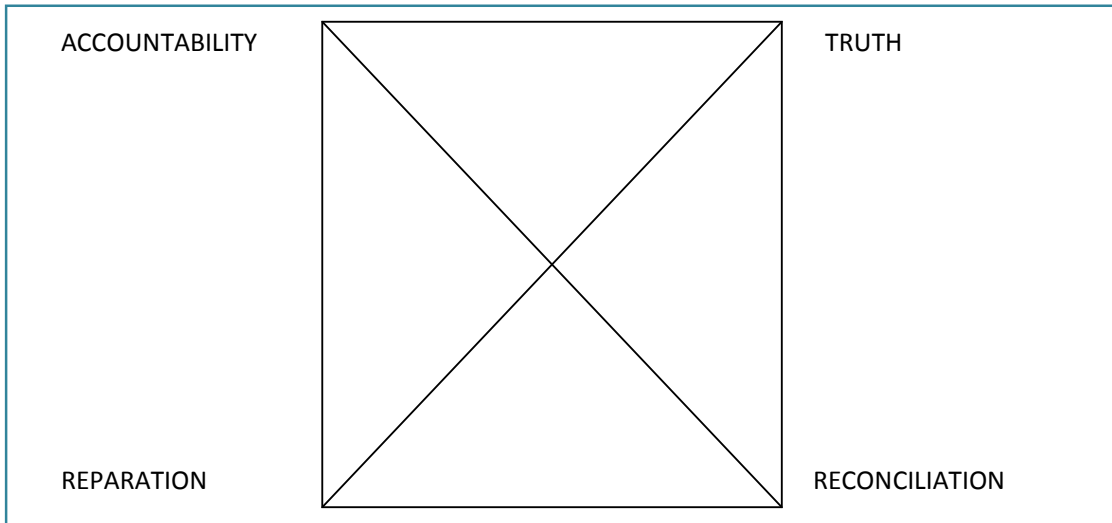
Accountability

The notion “accountability” refers to processes through which the criminal responsibility of individuals or other entities such as states is being established. Often the establishment of this responsibility goes together with sanctioning. Although accountability is often associated with criminal justice proceedings, the notion does not necessarily have to involve prosecution in a legal system. Accountability is also often associated with court proceedings and tribunals. But it can also involve a different way of identifying, establishing and sanctioning responsibility; this can be the case through for example vetting operations.

⁴ This section relies on Vandeginste, S. (2009), “Law as A Source and Instrument of Transitional Justice in Burundi”, Phd. Thesis, Faculty of Law, University of Antwerp, pp. 7-42.

⁵ Ibid., p. 22

⁶ Ibid, p. 23.



Truth

“Truth” is a complex notion. In the report of the South-African Truth and Reconciliation Commission four dimensions of the ‘truth’ are identified.⁷ The ‘forensic truth’ entails answers to the basic questions of who, where, when, how and against whom and possibly the context, causes and patterns of violations. Other dimensions of the truth – narrative, social and restorative – go beyond this factual delineation of ‘actions’. ‘Narrative’ or ‘personal’ truth is related to the subjective experiences of people. Truth refers then to perceptions, stories, myths and experiences. The objective is to record the lived reality by incorporating the ‘meaning’ attached to these facts by victim and perpetrator, bystanders and witnesses. The ‘social truth’ is a third dimension and refers to the interaction taking place through discussion and debate. And when factual knowledge is accompanied by acknowledgment of these events and thus restoring the dignity of victims and survivors one can speak of healing or ‘restorative truth’. Facts and meaning are connected and situated in human relationships.

Reparation

What is referred to with the term “reparation” can often also be captured when using similar notions such as restitution, rehabilitation, satisfaction, compensation, redress, etc. The existence of this multitude in terms already reveals that reparation is a complex issue as well. The notion encompasses a range of measures and actions. In its most precise manifestation it would be the return to the situation that existed before the damaging act took place. Since this return to a previous, unharmed situation is per definition almost impossible the reparation measure will take another, alternative form. In its most narrow form reparation refers to those measures that benefit the victims in a direct way. This will often happen through financial compensation. On the other hand, the most broad understanding of the notion entails the guarantee of non-repetition of the harm inflicted. In that sense institutional and structural reforms are also part of a reparation process since they will function as a preventive measure. In between this wide and narrow definition lie other measures and actions

⁷ Truth and Reconciliation Commission of South-Africa, *Report*, Vol. 1, London: Macmillan Publishers Limited, 1998, pp. 110-117. See also: A. Boraine, *A Country Unmasked. Inside South-Africa’s Truth and Reconciliation Commission*, Oxford: Oxford University Press, 2004, pp. 288-291.

that can be associated with reparation ranging from commemoration monuments and exhumation activities over a revision of teaching manuals, support for the medical and psychological care of the victims.

Reconciliation

While the other transitional justice objectives are hard to define, it seems almost impossible to come up with a widely accepted and well defined understanding of the term reconciliation. We will consider reconciliation to be on the one hand a process which “prevents, once and for all, the use of the past as the seed of renewed conflict”⁸ and on the other hand a real or imagined endpoint that is “the coming together of things that once were united but have been torn asunder.”⁹ Reconciliation takes place at different levels. At the micro-level reconciliation refers to the repairing and restoring of relationships between victims and perpetrators. The psychological and religious dimension of healing are dominating at this level. The restoration of the relationship between larger entities of a society is at stake when the intermediate level of reconciliation is in focus; these larger entities can be religious, ethnic or regional groups or people with different ideological backgrounds or other identities. Social trust is at stake at this level. At the macro-level, reconciliation is a matter of power sharing arrangements and institutional reforms. In a minimalistic perspective this has only the objective to arrive at a non-violent co-existence. A thicker interpretation of reconciliation at the macro-level entails the shared vision on the past and the future.

Reconciliation is on the one hand the process that prevents the past to be the seed of renewed conflict, on the other hand it is the process of things coming together that have been torn apart.

⁸ Huyse, L., (2003) ‘The Process of Reconciliation’, in: Bloomfield, D. Barns, T. & Huyse L. (eds.) *Reconciliation after Violent Conflict. A Handbook.*, Stockholm: International IDEA.

⁹ Sarkin, J. & Daly, E. (2004) “Too many questions, too few answers: reconciliation in transitional societies”, *Columbia Human Rights Law Review*, Vol. 35, p. 665.

3. BURUNDI

Burundi was a kingdom before its independence in 1962. The king (mwami) governed things profane and was the link with the supernatural. Although the king was of Tutsi origin, he transcended natural and social divisions as a superhuman being, such as for example the Hutu-Tutsi distinction. Nevertheless, ethnic distinctions and their demographic weight have always dominated the course of Burundian history. To be precise: the political use of the bi-polar nature of the identity groups Hutu and Tutsi. Hutu are the majority of the population with approximately 85% of the population. The other inhabitants are Tutsi, except for approximately 1% of Twa. Different from its neighbour Rwanda, Burundi also has a tiny “princely class” labelled Ganwa; they were the nobility surrounding the king.

Burundi was colonized by the Germans but later passed on to Belgium. The Belgian colonizer adopted a policy of indirect rule in its colonies in Central-Africa which meant that what was found existing continued to exist but it was used -with the necessary adaptations- in the interest of colonial policy. For example the customary justice system of the Bashingantahe councils or the fact that the King’s power was exercised through a layer of middlemen of Ganwa and Tutsi identity. The mass of the population was Hutu.

A spirit of independence made its way through Africa and touched Burundi as well. The country turned independent on July 1, 1962. Prince Rwagasore, the son of a King, had started the UPRONA party (Union pour le Progrès National) in 1958 and was murdered in 1961. The murder took place in the context of political competition with the PDC (Parti Démocrate Chrétien) and due to unrest within the political and administrative ruling class in general. This ‘political’ assassination was the forbode of the killings of a lot of political personnel and a violent future in general. The first violence erupted in 1965. That year also marked the start of over 30 years of authoritarian and military reign. A small Tutsi clique coming from one clan in the southern Bururi province ruled Burundi as if it were a family affair. They created profits for themselves, benefits for the privileged connected to them and, further, caused a mass of grievances and suffering for the majority of the population of Burundi.

We present Burundi’s history by focusing on the moments of violent upheaval in 1965, 1972, 1988, 1991, 1993 and the decade of civil war that followed. Important to note is that these periods of violence often have a regional dimension: they occurred in a specific locality or they erupted or were more intense in some regions. Taking into account this regional diversity was important in the selection of sites in order to arrive at sufficient geographic and historical variance in the collection of data as we will explain in the next sections.

3.1. 1965

Political turmoil and instability followed the death of Rwagasore. These struggles became more ethnically coloured among others things also due to contextual elements such as the so-called 1959 Hutu revolution in Rwanda. In October 1965 a coup was staged by military and police officers of Hutu origin. The attempt failed and was seen as an action directed not only against the ruling leadership but the Tutsi dominance of this leadership. The officers that were part of the coup attempt were killed or removed from power. As a reaction houses of Tutsi inhabitants were set on fire in the

central province of Muramvya. Tutsi were attacked and killed. These actions were followed by reprisal massacres of Hutu civilians by the army and armed groups. A year later a military officer and at the time minister of Defence, Michel Micombero from the Tutsi-Hima clan in the southern province of Bururi, became the first president of Burundi. He abolished the monarchy and installed the one-party state.

3.2. 1972

In March 1972 a Hutu uprising started in the southern region, especially in the area around Rumonge. Attacks targeted the government and its military forces. Thousands of Tutsi were massacred, mostly in the south but also in Bujumbura. In response all Hutu intellectuals and their families throughout the country were targeted in an orchestrated campaign of so-called “purification”. This government organized and supervised campaign is labelled a ‘selective genocide’ or ‘forgotten genocide’ by some observers.¹⁰ The estimation of casualties ranges from 100,000 to 300,000 with approximately 200,000 seeking refuge abroad.

3.3. 1988

President Bagaza ruled Burundi between 1976 and 1987. He came to power through a military coup. He managed to achieve some important improvements in the development of the country through for example the construction of roads. But power was exercised by force and command similarly as his predecessor had done. In addition, Bagaza also “abolished” the use of or reference to ethnic identities. The ethnic violence experienced in the past was never addressed but silenced through an imposed policy of national unity. In practice ethnic sentiments and distinctions were sharpened. Lemarchand remarks that it is not because one abolishes ethnic references that these identities cease to have meaning and force in daily life.¹¹ In fact, the events of 1988 in the North of the country and all other episodes to follow have shown the ease with which ethnic identities were quickly mobilized for violent purposes. Even after having been “abolished” for years. In 1987, Pierre Buyoya, a major from Bururi deposed Bagaza and took over the presidency. Political liberalization followed. In this context of increasing albeit limited openings to voice discontent, ethnic violence engulfed the communes of Ntega and Marangara. It was most probable the combination of a harsh way of governing by some Tutsi in the administration in the specific localities and politically motivated underground activities by Hutu in conjunction with a mix of other factors that sparked the violence. The Tutsi inhabitants of the region were killed and their houses looted and destroyed. In response the army and gendarmery entered the region and killed Hutu civilians in an attempt to restore order and in retaliation to the acts committed.

3.4. 1991

In 1991 a new Hutu uprising followed during a period of continued liberalization. This time the centre of the action was mainly located in the provinces of Bubanza, Cibitoke and Bujumbura. Attacks against military forces, government positions and Tutsi civilians were followed by army

¹⁰ Lemarchand, R. (2009), “Burundi 1972: A Forgotten Genocide”, in Lemarchand, R. (2009), *The Dynamics of Violence in Central Africa*, Philadelphia: University of Pennsylvania Press, p. 129.

¹¹ Lemarchand, R. (1994), *Burundi. Ethnocide as Discourse and Practice*, Cambridge, Cambridge University Press, p. 10 & p. 107-118.

reprisals against the attackers and the civilian population in general. The origine of the uprising was probably the Palipehutu movement (Parti pour la Liberation du Peuple Hutu).

3.5. 1993

Liberalization nevertheless continued and resulted in multi-party elections in June 1993. The leader of Frodebu, (Front pour la Démocratie au Burundi) Melchior Ndadaye was elected as president. He was not only the first elected president of Burundi, he was also the first Hutu president. His reign only lasted a couple of months. He and other high level politicians were killed by Tutsi elements in the army on October 21, 1993. A bold 'Frodebisation' of the state apparatus on both the national and local level that was initiated after Ndadaye took power had caused panic in the circles of the old elite. Not only did this result in a de-tutsification of the system, also vested economic interests and privileges were at stake. The army was still Tutsi-dominated and in the hands of the clique from the South of the country. The army intervened before a reform could take place in its ranks. The news of the assassination of president Ndadaye resulted in the killing of thousands of Tutsi civilians throughout the country. As was done with the 1972 events, some refer to these massacres by using the term genocide. The killings were a combination of spontaneous anger by ordinary Hutu and incitation by the national and local administrative and political responsables. However, retaliation followed by the army that was not yet touched by the Frodebu influence and thus still mono-ethnically Tutsi. The army was accompanied by bands of Tutsi youth. Apart from tens of thousands of casualties, the episode resulted in thousands displaced and others seeking refuge outside Burundi. The killing of Ndadaye resulted in what was later considered to be a 'creeping coup'.¹² It resulted in the coming back to power of Buyoya in 1996. The non-democratic take-over of power was condemned and also sanctioned by the international community at first. In the meantime, however, the country had descended into a civil war.

3.6. A decade of civil war (1993-2003)

From 1994 onwards rebel movements were created in response to the failed coming into being of democracy and the army actions undertaken in reprisal to killings by Hutu civilians. Members of Frodebu created the CNDD (National Council for the Defense of Democracy) and its armed wing (Forces for the Defense of Democracy). The Palipehutu movement had the FNL (National Front of Liberation) and a dissident military faction FROLINA (Front for National Liberation). The state security forces were predominantly Tutsi and supported by many paramilitary youth groups such as the 'Sans Echech' or the 'Gardiens de la Paix'. The rebel groups undertook guerilla actions against the government armed forces. They operated from camps in Tanzania and Congo. From these neighbouring countries the rebels aimed to reach areas that would provide them with cover such as for example Kibira forest. These areas then functioned as a base to stage more attacks and to move around the country. The violent confrontations seriously diminished after the signing of a ceasefire agreement in 2003 with the largest rebel group, the CNDD-FDD operating under the leadership of the prospective president Pierre Nkurunziza.

¹² Reyntjens. F. (2005) "Briefing: Burundi: A Peaceful Transition after a Decade of War?" *African Affairs*, Vol. 105/418, p. 117.

3.7. Arusha Accords and Transitional Justice Provisions

During the years of civil war peace negotiations started in 1998. Nelson Mandela took over the task of Julius Nyerere from Tanzania who had been the initial mediator in the talks. The government of Burundi, a coalition of 7 political parties in total dominated by Hutu and another coalition of 10 political parties dominated by Tutsi and the national assembly signed a peace agreement on 28 August 2000. But the fighting on the ground continued and was even more intense than before. The rebel groups were not included in the peace talks. An agreement was reached with the CNDD-FDD in October 2003. A similar agreement was reached with the FNL in September 2006. But the actual demobilization of the FNL only started late 2008 after a last round of intense fighting in the first half of that year.

It is important to note that the Arusha Peace Agreement stipulated a “consociational” type of power-sharing and governance structure to be put in place. The general principle of the system is to distribute a proportion of the government and administrative positions over the different political parties and ethnic groups. A balance was observed after the 2005 elections when considering the ethnic and political background of the political and administrative personnel taking up positions ranging from vice-president to the level of the communal authorities.¹³

The transitional justice dimension of the Arusha Agreement favours a retributive approach to the conflict in Burundi. It stresses the need to end impunity. Initially, it was foreseen to install an international judicial commission (IJC) on genocide, war crimes and crimes against humanity. This commission would investigate and classify the facts starting from independence until the date of the signature of the agreement. Those responsible would be identified. In addition, a Truth and Reconciliation Commission (TRC) would be set up with the objective to investigate, bring arbitration and reconciliation and clarify history. The truth about the violence committed between 1962 and 2000 would be established. Moreover, the commission would also establish responsibilities and thus identify perpetrators.

A report summarizing the findings from an assessment mission of the UN in 2004 was published in March 2005. The report is generally referred to as the Kalomoh-report. The report states that functions and objectives of the IJC and the TRC might overlap. The recommendation was made to replace the IJC with a Special Chamber/Tribunal to be situated within the Burundian justice system. This institution would be of mixed composition with national and international judges. This Special Chamber/Tribunal would prosecute persons having the biggest responsibility for the crimes of genocide, crimes against humanity and war crimes. Information would come from the TRC. The TRC would have a research unit establishing the facts and characteristics of the Burundian conflict and the nature of the atrocities. An investigative unit would investigate the crimes and identify those responsible. The report suggested undertaking negotiations to establish both mechanisms.

A negotiation between the UN and the government of Burundi was launched after the elections of 2005. The consultation meeting that took place in March 2006 and later in March 2007

¹³ Vandeginste, S. (2008) “Burundi: Entre le Modèle Consociatif et Sa Mise en Oeuvre”, in: Marysse, S., Reyntjens, F. & Vandeginste, S. *L’Afrique des Grands Lacs. Annuaire 2007-2008*, Paris, L’Harmattan, pp. 55-76.
Reyntjens, F. (2005) “Briefing: Burundi: A Peaceful Transition after a Decade of War?” *African Affairs*, Vol. 105/418.

resulted in a blocage. The main obstacles were the issue of amnesty, the relationship between the TRC and the ST and the involvement of the population. A following step was the launch of a national consultation process on transitional justice in November 2007. A steering committee consists of representatives of the UN, Burundian civil society and the government. The committee is set up to 'consult the population'. The idea is thus to give voice to the population of Burundi. The substance of the consultation seems to give rise to political controversy: for example related to the fact whether the population should be consulted on the fact whether they agree with the proposed transitional justice framework for Burundi with a TRC and ST or whether the population can only give advice on more technical issues such as the composition of the TRC and ST. In the meantime, it is important to note that the name of the mechanism to be implemented changed from Truth and Reconciliation Commission to a Truth, Pardon and Reconciliation Commission, at least when considering the communication of the Burundian government on the transitional justice policy and mechanisms. This change reveals a general change in the desired objective of the commission.

It is important to note that the Arusha Accords also explicitly refer to the Bashingantahe, a so-called tradition-based justice and reconciliation mechanism part of the culture and history of Burundi. It is however open for discussion whether this reference also implied that the Bashingantahe councils were/are supposed to be a mechanism to be used in the transitional justice process. The text of the Arusha Accords proposes that the institution should be rehabilitated and that the council of the Bashingantahe – the wise men representing the Ubushingantahe values – sits at the level of the hill (colline) to “administer justice in a conciliatory spirit”. The Bashingantahe are considered to be “a factor of social cohesion”.

Although Burundi's transitional and current constitution refers to the Bashingantahe as a source of peace and social cohesion, the UN Kalomoh report has no reference to the institution anymore. Although the potential role of the Bashingantahe tradition in the transitional justice process is still debated in reports mainly prepared by consultants and civil society organizations¹⁴, reference to its use by political actors has faded over time. The rather hostile relationship between the CNDD-FDD party in power and the “National Council of the Bashingantahe” is one of the factors that contribute to the polemics surrounding the potential role of the Bashingantahe councils. The fact that both parties have a diverging vision on the nature and objectives of the transitional justice process contributes to this problematic relationship. We will deal with this issue extensively in the concluding section that focuses on the practice of living together again.

During our fieldwork activities we have thus considered the Ubushingantahe as a potential mechanism to be used, next to (or in connection with) the officially proposed Truth, Pardon and Reconciliation Commission and the Special Tribunal. For two reasons: firstly since the institution is referred to in the Arusha Agreement and secondly due to the fact that there is a global trend in the transitional justice paradigm to use homegrown, localized and/or tradition-based justice and reconciliation mechanisms in the aftermath of violent conflict.¹⁵ The United Nations report on The

¹⁴ See for example: Dexter, T. & Ntahombaye, P., (2005) *The Role of Informal Justice Systems in Fostering the Rule of Law in Post-Conflict Situations. The Case of Burundi*, Geneva, Centre for Humanitarian Dialogue.

¹⁵ Theidon, K. 2006. 'Justice in transition: the micropolitics of reconciliation in postwar Peru', *Journal of Conflict Resolution* 50, 3: 433-57. Waldorf, L. (2006), "Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice", *Temple Law Review*, Vol. 79, N°1. Lundy, P. & McGovern, M. (2008) "Whose Justice? Rethinking Transitional Justice from the Bottom Up", *Journal of Law and Society*, Vol. 35, N°2, pp. 265-292. Oomen, B. (2007) "Transitional Justice and Its Legitimacy: The Case for A Local Perspective", *Netherlands Quarterly of Human Rights*, Vol. 25, N° 1, pp. 141-148. Huyse, L. & Salter, M., (2008) *Traditional Justice and*

Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies states that “ [...] regard must be given to indigenous and informal traditions for administering justice or settling disputes, to help them to continue their often vital role and to do so in conformity with both international standards and local tradition.”¹⁶

Reconciliation after Violent Conflict. Learning from African Experiences, Stockholm, International IDEA. McEvoy, K. & McGregor, L. (eds.) (2008) *Transitional Justice from Below. Grassroots Activism and the Struggle for Change*, Oxford, Hart Publishing. Laura Arriaza & Naomi Roht-Arriaza, (2008) “Social Reconstruction as a Local Process” *International Journal of Transition Justice*, Vol. 2, pp. 152-172.

¹⁶ United Nations (2004) *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General*, United Nations Document S/2004/616, p. 12.

4. FIELDWORK AND METHODOLOGY

An environment where people experienced or participated in different forms of violence is not the context where you can make clear-cut observations and impetuously 'collect' info to subsequently proceed with a univocal analysis and generalization. 'Living together again' is a complex phenomenon and process while expectations of (transitional) justice are hard to 'measure' in a complex environment – the aftermath of violence, socio-political pressure and cultural particularities. Therefore, we integrated the following principles and research strategies in designing the 'operational' part of the study: (1) establishing variance in the sites for in-depth study (multi-sited); (2) understanding the breadth and the depth of processes; (3) combining quantitative & qualitative research strategies (mixed method).

4.1. The selection of communities (hills) for in-depth study

Maximizing variance was crucial in the selection of communities for in-depth study in order to sharpen patterns in different contexts: historical bases of powers and differences in the experience of violence. The selection of communities was thus based on available historical information and further supported by the information delivered by key informants. As explained above, Burundi experienced different eruptions and periods of violence that often had a regional dimension in either onset or intensity. We took this historical element as a defining variable in the selection of communities for in-depth study. We purposively selected six communities for in-depth study. The regional and historical variation as well as the differences in the overall dynamics of violence experienced at the local level ensure that we were able to capture a wide variety of experiences. With communities we refer to "hills": a "hill" in the Burundian countryside corresponds on the one hand with an administrative demarcation and from a social perspective with the proximity of 'everyday life' for the inhabitants. For security reasons we will not identify the names of the hills where we conducted fieldwork. We only refer to the names of the commune, an administrative level situated above the hill level. (See map 1).

Bugendana

Bugendana is located in the central province Gitega. The commune is situated on the main road (non-tarmac) between the provincial town of Gitega and the northern town of Ngozi. A very large camp of displaced persons is situated close to the communal offices. Nearby there is also a military camp that functions as the base of paracommando troops. A large number of displaced still live in the camp, also the Tutsi inhabitants coming from the hill we choose in our sample. That hill is located 3 to 5 kilometers more to the south. None of these Tutsi returned to their hill of origin, but they often go there to cultivate their fields. The inhabitants of Bugendana remember the events of 1972. Not so much the abductions or killings of Hutu that took place in their own area but the fact that trucks filled with screaming people crossed their commune coming from the North. Bugendana is located on the main road connecting the centre of the country with the North and educated Hutu transported to be killed passed the area. As elsewhere in 1993 the Hutu peasants attacked their Tutsi neighbours in response to the killing of President Ndadaye. A couple of days later, the army entered the area 'to restore order' resulting in another round of killings on the side of the Hutu this time. Since that day, life never turned to normal again. The central province of Gitega was very much affected by the civil war. While some regions of Burundi almost never experienced combats or guerrilla movements, the

population of the central region suffered greatly during the years of civil war. The inhabitants of Bugendana were split into two groups. Tutsi lived in a displacement camp close to the communal office and the military position. The Hutu lived dispersed over the hills in times of relative calm in their homes but during periods of military operations or rebel movements sometimes for months hiding in the bush. Bugendana is, however, exceptional since it was the theatre of a brutal attack on the displacement camp in 1996. During the night rebels together with local Hutu inhabitants attacked the camp and killed a large number of the Tutsi inhabitants. A graveyard with crosses sticking out of the ground is the silent witness of this massacre.

Itaba

While Bugendana was the scene of a horrific attack by rebels on the civilian population, the inhabitants of Itaba experienced something similar but with the roles reversed. The government army virtually 'rased' two hills in 2002 by killing all that moved. Apart from this event, the history of Itaba is very similar to that of Bugendana. Itaba is also located in the central province of Gitega but more to the South; one has to take the road into the direction of the province of Ruyigi and then a dirt road that runs parallel to a mountainside. This road leads to the hills part of the commune of Itaba. 1972 was more a distant affair in Itaba with only people affected having family members in Bujumbura. The killing of Ndadaye in 1993 resulted in massive violence against the Tutsi population. Tutsi inhabitants of Itaba came to seek refuge in the provincial town of Gitega and later returned to their area of origin. They were installed near to the parish and a military position nearby. The years of civil war followed with utmost insecurity and regular rebel movements and clashes between rebels and government forces. In 2002 word went around that rebels were spotted on two hills in Itaba. A certain morning a large pack of government soldiers closed off all roads and pathways leading to the two hills and killed everybody that moved. Inhabitants, all of them Hutu since Tutsi were still in the camp for displaced, gathered in houses that were subsequently destroyed by throwing in grenades. Few escaped.

Ntega

Ntega is located in the northern province of Kirundo. The commune borders Rwanda. The river Akanyaru is the natural frontier between the two countries. Inhabitants remember that the 'intellectuals' were targeted in 1972 - Hutu with nice houses and jobs setting them apart from others. They were taken away with trucks never to be seen afterwards. The commune of Ntega is the location where together with the neighbouring commune of Marangara 'the events of 1988' took place. Whereas the other areas of Burundi experienced no physical acts of violence in 1988, these two communes were the scene of a Hutu uprising targeting Tutsi civilians. The reasons of the uprising remain unclear and are still disputed. Nevertheless, the combination of harsh Tutsi governance and underground Palipehutu ideological activities undertaken from neighbouring Rwanda was entangled on the struggle between two local business rivals, one Tutsi and the other one Hutu. This conflict polarized the inhabitants of the commune of Ntega along ethnic lines. Violence erupted when the house of the Tutsi businessman was under siege. He opened fire from his house and the house was attacked in return. Attacks on other Tutsi families followed. In response security forces intervened and killed civilians. An action that was most probably not only aimed at restoring order but used for repression as well. Almost all the Hutu inhabitants fled Burundi seeking refuge in Rwanda. A significant number of them were still living in refugee camps when Ndadaye was killed. The hills of Ntega were not much touched by violence after the killing of the president. Apart from a generalized fear and unrest, there were no specific acts of violence. The majority of the Hutu living in camps in Rwanda returned after the take-

over of power by the Tutsi-dominated Rwanda Patriotic Front (RPF) in Rwanda. Also during the years of civil war there were no outright clashes between rebels and army. In general, security was low and banditry rife, but the region was largely spared from the war.

Rumonge

The commune of Rumonge is located along Lake Tanganyika in the South of the country. The area is known for its palm trees used for collecting palm oil. The hill where we conducted fieldwork in Rumonge was at the origin of the events of 1972. Due to the fertility of the area, the inhabitants were rather prosperous. There was a large number of Hutu among the inhabitants. Although the origins of the events of 1972 are still covered in mystery, the central administration in Bujumbura was challenged at some point through attacks on government posts and security positions. The response was harsh and spread all over the country. High numbers of Hutu inhabitants fled the country, mainly to neighbouring Tanzania. In the following years others came to the region to occupy the fields, the fertile soils and lucrative business of the ones that had left. The government decided to plant palm trees and divided the parcels for this purpose. Several rounds of distribution and re-distribution also among the newcomers to the region followed. As a result, the identification of the owners of the plots of land has become extremely difficult especially with high numbers of refugees returning from camps in Tanzania where they had been living for over 20 years. There are no more displaced coming from the hill where we did research. Tutsi never lived in a camp for displaced as they were and are abundant in the central regions of Burundi. At the time after the killing of Ndadaye and during the civil war they gathered in a local commercial centre where there was also a government position. No massive violence followed the killing of Ndadaye in 1993. The rebels sometimes attacked homes during the civil war. Often the rebels operating in the area were coming from the region and knew the inhabitants. The FROLINA rebel movement was popular in the area.

Bisoro

Bisoro is situated in the province Mwaro, south of Gitega and to the North of Bururi. The commune of Bisoro used to be part of the province of Muramvya before the new province of Mwaro was created. Bisoro is characterized by rolling green hills where livestock and cows are grazing. It is an area close to the region in Bururi where the clan that ruled Burundi for decades originated from. Many inhabitants of Bisoro are Tutsi. A significant number of households have a connection with officers or soldiers of the Burundian army as it existed until the restructuring started in 2003. On the hill where we did research there are almost as many Tutsi inhabitants as Hutu. Bisoro did not experience any violence in 1993 and was never touched by the rebellion and civil war. Only once rebels passed the area without any further disturbance to the inhabitants. But what happened in 1965 and 1972 was intense. Large numbers of Hutu inhabitants, mainly educated or wealthy men, were chased and rounded up. They were guarded and tortured at the communal offices and most of them were killed. The administrative authorities were in charge of that operation but ordinary Tutsi inhabitants were accomplices to the authorities and security forces. Remarkably is the high number of Bashingantaha invested in the Bisoro area. The fact that there were so many Bashingantaha played a crucial role in the prevention of violence in 1993, according to the inhabitants.

Kabarore

Kabarore is a commune in the vicinity of the Kibira forest in the northern province of Kayanza. The hills where we conducted research touch the Rwandan border. On the east, the tropical forest Kibira is within a couple of hundred metres. Although the inhabitants of the hill where we conducted research in Kabarore never experienced an outburst of outright violence neither in 1972 nor in 1993, they were severely touched by the civil war. Not so much due to the combat activities but due to the presence of rebels in the Kibira forest. Rebels came to the hill to pillage livestock and other belongings of the inhabitants. Even in 2008 there was almost no livestock to be spotted in Kabarore, be it cows, goats, sheep or chickens. For years the inhabitants lived with the fear of rebels coming to pillage their belongings. They often slept outside of their homes in order to avoid being killed when assailants would enter the house. Men would be forced to accompany the rebels into the forest to carry the pillaged goods. On the other hand the national army used the local inhabitants as a sort of living shield when they entered the forest on patrol. The civilians had to run ahead of the soldiers and would thus first be spotted and attacked when the patrol came across rebels.

Table 1 Overview demographics of the selected localities (hills) - households

	Bugendana	Itaba	Ntega	Rumonge	Mwaro	Kayanza	
	Bugendana	Itaba	Ntega	Rumonge	Bisoro	Kabarore	
Never Displaced Hutu	539	722	1598	628	432	458	4377
Repatriates	30	44	19	74	0	4	171
Demobilized Rebels	1	4	10	24	0	1	40
Liberated Prisoner ("Political")	6	9	5	6	0	0	26
Never Displaced Tutsi	0	0	0	33	131	6	170
Demobilized Soldiers (Army)	0	0	0	4	10	0	14
Displaced	49	37	3	0	0	0	89
Former Displaced	4	21	4	0	0	0	29
Total Households	629	837	1639	769	573	469	4916

4.2. Research Instruments

To assess the underlying research question, it was necessary not only to diversify the overall nature of the observations made but also to use a mixed-methods approach. The use of large-scale surveys avoids idiosyncrasies by reducing the complexity of reality. On the other hand in-depth ethnographic research generates information very rich in detail and gives insights into the reason *why* and *how* events happen and processes take place. Ethnographic approaches are able to identify underlying patterns and themes that will not surface by using questionnaires; they are well-suited to understand issues of process. Both quantitative and qualitative research strategies were used to collect data. By using mixed methods and through the triangulation of data, we could layer the data over one another to identify overlaps and inconsistencies. Indistinct elements could be filtered out in such a way as to gradually discover *grounded* patterns and returning themes in the social reality faced and lived by the inhabitants of communities at the local level. The main research

instruments/techniques and their specific objectives are discussed in more detail. We subsequently give an overview of the general principles and the overall nature of the research activities during fieldwork. The procedures applied in the selection of respondents follows.

Key Informant Interviews

In every locality (hill) we contacted a number of “key informants”. The key informants were people able to provide a lot of information on history, socio-political organization and economic life. The key informants were dominantly older men, (former) administrative authorities or bashingantahe. They were also solicited to identify households living on the hill according to their different social, economic and ethnic identity markers.

Archival Research

Wherever possible we consulted local archival records to get information on the demographic, socio-economic and political organization of hillside life in the past. It were often the key informants and especially the former local authorities who were able to dig up documents dating back to years past.

Focus group discussions

In every locality several focus group discussions were organized. The groups consisted of people chosen through so-called “snowball-sampling”; a procedure explained below. The discussion mainly dealt with general topics of historical or economic importance. People belonging to either Hutu or Tutsi identity groups were sometimes placed together in one group. But in general and with the objective to avoid that people would be unwilling to speak freely Hutu and Tutsi respondents participated in different groups. Men and women were sometimes separated since it would be more difficult for women to speak in the presence of men. The topics of discussion ranged from an in-depth discussion on the history of the locality with specific attention to the events in 1993 and the years of civil war. When discussing the events in the past a timeline was used as a visual to facilitate the respondents to recall the sequence of events. With other groups discussion were held on transitional justice issues: opinions on the objectives and mechanisms. The topic of democracy, governance and regime (change) was introduced as well. The nature of life after violence and the prospects for the future were discussed. The average group consisted of 5 to 10 participants. All focus group discussions were led by the author assisted by two local collaborators. One translated the discussion simultaneously. Another one wrote down the discussion verbatim in Kirundi. The written statements were later translated into French.

(Participant) Observation

We resided for several weeks in each of the research locations. Apart from the many group discussions and interviews this allowed to get an understanding of life in the particular community by being there. Non-verbal communication and observation gives additional information that allows to contextualize the data collected through other techniques. For example: the observation of interactions between the inhabitants of a camp of displaced (Tutsi) and (Hutu) visitors coming from the hills of origin. Or vice versa: the way inhabitants of camps of displaced are interacting with the (Hutu) residents of their hills of origin. Although several months and an active participation in community life would be necessary to be able to speak of a genuine participant observation, the limited time spent on the hills gave the necessary information to enrich the data collected.

Life History Interviews & Subjective Rankings

Burundi's history of violence goes back to the 1960s. A political transition was initiated in the beginning of the 90s but was only consolidated after the 2005 elections. We, therefore, needed the ability to capture dynamics over a longer period, not only an understanding of the current situation. Moreover, we needed to come to an understanding of the *perceived* comparison of the subsequent regimes without asking respondents explicit questions to do so. In general it was necessary to capture dynamics of change. Direct questions of this kind by foreign researchers can trigger *politically correct* answers by respondents. The violence experienced in the past and the precarious security situation in Burundi has as a result that distrust is pervasive. We approached the topic *sideways* by collecting life histories and subjective rankings. In so doing respondents were not aware that they were not only telling their own story but equally the story of (a political) transition and regime change. An analysis of these numerous life-story narratives enables us to understand what it means to live through a transition, a period of violence and from one regime into another. But apart from this *qualitative* or *ethnographic* research strategy we added a *quantitative* element to the exercise. During each life-story interview we used a *visual* to facilitate the respondents in the assessment of different periods in the life span. We asked this for the different themes identified above: the socio-economic situation, the feeling of security and the level of confidence in others and the feeling of political representation. In the life-story interviews a value between -5 and +5 was given (by the respondent) through pointing on the appropriate step on the ladder for every year in the adult life period. It allows us to assess the perceived changes over time according to the identity of the respondent. The findings of the life story interviews and the subjective rankings will be discussed in a separate publication.¹⁷ But they have informed the analysis we present here. We explain below how respondents were selected.

Survey Questionnaire

The respondents selected for the life story interviews were also questioned by using a survey instrument. The survey questionnaire contained sections that gathered information on demographics, wartime experiences, opinions on the objectives and mechanisms of transitional justice, obstacles and important factors to the transitional justice processes and a section on perceived life changes over time.

Individual Interviews

Sometimes individuals would be contacted for an individual interview. If a respondent in the group discussions or the life-story interviews turned out to have an added value for the research project, we contacted the person individually to do a follow-up interview on a specific topic.

¹⁷ See for example: Ingelaere, B. (2007). *Living the transition: a bottom-up perspective on Rwanda's political transition*. Antwerp: Institute of Development Policy and Management, discussion paper 2007: 6. Ingelaere, B. (2008). 'The gacaca courts in Rwanda', in L. Huyse & M. Salter, eds. *Traditional Justice and Reconciliation Mechanisms After Violent Conflict: learning from African experiences*. Stockholm: International IDEA, 25-60. Ingelaere, B. (2009), "Does the Truth Pass across the Fire without Burning? Locating the Short Circuit in Rwanda's Gacaca Courts", *Journal of Modern African Studies*, Vol. 47, N° 4. Ingelaere, B. (2010). 'Peasants, power and ethnicity: a bottom-up perspective on Rwanda's political transition', *African Affairs*, 109, 434: (forthcoming)

4.3. Fieldwork Principles

All of the research tools were 'tested' on the one hand during a similar research project in Rwanda (a similar research environment) and on the other hand during a pilot phase in one of the selected hills. The survey questionnaires were first tested based on important themes and questions conceived beforehand and findings from initial focus group discussions. They were then further restructured based on the experience during the pilot. All of the interviews, focus group discussions and observations were conducted or made by the author. The survey questionnaires and the life story interviews were administered by a team of 9 Burundian collaborators from mixed ethnic and regional origin. The enumerators were selected based on their previous experience with participation in survey research, their capacity to reside in rural communities and skills in interaction with the peasant population. The enumerators were not inhabitants of the communities. They received a training of five days on the contents of the questionnaires and overall fieldwork principles (selection of respondents – introduction – behaviour towards respondents – etc.). The survey was fielded in each community with all enumerators present and the author as supervisor.

With each interview (both from the author and the field assistants) a general introduction on the origin and aim of the study was given. It was explained that the study was conducted by a 'university student from Belgium' and dealt with 'post-conflict reconstruction'. Anonymity and voluntary participation was stressed. All individual interviews and questionnaires were administered in the house of the respondent. Focus group discussions were held in 'quiet' and 'private' places, mostly school buildings, other 'public' buildings and sometimes in private housings. In a few cases group discussions were conducted in open air but always in a remote location free from onlookers or possible disturbance. We never accepted the offer by local authorities to hold an interview session in a government – related building in order not to create the impression of a government connection. We refused any presence of someone related to the government during the interviews.

The interviews and observations made by the author were translated in the field by a field assistant in order to follow the narrative and recorded in Kirundi by another field-assistant/translator. They were later translated into French. The knowledge of Kirundi by the author is limited, but he is acquainted with basic words and expressions in Kirundi, especially related to the research theme; this allowed for a general supervision on the translation. Expressions in Kirundi with a specific meaning were discussed afterwards and compared with the translated statements. All interviews were later typed out by another assistant, who also annotated the interviews when faced with particularities related to the translation of statements from Kirundi. We did not use recording devices since respondents are not familiarized with them and they arouse suspicion and possibly a reservation in response. Due to the security situation we were unable to reside in the studied communities but we resided nearby, this in order to increase trust with the inhabitants. We spent several weeks in each community, with daily visits from morning until evening.

4.4. The Selection of Respondents

The type of the data collection instrument defined how informants were selected. We applied different selection principles. For a range of data collection instruments – *FGDs, Individual Interviews, Key Informant Interviews* – respondents were selected based on the principal of ‘snowball sampling’. Snowball sampling is a non-probability sampling scheme through which one begins by (purposively) sampling one person and then -through this person- obtains a list of persons who have the same characteristics as the initial persons selected and so on. For example: for the FGDs we initially selected one person who belonged to the specific group we wanted to interview – for example released prisoners - , this person would then provide a list of names of other released prisoners to be invited for a group discussion. Table 2 gives an overview of the identities of participants in the focus group discussions.

Table 2 Participants Focus Group Discussions

	Bugendana	Itaba	Ntega	Rumonge	Bisoro	Kabarore	
HUTU	13	11	18	7	6	6	61
TUTSI	8	12	8	9	5	0	42
MIXED GROUP	15	32	32	31	32	22	164
Total	36	55	58	47	43	28	267

Burundi is an ethnically bi-polar society with Hutu and Tutsi as the main ethnic groups. Since the violence has always been structured along these ethnic lines we wanted to establish an insight into the differences in opinions and experiences of these ethnic groups. We did not focus on people with Twa or Ganwa identities since they are a tiny minority that did not play a major role in the unfolding of the violence. It is, however, sensitive to identify people based on their ethnic identities in the aftermath of an ethnic conflict. Especially when this is done through lists etc. Therefore, we used “sub-ethnic” identity markers to identify people.

“New” social groups with new forms of markers have emerged due to the violence. The conflict generated a tremendous amount of movements in the populations. We identified people based on the type of movement they had experienced. Eight labels can be discerned to identify inhabitants of the Burundian hills. Each of these groups can -in general- be considered as sub-ethnic identities. Tutsi inhabitants are divided into “displaced” who are currently still living in displacement camps in the vicinity of their hills of origin; “former displaced” used to live in these camps but have returned to their homes in the meantime. Demobilized soldiers of the national army are generally also of Tutsi identity. On a hill, there are also Tutsi inhabitants who were never displaced and thus never returned, we labelled them “never moved Tutsi”. Hutu in a Burundian local setting currently include people that never left their homes for a long period: the “never moved Hutu”. “Repatriates” are Hutu who left Burundi in 1972 or 1993 and after; they lived in refugee camps in neighbouring countries. They started to be repatriated after the signing of the Arusha Accords and the cease-fire agreement with the CNDD-FDD. “Demobilized rebels” on a Burundian hill are dominantly younger men that joined the rebellion during the years of civil war. They have been demobilized and have returned to their hills of origin since 2003. “Liberated (political) prisoners” are Hutu arrested by the previous regime on the accusation of participation in the events that killed (Tutsi) civilians in 1993 and during the years of war. After the CNDD-FDD came to power they were labelled “political” prisoners and a large amount of them were released. Table 3 gives an overview of the number of respondents in each group.

Table 3 Identity Respondents Survey Life History Interviews & Subjective Rankings

	GITEGA	GITEGA	KIRUNDO	BURURI	MWARO	KAYAN ZA	
	Bugenda na	Itaba	Ntega	Rumonge	Bisoro	Kabaro re	
Never Moved Hutu	26	20	32	19	20	39	156
Repatriates	15	13	13	14	0	3	58
Demobilized Rebels	1	4	8	9	0	1	23
Liberated Prisoner ("Political")	5	9	5	6	0	0	25
Never Moved Tutsi	0	0	0	11	19	3	33
Demobilized Soldiers (Army)	0	0	0	3	6	0	9
Displaced	17	12	10	0	0	0	39
Former Displaced	3	10	2	0	0	0	15
<i>Total</i>	67	68	70	62	45	46	358
TOTAL HUTU	47	46	60	51	21	43	268
TOTAL TUTSI	20	22	10	11	24	3	90

Lists were compiled with the names of all the household heads on the selected hills and several groups of key informants were asked to identify every household according to one of these eight groups. Through a stratified random sampling scheme households within each group were subsequently selected and the heads of the household were interviewed giving between 45 and 70 respondents in each locality.¹⁸ Selected persons were all over 30 (with a few exceptions for demobilized rebels) since respondents needed to have lived through the transition and regime changes and be aware of the period since 1990 and 1993.

When quoting someone in the text we will indicate the basic demographic identity of the respondent and the type of data collection instrument through which the information was obtained. Through this information it will, therefore, also be clear how the respondent was selected. We will also indicate whether an observation was made by the author or a field assistant.

¹⁸ Some communities did not have one or more of the categories.

Map 1: Location Field Sites

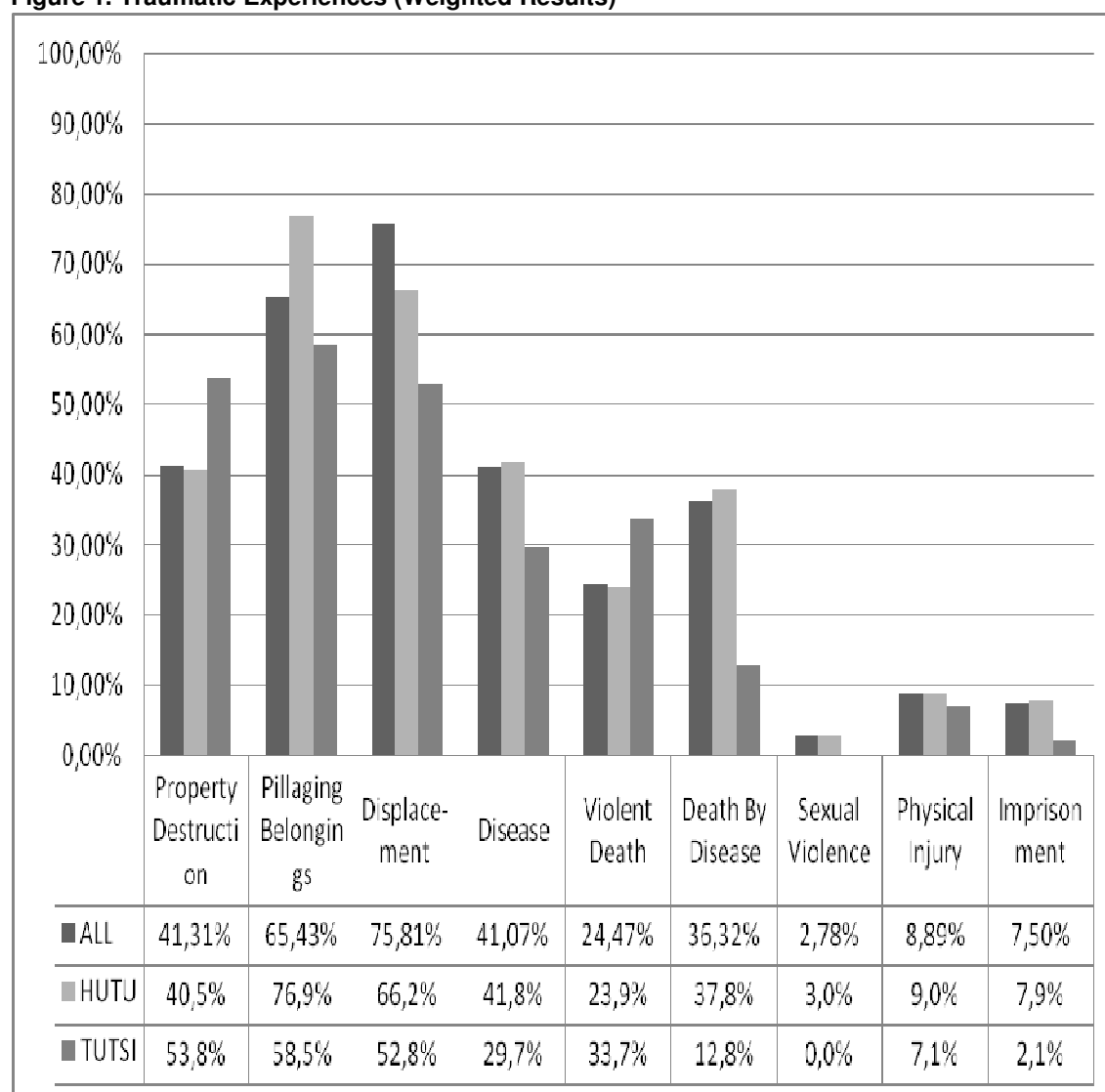


Base 802658AI (R02774) 9-99

5. VIOLENCE

Burundians have experienced over a decade of violence since 1993. The “longue durée” of the history of Burundi is characterized by episodes of violence. Almost everyone has been touched by the violence. Figure 1 presents the traumatic experiences of the respondents in our sample. Property was destroyed for 41% of the respondents, 65% of them experienced the loss of household utensils, livestock or other belongings. Seventy-six percent of respondents were displaced at some point in time. Forty-one percent fall sick due to the violence and war situation, 36% lost family members due to sickness in the period of upheaval. Of all respondents 25% lost family members in a violent manner: in massacres, during combat between the rebels and the army or due to some other kind of violent action. Nine percent was physically injured while 3% was sexually violated. Eight percent of respondents were at some point incarcerated.

Figure 1. Traumatic Experiences (Weighted Results)



Considering the ethnic identities of respondents the findings indicate that both Hutu and Tutsi were severely affected by traumatic experiences. Some differences can be discerned revealing something about the particularity of the nature of the violence each group endured. Tutsi respondents report more destruction of property (54%) compared to Hutu (41%) while Hutu voice that they experienced more pillaging of belongings (77%). The latter is reported by 59% of the Tutsi respondents. Revealing is the fact that respondents of Tutsi origin encountered more violent deaths of family members (34%) compared to Hutu (24%). Hutu on the other hand were more affected by the loss of family members due to disease (38%). Thirteen percent of Tutsi encountered death by disease. Hutu were more incarcerated, at least in their own reporting; eight percent of respondents were put in custody for some period of time compared to 2% of Tutsi respondents.

Figure 2. Traumatic Experience (Weighted Results)

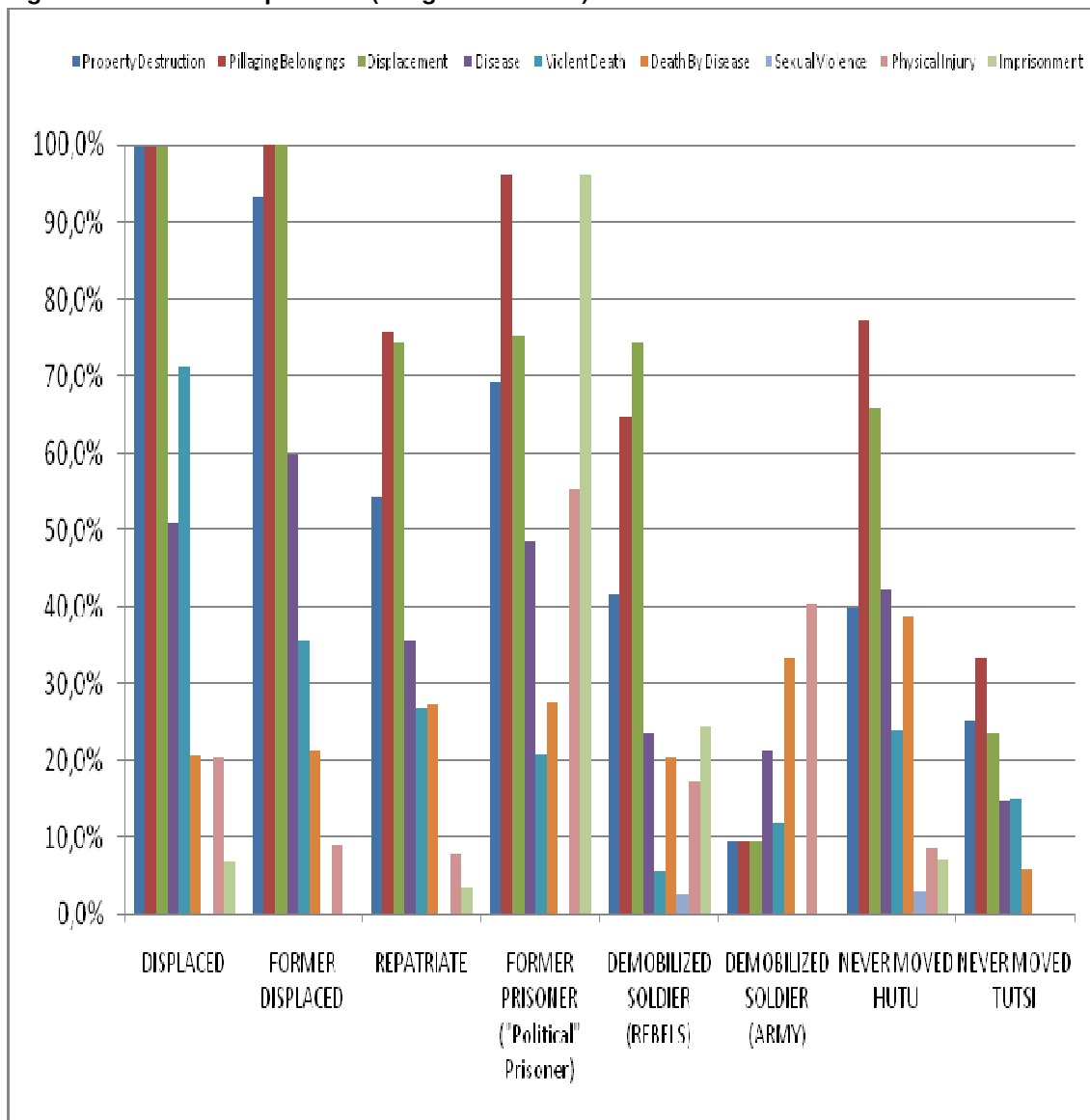


Figure 2 presents the findings according to sub-ethnic groups. Especially the people currently still living in displacement camps were severely affected by the violence and war. All of them (100%) report property destruction, the pillaging of belongings and, evidently, displacement. Similar experience can be found with the people that used to live in displacement camps but that have returned to their hills. Both groups are almost exclusively composed of people of Tutsi identity. Insightful is the fact that the ones that left the displacement camp behind report less violent deaths in their families. Over seventy percent of the ones still living in the camps have experienced death of family members. Without any doubt do these traumatic experiences make a return to the hill of origin a difficult undertaking. It is one of the factors that contribute to their reluctance to return home. Demobilized army soldiers and Tutsi that never left their hill were less touched by property destruction and the pillaging of belongings. It is probably one of the reasons why the latter did not leave in the first place. On the other hand, the fact that they kept on living on their hills indicate that they were somehow protected by family or friendship ties with other inhabitants on the hill. Mostly Hutu that were able to prevent them from being harmed or having to flee.

Political prisoners report most physical injuries. In doing so they refer to the harsh circumstances in the prisons where they were often mistreated and tortured by security personnel. Demobilized army soldiers also report more physical injuries compared to the other groups; one can assume they mainly refer to combat injuries.

While the previous charts show that different social and ethnic groups had similar but nevertheless particular traumatic experiences, the following figure complicates the issue even more when considering the geographical location of the respondents. The findings are broken down along community lines in figure 3.

The traumatic experiences according to locality correspond with the brief description of the events that occurred in each of these locations we presented in the introductory section. Especially the hills we visited in Bugendana and Itaba were severely affected by the violence. Not only because they are situated in the central province Gitega, the scene of intense and continued clashes between the government forces and the army but also because the residents of both of the hills experienced large-scale massacres. The hill in the commune of Bugendana was attacked by rebels while the inhabitants of Itaba were massacred by the national army. A description of the events that unfolded on each of hills following the killing of Ndadaye can be found in annex (see annex 2 where we juxtapose the narratives of Hutu and Tutsi respondents).

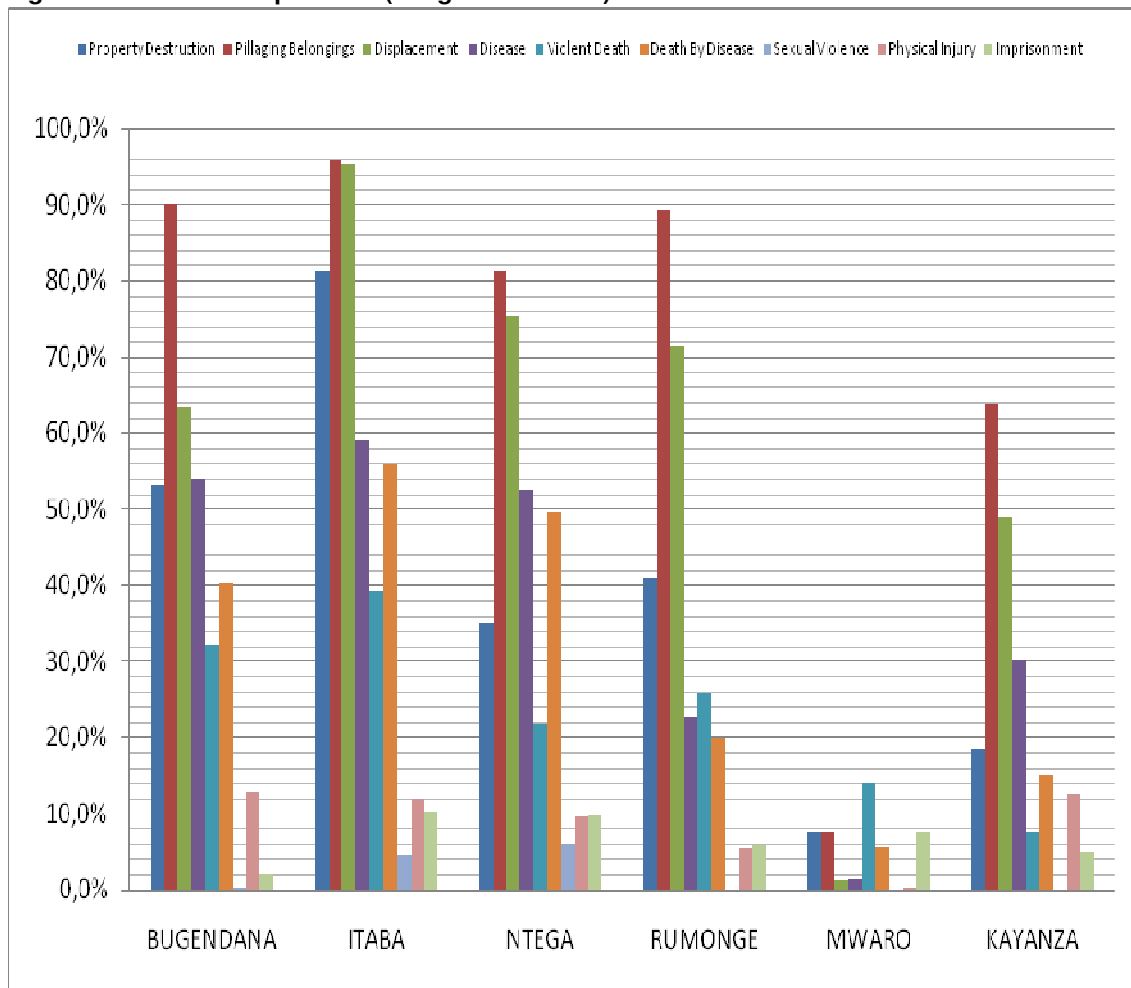
Less than 8% of the population living on the hill we visited in Kayanza refers to family members killed due to the violence. As explained, the locality did not experience any events in 1993 nor were there any major confrontations during the years of civil war. Nevertheless, the hill is situated in close proximity to the Kibira forest. Rebels and army soldiers regularly came to pillage the belongings of the inhabitants. Box 1 presents the discussions recorded with the inhabitants during focus group discussions.

In line with the descriptions of the events presented earlier, the effect of the violence on the inhabitants residing on the hill visited in Mwaro shows that they were much less touched by traumatizing events. It also shows, however, that people mainly take into account more recent events

and experiences. The hill was severely affected by the events of 1965 and 1972. The dead reported date back to that era.

Nevertheless, what happened in 1972 always surfaced during focus groups discussions and individual interviews in each of the locations. What happened in 1972 and the way it was dealt with (or better not dealt with) was the “moment fondateur” for everything that followed not only at the national level but also at the local level in each of the communities we visited. However, the violence experienced in 1972 turned out differently in each of the localities: it could be a catalyst of violence to come or, on the contrary, a factor preventing the instigation of violence at a later stage. Box 2 and 3 present some of the discussions recorded.

Figure 3. Traumatic Experience (Weighted Results)



Box 2 presents excerpts from discussions with peasants in the hill located in the commune of Rumonge in the South. Another excerpt is based on discussions with inhabitants of the hill in the province of Mwaro. As we have explained, both areas were severely affected by the violence engulfing the country in 1972. Rumonge was the region in the South that was the scene of an uprising by Hutu. The reaction of the authorities and the army not only crushed the intentions of the inhabitants

of the area but also the inhabitants themselves. The security forces later targeted every “educated” and “wealthy” Hutu throughout the country also on the hill in Mwaro. When reflecting on the reasons why there was less violence in 1993, both groups refer to the fact that the experience of 1972 had taught them a lesson. Nobody wanted to return to such actions since all of them had experienced the losses.

Although the fact that the experience of 1972 was sometimes a preventive factor in the unfolding of the violence in 1993, that violent episode in Burundi’s history functioned in the majority of the cases, however, as a catalyst of what happened in 1988 in Ntega and Maranga and later in 1993 on many hills throughout the country. Box 3 summarizes some of the discussions. Not only did some of the authorities at the time call for action referring to the events of 1972, many people still remembered what had happened to themselves. “Mythico-histories” had been created to deal with those experiences by the ordinary people as Liisa Malkii has documented based on her research among Hutu refugees in Tanzania.¹⁹ There was never any “transitional justice” policy that had to deal with those events. On the contrary, it was forbidden to talk and refer to the events. Moreover, president Bagaza had in the meantime “abolished” ethnic identities during his reign that started in 1976. Ethnic distinctions and ethnic grievances went underground but did not cease to have meaning below the surface of daily life. The fact that respondents refer to these long gone events show the force with which these experiences persisted not only as facts but also as myths passed on from generation to generation.

A last striking element in this discussion on the experience of violence is the fact that Hutu and Tutsi respondents recount the events that happened on their hills differently, although these hills are a shared living environment and although they have experienced the same events. We have juxtaposed the Hutu and Tutsi narratives that chronologically -almost day by day- recount the unfolding of the upheaval in their midst following the killing of Ndadaye in annex. Each of the groups emphasizes different dimensions of the violence and different aspects in the nature of responsibility. Hutu often refer to the Hutu from other hills coming to attack Tutsi in their community. While Tutsi say that it were in fact their own Hutu neighbours that played a major role in the unfolding of the violence. Tutsi on the other hand tempt to emphasize the fact that Hutu attacked the army forces that came to their rescue and that, therefore, they were targeted by these forces as a sort of self-defense. According to them there were not many killings of Hutu by the army. The Hutu on the contrary emphasize that they were violently and deliberately targeted by the army forces. The army was supported and guided by their Tutsi neighbours in their version of the facts. These observations show that each of the groups has its own version of the facts, its own truth about the past. It is an issue to take into account when reflecting on the issue of transitional justice.

¹⁹ Malkii, L. H., (1995) *Purity and Exile. Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania*, Chicago & London, The University of Chicago Press.

Box 1. Life during War – Near the Rebels' Forest

Q. Comment était la situation [durant la guerre] ? 2. Les rebelles qui étaient dans la KIBIRA venaient pendant la nuit, ils tuaient les gens, brûlaient les maisons et pillaient tout (bétail, aliments, habits,...). 4. Les gens passaient les nuits dehors. 1. On entendait les enfants crier dans la forêt.

Q. Quand est-ce que cela a commencé ? 3. Les pillages ont commencé en 1993, mais c'est devenu grave en 1998. 3. Ils visaient les riches, ceux qui avaient des vaches, de l'argent, ou bien à manger. 5. Même certains pauvres étaient attaqués. Pour les pauvres, on leur faisait transporter les bagages. 4. Un jour, ils sont entrés dans la maison d'un indigent et ils se sont écriés « nous nous sommes trompés ».

Q. Quelle a été la réaction de la population ? 4. Le soir, chacun essayait d'aller se cacher. 1. « TWARI TWABAYE NK'INZUKI ZIDAFITE UMUTWARE = nous étions comme des abeilles sans reine » 5. Pendant la journée, la vie se déroulait quasi normalement, mais à partir de 17h00, tout changeait.

Q. Quelle était la réaction du pouvoir ? (Rire.) Tous : Les autorités locales, elles aussi se cachaient comme nous tous, elles étaient plus recherchées que nous. 5. Les militaires venaient au secours mais souvent, ils trouvaient les rebelles parties.

Q. N'y a-t-il pas eu la guerre ici ? 3. Oui, il y en a eu. 4. Ils se sont battus sur la colline de [...] jusqu'à [...]. 2. C'était au mois de juillet en 1998. 4. La guerre est finie en novembre 2005.

Q. Quel est l'impact de cette guerre ? 4. Les gens sont morts (sur la colline on compte 9 personnes tuées). Les maisons ont été pillées, aucune famille n'a été épargnée. 3. Il y a la pauvreté, le bétail a été emporté et la production a diminué suite au manque du fumier. 3. Ce sont surtout les hommes qui ont été affectés, ils étaient recherchés par les rebelles parce qu'ils faisaient des rondes, les militaires eux aussi forçaient les hommes d'aller devant pour chercher les rebelles dans la forêt ou pour aller montrer où sont passés les rebelles. 1. Les gens qui avaient beaucoup de biens eux aussi ont été les plus touchés car on leur rendait de fréquentes visites.

Q. Y a-t-il eu des gens qui ont profité de cette situation ? 3. Oui, il y en a qui se prenaient pour des rebelles afin de pouvoir piller.

Q. Quelle a été la durée de cet impact ? 1. L'impact dure encore maintenant, mais ce n'est plus remarquable, les gens commencent à se remettre. 4. Ceux qui se remettent sont ceux qui cultivent du thé. 5. Ceux qui se confondaient aux rebelles sont ceux qui sont devenus des bandits qui nous empêchent de dormir à ce moment- ci. *FGD, Kayanza Province, Commune Kabarore, 12 May 2008; (1) peasant, male, Hutu, 65; (2) peasant, male, Hutu, 30; (3) peasant, male, Hutu, 27; (4) peasant, female, Hutu, 42; (5) peasant, female, Hutu, 56.*

Box 2. 1972 as prevention of future violence

Q. Est ce que quelque chose s'est aussi passé en 1993? 3. Personne n'a été tuée en 1993. Mais les gens de l'ethnie Tutsi ne pouvaient rien acheter dans les boutiques. **Q. Qu'est ce qui s'est passé quand le Président a été tué?** 4. On a commencé à terroriser les Tutsi. Il y en a qui sont partis pour se réfugier, il y en a qui ne sont pas encore revenus. 3. On lançait des pierres sur les maisons. 4. Et on récoltait par force dans leurs champs.

Q. Pourquoi personne n'a été tuée à ce moment ? 3. Ici aussi, on a failli s'entretuer, mais comme en 1972 la guerre a sérieusement touché la région, il y a certains Hutu qui se demandaient ce qui allait suivre quand on attaquait les Tutsi. Il y avait des militaires ici et les Hutu ont dit on va attendre pour voir ce qui se passe dans d'autres régions parce que l'autre fois en 1972 on avait perdu. 5. En 1993, les militaires sont venus pour assurer la sécurité. *FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Tutsi, 39; (2) peasant, male, Tutsi, 72; (3) peasant, male, Tutsi, 52; (4) teacher, male, Tutsi, 40; (5) peasant, female, Tutsi, 44; (6) peasant, female, Tutsi, 67; (7) peasant, female, Tutsi, 40.*

Q. Qu'est- ce qui se passait ici ? 6. Les Hutu ont eu peur. Ils ont commencé à former des groupes. Les Tutsi se sont dit que peut-être les Hutu allaient se venger de ce qu'ils avaient fait dans le passé. Les Hutu passaient la nuit dans la vallée, les Tutsi passaient la nuit dans une autre vallée. Chaque groupe avait peur de l'autre. 3. Les Hutu se sont regroupés pour éviter que ce qui s'est passé en 1972 ne revienne. On est venu me demander pourquoi les Hutu étaient en alerte, j'ai répondu que c'était pour éviter 1972. 5. Les gens de BUGAMBA sont venus pour attaquer notre région. Ils avaient intentionnellement abandonné un taureau ici, le jour suivant, ils sont venus réclamer cet animal, c'était pour chercher un motif de déclencher la guerre. [...]

Q. Pourquoi selon vous, il n'y a pas eu de violence ici? 3. Nous partageons tout, nous nous sommes dit qu'il n'y avait pas de raisons de s'entretuer. On peut être qualifié de Hutu alors qu'on est Tutsi et vice versa. 6. Pendant les vacances, les élèves Tutsi se rassemblent sur les collines, et nous avons dit à leurs parents de les empêcher et ils ont fait ainsi.

Q. Il n'y a pas eu de victimes ici en 1993 ? Tous : Non, sauf ceux qui sont morts dans d'autres régions. *FGD, Mwaro Province, Commune Bisoro, 15 April 2008; (1) peasant, male, Hutu, 51; (2) peasant, male, Hutu, 60; (3) peasant, male, Hutu, Umushingantahe, 73; (4) peasant, female, Hutu, 67; (5) peasant, male, Hutu, Umushingantahe, 63; (6) peasant, male, Hutu, Umushingantahe, 43.*

Box 3. 1972 as foundation of future violence

Q. Comment s'est arrivé [en 1993]? 5. Après que les Hutu et les Tutsi aient entendu que NDADAYE a été tué, il y a eu un appel à la Radio RWANDA, lequel a été lancé par Jean MINANI, il appelait les Hutu à se défendre, pour ne pas subir le sort de 1972. 1. Après avoir entendu cela, j'ai vu en face de moi une foule de gens, ces gens me disaient que celui que nous avons élu venait d'être tué. J'ai dit à ces gens de patienter parce que le Président n'était pas pour les gens de [...] seulement. Ils ne m'ont pas écouté, c'était le 22/10/1993. Ils ont commencé à brûler les maisons. 5. Ce jour là, le 22/10/1993, les Tutsi ages, les hommes surtout ont été conduits à RUHANZA où ils ont été tués. Il y avait le bureau de la zone [...]. Ils ont été tués à l'arme blanche et jetés dans les toilettes de l'école primaire. 1. Les femmes et les enfants ont été cachés par les voisins. Après, on a dit qu'aucun Tutsi ne devait survivre. Les Hutu ont fait la chasse de ces Tutsi et les ont tués. 1. Les Hutu de chez nous sur la Sous-Colline de [...] ont tué les femmes et les enfants le 23/10/1993 et après ils ont commencé à attaquer d'autres Sous-Collines. 4. Ici, on peut y trouver quelques Tutsi, mais dans les autres Sous-Collines, c'est un peu difficile. 2. Tout le mois d'octobre, c'est la machette qui parlait. 5. Il n'y avait personne pour commander ces gens de tuer les autres. 2. C'était le chagrin qui les conduisait. *FGD, Gitega Province, Commune Itaba, 12 April 2008; (1) peasant, male, Hutu, 70; (2) peasant, male, Hutu, 40; (3) peasant, male, Hutu, 48; (4) peasant, male, Hutu, 67; (5) peasant, male, Hutu, 30.*

Q. Comment était la vie ici durant les années 1980 ? 4. Dans les années 80, la situation était mauvaise. Depuis les années 1970, les HUTU étaient persécutés, pas de droit pour parler pour les Hutu, les autorités se succédaient mais aucun Hutu parmi les hautes autorités. Dans ces années on a eu beaucoup de morts surtout des Hutus parce que les Tutsi dirigeaient. 5. Actuellement il y a la justice et tout le monde peut s'exprimer librement. En 1988, les Tutsi ont été très malins ils ont dit aux Hutu de s'installer quelque part pour assurer la sécurité et on prenait quelques uns pour les tuer. *FGD, Kirundo Province, Commune Ntega, 26 March 2008; (1) peasant, male, Hutu, 58; (2) peasant, male, Hutu, 43; (3) peasant, male, Hutu, 49; (4) peasant, male, Hutu, 57; (5) peasant, male, Hutu, 80; (6) peasant, male, Hutu, 40.*

5. Il y a eu la guerre entre les Hutu et les Tutsi. Après la mort du Président NDADAYE, les Hutu ont commencé à tuer les Tutsi, ils faisaient ça en faisant référence à ce qui s'était passé en 1972. Les Hutu se disaient que si on commençait par tuer le Président, pour nous le petit peuple, nous allions périr en masse.

Q. Pourquoi les Hutu ont tué des civiles Tutsi ? 5. Il y a eu des discours et de la sensibilisation disant que les Hutu devaient tuer les Tutsi en premier. On pensait que les Tutsi avec l'aide de l'armée qui était presque mono ethnique allaient tuer les Hutu. Même si les Hutu ont commencé à tuer et à piller les biens des Tutsi, les Tutsi eux aussi ont tué les Hutu et ont pillé leurs biens, c'est dans ce contexte que la maison de mon collègue a été détruite. *FGD, Gitega Province, Commune Bugendana, 28 February 2009; (1) peasant, male, Hutu, 34; (2) peasant, male, Hutu, 49; (3) peasant, female, Tutsi, former displaced, 68; (4) peasant, male, Hutu, 60; (5) peasant, male, Hutu, 46.*

6. LIFE IN THE AFTERMATH OF VIOLENCE

Life for ordinary Burundians has slowly turned to a form of normality again since the main rebel group CNDD-FDD and the government signed a ceasefire agreement in 2003. But the situation of war continued to a certain extent due to fact that the Palipehutu-FNL did not join the government and continued its rebel activities. Also in 2008 when this research was conducted the Palipehutu-FNL launched a new and last campaign of attacks on positions of government security forces, especially in the area around the capital of Bujumbura. When reflecting on this period of violence and the renewed period of relative calm, participants in the groups discussion often refer to the political class as the main source of disturbance of calm and peace but thus also as the primary factor to guarantee peace and security (see box 4 and 5).²⁰

Although overt and intense hostilities faded since 2003, it does not mean that the peasantry is free of violence.²¹ There are many small arms circulating in the civilian population and banditry is rife. In the hills in the Northern regions Kayanza and Ntega where we conducted fieldwork, some inhabitants slept outside at night; they were afraid that bandits would enter their homes at night to pillage their belongings. To avoid being killed or physically injured by these groups of armed men generally in the possession of machine guns and other war equipment, people slept in the fields surrounding their houses. In general, people are of the opinion that the judicial institutions are unable to tackle these crimes. They sometimes refer to the fact that when bandits are arrested, they are immediately set free, sometimes due to corrupt police forces.

Apart from a fragile security situation people often refer to abject poverty and the lack of service delivery by state institutions as elements that characterize life after war. Livestock has been pillaged, the plots of land were not well maintained during the years of war. They complain about the lack of aid in the agricultural domain. Burundi is not only in transition from war to some kind of peace but equally in transition from humanitarian and urgency aid to more structural development aid. In some areas the population has been supported for years by relief agencies distributing food. We observed a meeting in the North where people rejected the idea of the introduction of a development related project that would provide the basic needs to farmers so that they could start self-sustainable agricultural activities. The peasants, however, preferred a continuation of the food distribution since they considered it to be more useful to them.

The consequences of the war and the long history of violence are often referred to in economic terms and especially as land problems. The Burundian conflict was characterized by massive movements of people. People already left Burundi in 1972 and have been living in Tanzania for decades. Others have been living in displacement camps for many years or were roaming their region of origin while fleeing the movements on the battle field. All of these people (and the next generations born "on the move") are returning to their hills of origin. In the meantime, land property has been reshuffled, either due to land grabbing in the context of insecurity, through illegal sales or through government reform. Facing the upheaval of the past often comes down to dealing with these complex land issues.

²⁰ On Burundians politics in the popular imagination see: Turner, Simon (2007), "The Precarious Position of Politics in Popular Imagination: The Burundian Case", *Journal of Eastern African Studies*, Vol. 1, N° 1, pp. 93-106.

²¹ See the work of Peter Uvin on the life after violence: Uvin, P. (2009) *Life after Violence. A People's Story of Burundi*, London & New York, Zed Books. Peter Uvin: "Human Security in Burundi: The View from Below (by Youth)" *African Security Review*, Vol. 16, N°2, pp. 39-52.

Box 5. Life after Violence

Q. Comment vous voyez la situation ici? 3. Au côté social, les relations sont bonnes. Au point de vue économique, il y a la pauvreté. A cause de cette pauvreté, les gens volent dans les champs. 1. Il y a aussi des attaques, des gens armés de fusils ou de machettes. Ce sont des gens qui viennent pendant la nuit. Ils sont souvent masqués. Difficile de quoi il s'agit. On peut aussi tuer quelqu'un à cause de son ethnie, mais on déguise en disant que ce sont des crimes. 2. Quand il y a des aides ça arrive au niveau local. Ce n'est pas tout le monde qui peut en bénéficier. Quand les aides arrivent, ces paysans venus des autres régions ne peuvent rien recevoir. Ce sont des gens venus des autres Communes. *FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Tutsi, 39; (2) peasant, male, Tutsi, 72; (3) peasant, male, Tutsi, 52; (4) teacher, male, Tutsi, 40; (5) peasant, female, Tutsi, 44; (6) peasant, female, Tutsi, 67; (7) peasant, female, Tutsi, 40.*

Q. Comment se déroule la vie ici sur la Colline actuellement? 1. Cette Colline de [...], je ne dis pas cela parce que je vis ici, c'est une belle Colline, il n'y a pas de divisions, on ne peut pas identifier qui est Hutu, qui est Tutsi. Ici, nous partageons tout, lors des cérémonies, on invite tout le monde. Pour ce qui est de la guerre, nous entendons cela ailleurs. 5. Si vous arrivez ici, vous trouverez des gens ensemble. Nous partageons le bien et le mal. La sécurité est assurée pour tout le monde. Même les dirigeants de la Commune savent que nous sommes exemplaires. 4. En vérité ici, il y a la sécurité, nous sommes unis, vous l'avez constaté vous-mêmes, les Hutu et les Tutsi investis partagent la vérité. Les enfants, les adultes partagent tout comme le faisaient nos ancêtres. *FGD, Mwaro Province, Commune Bisoro, 16 April 2008; (1) peasant, male, Tutsi, Umushingantahe, 65; (2) peasant, male, Tutsi, Umushingantahe, 76; (3) peasant, male, Tutsi, Umushingantahe, 65; (4) peasant, male, Tutsi, Umushingantahe, 77; (5) peasant, male, Tutsi, Umushingantahe, 80.*

Q. Comment voyez-vous la vie sur la Colline? 3. La vie ici n'est pas bonne. La ration alimentaire n'est pas suffisante surtout après que nous ayons été pillé pendant la guerre. **Q. Avez-vous l'impression d'avoir la paix?** 4. Je pense qu'il devrait y avoir une entente au niveau supérieur. Actuellement, il n'y a pas la paix, on a peur d'être attaqué. 1. Il n'y a pas la paix car les Burundais meurent encore. Il faut qu'il y ait une entente entre les Hutu et les Tutsi. Le mouvement qui se bat actuellement a commencé la guerre en 1972 parce que les Hutu étaient persécutés. Il y a des accords qu'il faut appliquer pour arrêter la guerre. **Q. Que veux-tu dire par là?** 1. Le gouvernement doit accorder au FNL ce qu'il veut pour la paix. *FGD, Kayanza Province, Commune Kabarore, 6 May 2008; (1) peasant, male, Hutu, 50; (2) peasant, male, Hutu, 42; (3) peasant, male, Hutu, 48; (4) peasant, male, Hutu, 37; (5) peasant, male, Hutu, 56; (6) peasant, male, Hutu, 55.*

Q. Comment vous voyez la situation ici? 4. Ici dans le site de [...], la situation est mauvaise. Il y a la pauvreté et la faim. La maladie, surtout la malaria et nous sommes dans un petit endroit. Pas de toilettes, manque d'hygiène. En général : la situation est mauvaise. 4. C'est la guerre de 1993 qui les a fait venir ici. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Tutsi, displaced, 44; (2) peasant, female, Tutsi, displaced, 50; (3) peasant, male, Tutsi, displaced, 50; (4) peasant, male, Tutsi, displaced, 39; (5) peasant, female, Tutsi, displaced, 28; (6) peasant, male, Tutsi, displaced, 37; (7) peasant, male, Tutsi, displaced, 40.*

Box 4. Life after Violence (continued)

Q. Comment fonctionne la vie ici? 1. Actuellement la situation est mauvaise. 2. Avant, nous avions une bonne situation, mais avec la crise, tout a été perdu. Nous vivons grâce à Dieu, si nous trouvons le sommeil, ça va, si les grands dorment bien, s'il y a le calme là-bas, chez les Chefs, nous aussi nous dormons, on peut même dormir sans manger. 1. C'est le Dieu qui nous garde, mais si les grands dorment, nous aussi, nous dormons. 2. Avant, nous avions du bétail pour fertiliser nos champs, maintenant, notre bétail a été décimé, nous sommes comme des orphelins. Toutefois, la vie des paysans dépend de celle des Chefs, si les Chefs sont en paix, nous en bénéficions. 1. Nous vivons des herbes comme des vaches, ce qui ne se faisait pas avant. *FGD, Gitega Province, Commune Itaba, 12 April 2008; (1) peasant, male, Tutsi, former displaced, 85; (2) peasant, male, Tutsi, former displaced, 74; (3) peasant, male, Tutsi, former displaced, 37; (4) peasant, male, Tutsi, former displaced, 60; (5) peasant, male, Tutsi, former displaced, 37.*

Q. Comment voyez-vous la vie ici dans la communauté ? 1. La situation est mauvaise. On dépend des conditions climatiques. Quand on est pauvre, sans quelque chose qui peut t'aider, ce n'est pas bien ici.

Q. Et sur le plan social, comment est la vie entre les gens ? 3. Vraiment actuellement il y a le calme quand on a vécu dans le passé. C'était grave surtout à cause des gens qui étaient au pouvoir qui ne prenaient pas tout le monde au pied d'égalité. On dirait qu'il y avait « UMWANA N'IKINONO » = « Il y avait un enfant aimé et celui qui est pris comme le pied de la vache ». *FGD, Kirundo Province, Commune Ntega, 26 March 2008; (1) peasant, male, Hutu, 58; (2) peasant, male, Hutu, 43; (3) peasant, male, Hutu, 49; (4) peasant, male, Hutu, 57; (5) peasant, male, Hutu, 80; (6) peasant, male, Hutu, 40.*

Q. Comment voyez-vous la vie sur la Colline ? 2. Actuellement, pendant la période démocratique la vie va bien. Sauf quelques bandits qui attaquent. 3. La guerre est entrain de finir. Le problème qui reste, c'est la pauvreté. Si on pouvait nous aider à créer des associations, ça pourrait nous aider. 4. La situation est calme. Mais, il y a le problème des bandits et les champs deviennent très petits. *FGD, Kirundo Province, Commune Ntega, 26 March 2008; (1) peasant, male, Hutu, 45; (2) peasant, male, Hutu, 48; (3) peasant, male, Hutu, 40; (4) peasant, male, Hutu, 62; (5) peasant, male, Hutu, 42*

Q. Comment la vie fonctionne-t-elle ici? 6. En général, la vie n'est pas bonne. Il y a la pauvreté dans la population, il y a une culture qui peut améliorer la vie ici. Mais quand on voit la population qui est ici, on peut penser que cela peut aider la population ici. Mais les plantations appartiennent aux dirigeants à BUJUMBURA. Quand on a détruit les plantations d'autrefois ici, beaucoup de gens d'ici étaient à l'étranger. Ils n'ont pas reçu de nouvelles parcelles. Ceux qui sont revenus de l'exil ont trouvé leur propriété occupée par d'autres gens, installés par l'Etat. Les uns avaient pris fuite à cause des massacres organisés par l'Etat. Ceux revenus de l'exil attendent que le Gouvernement fait quelque chose. 7. Les paysans d'ici sont vraiment pauvres. Les gens ne peuvent pas avoir accès au palmier. Les gens prennent les restes des palmiers pour les vendre. Pour..., des parcelles, on doit louer. C'est dans les palmiers, mais ça ne rapporte pas bien. Avant le départ en exil, les palmiers appartenaient aux habitants, on était riche. Les propriétaires viennent seulement pour récolter. L'économie n'est pas bonne. Ce sont seulement des gens d'autres régions qui profitent. *FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Hutu, 86; (2) peasant, male, Hutu, 57; (3) peasant, male, Hutu, 60; (4) peasant, male, Hutu, 70; (5) peasant, male, Hutu, 52; (6) member hill council, male, Hutu, 62; (7) peasant, female, Hutu, 54; (8) trader & Umushingantahe, male, 57; (9) mechanic & hill administrator, male, Hutu, 40.*

Although the feeling of security is weak and the economic situation is bad, the peasants we spoke to are also of the opinion that the recent political changes in Burundi are resorting effects. Many of the respondents refer to the presidential and parliamentary elections of 2005 as democratic. Although many are aware of the fact that the government is not performing, they are also of the opinion that a new horizon has been established in the political sphere. Also here people are aware of the fragility of the situation but they are, nevertheless, hopeful for an inclusive future for all. Some people, both Hutu and Tutsi, voice their grievances. Asked what they would do to change the situation, both groups responded that they would vote for other leaders in the next elections. The fact that people are convinced that the political situation can be influenced through the ballot box is a very important change in the history of Burundi. There has been a time that only taking up arms was perceived as the avenue to facilitate change.

The sentiment of influence is reinforced by their perceptions on the restructuring of the security forces. In the past Burundi's security forces were Tutsi-dominated. Hutu peasants now refer to the fact that they will not flee to neighbouring countries anymore in case a new "crisis" develops. They would flee to army barracks and police stations as their Tutsi neighbours did in the past. The latter were sure to be secure at these places since the security forces belonged to their ethnic group. Hutu now refer to the fact that they can do the same since "their sons and brothers" are now also part of the army and policy. It also signals the fact that people of Hutu identity are less afraid of human rights abuses committed by the government forces.

Remarkable when considering the narratives presented in the following text boxes is the fact that people often have a positive experience of the social cohesion in their communities. Social ties have been torn apart due to war, crisis and massacres but social life is gradually taking a new shape again. People have to live together, they have no other option. It is often in the daily interactions that people explore the motives of their neighbours, the intention of others. Neighbours and others that might have belonged to social and/or ethnic groups that were supposed to be the "enemies" in the past. Slow but sure these interactions turn to a form of normality again but distrust is still lurking under the surface of daily life.

The only localities where opinions on the new government and the political and social situation at the local level are different, is in the displacement camps (see box 6). Inhabitants of these camps are almost exclusively of Tutsi identity. They have been severely affected by the violence that engulfed the country in the wake of the death of Ndadaye in 1993. As the previous section on traumatic experiences has shown, they not only lost house and goods, but also family members in the so-called "crisis". They are reluctant to return home because they don't have anything to return to but also because they are afraid. They fear their erstwhile neighbours, some of whom might have played a role in the past. They also look at the new political situation suspiciously. Some people refer to the fact that politicians sometimes incite these displaced to keep on living in their camps and the reason why they are reluctant to leave: they live in an environment exclusively constituted of social and ethnic peers, which does not facilitate the social interactions with others.

The people who used to live in the displacement camps but have returned in the meantime are often satisfied with their return. They appreciate the fact that they are living among their former neighbours and in close proximity to their fields. But they are aware of the fragility of the situation. The traumatic experiences of the past are scars that do not heal easily. One older Tutsi man

who had returned to his former home with his family after having lived for years in a displacement camp referred to the “strategy of the antilopes”. The antilopes take to the plains to graze but the wild animals are still in the vicinity and on the look out; they might attack at any moment. He felt similar in the social environment he had regained.

Box 6. *The Displaced: Returning or Not?*

Q. Comment la vie fonctionne –t-elle ici dans le site ? 1. Normalement, la vie n'est pas bonne, nos champs se trouvent loin et nous avons des difficultés pour les cultiver. Les toitures de nos maisons sont vieilles, seuls sont à l'abri ceux qui ont pu trouver des tuiles. 5. Nous sommes dans une mauvaise situation, les biens que nous avons reçus sont finis, nous ne savons pas quoi faire. Quand les enfants vont à l'école, on se demande ce qu'on va lui faire quand ils seront de retour. Nous cultivons et on vole notre récolte dans les champs. TOUS : Ici dans le site, nous avons de bonnes relations entre nous. 1. Les gens qui sont restés sur les collines ne nous aident pas. Il y a le problème des partis politiques, quand on n'est pas du parti au pouvoir, les autorités locales n'aident pas. 2. Même quand un Tutsi est membre du parti, on n'a pas confiance en lui. 5. Moi, je suis la seule rescapée de la colline, quand je dis qu'on me vole, on me répond que je dois rentrer pour veiller à mes cultures. 1. Même si on construit des maisons pour nous, ces gens restés sur les collines vont nous persécuter. Il y a des gens qui sont rentrés et qui ont été tués. *FGD, Gitega Province, Commune Bugendana, 28 February 2009; (1) peasant, male, Tutsi, displaced, 52; (2) peasant, male, Tutsi, displaced, 37; (3) peasant, male, Tutsi, displaced, 34; (4) peasant, female, Tutsi, displaced, 60; (5) peasant, female, Tutsi, displaced, 61; (6) peasant, male, Tutsi, displaced, 63.*

Q. Pourquoi les autres déplacés ne rentrent pas ? 5. Nous avons l'habitude de causer avec ces gens sur ce sujet. Ils disent qu'ils ont peur de rentrer parce que les autorités du haut niveau ne sont pas d'accord sur différents points. Ils disent aussi qu'ils ont peur des élections, autrement, les relations entre nous sont bonnes. *FGD, Gitega Province, Commune Bugendana, 28 February 2009; (1) peasant, male, Hutu, 34; (2) peasant, male, Hutu, 49; (3) peasant, female, Tutsi, former displaced, 68; (4) peasant, male, Hutu, 60; (5) peasant, male, Hutu, 46.*

Q. Quand pensez-vous rentrer sur vos collines ? 3. C'est une question très délicate, nous souhaitons avoir un village de paix et pour toutes les ethnies, mais il est impossible de rentrer chez nous. 2. On ne peut pas rentrer. 5. Les gens du site viennent des endroits différents, comment rentrer pour vivre seul au milieu des Hutu ? Mais le village serait efficace. Quand on veut te tuer sur la colline, on t'accuse de sorcellerie. 3. A [...], il y a un seul ménage qui est rentré, le vieux est mort et sa fille est restée seule. Les Hu sont venus et ont détruit et pillé la maison, ils ont même emporté les tôles, mais les auteurs de ce crime n'ont pas été punis jusqu'à maintenant. La fille loge chez sa petite sœur qui est mariée à un Hutu. Ce qui se passe à ITABA est sans pareil car on dit « ITABA HARATABAGURITSE HARABURA GITABARA = ITABA est déchiré et il n'y a pas eu de secours. » 2. Ça ne va pas à [...]. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Tutsi, displaced, 44; (2) peasant, female, Tutsi, displaced, 50; (3) peasant, male, Tutsi, displaced, 50; (4) peasant, male, Tutsi, displaced, 39; (5) peasant, female, Tutsi, displaced, 28; (6) peasant, male, Tutsi, displaced, 37; (7) peasant, male, Tutsi, displaced, 40.*

Q. Comment la vie fonctionne-t-elle ? 2. Je crois qu'il y a d'abord la sécurité. Cette question est d'une part facile mais d'autre part, elle est difficile. Il y a ceux qui ne veulent pas que ça se termine par là. Ceux qui sont dans les sites ne veulent pas rentrer. Avant ils disaient qu'il fallait d'abord rapatrier ceux qui étaient à l'extérieur, ils sont maintenant rentrés, et pourquoi alors les autres ne veulent pas rentrer ? 1. La vraie cause qui fait que ces gens ne rentrent pas, nous, nous ne le savons pas, eux seuls le savent. Je crois qu'il y a des raisons politiques derrière tout ça, car quand ils disaient que ceux qui sont à l'extérieur devaient rentrer, ils disaient aussi qu'ils n'avaient pas de maisons, leurs maisons sont là, ils viennent y passer la journée et le soir, ils rentrent dans le site. 4. Nous travaillons même pour eux, ils prétendent ne pas avoir des maisons, nous en avons construit pour eux, mais ils ne sont pas rentrés. 2. Ils ont demandé qu'on leur construise des maisons, après, ils ont détruit ces maisons et ils sont retournés dans le site. Alors, qu'est-ce qu'il faut faire? Nous acceptons qu'il puisse y avoir des villages pour nous tous car même avant, on était comme ça, nous étions comme des frères. Le problème est que les Tutsi peuvent refuser de vivre ensemble avec nous dans ces villages. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Hutu, 28; (2) peasant, male, Hutu, 49; (3) peasant, female, Hutu, 28; (4) peasant, female, Hutu, 59; (5) peasant, female, Hutu, 56.*

7. THE EXPECTATIONS OF (TRANSITIONAL) JUSTICE

The previous section has briefly sketched the general horizon against which the opinions on the possibilities and needs of a transitional justice policy take shape. Poverty, insecurity, trauma and corruption are rife. But there is also a general experience of changes brought about in the political structures of society. Within this context this section explores these perceptions and opinions on transitional justice in general and the practices already taking shape that should inform a transitional justice policy. We firstly identify recurring themes in the narratives of the focus group discussions. The following sections of the report will take up each of these themes separately. Before doing so, we secondly address the opinions with regard to the fundamental question: digging up the past or leaving the past behind. We give an extensive overview of the discussions on this topic since they are primordial for other reflections on transitional justice. In addition we frame the expectations of transitional justice in the context of the institutions envisioned to deal with the past in Burundi: the Truth, Pardon and Reconciliation Commission, a Special Tribunal and the potential use of the Ubushingantahe institution.

7.1. Peasant narratives: a general overview

Box 7. presents the narratives of discussions on the preferred strategy to deal with the past and the road to take to construct a peaceful future. The expectation of 'justice' for the problems and violence experienced in the past is discussed. We give an extensive overview of the discussion to subsequently identify several recurring elements. These themes will set the stage for further exploration and reflection in the remaining sections of this report.

Box 7. The Expectation of Justice

1. Ceux qui ont tué ne peuvent pas demander pardon, mais quand on les punit, ils deviennent conscients de ce qu'ils ont fait. 4. On ne peut pas pardonner à celui qui n'a pas demandé pardon, mais on peut donner de petites punitions pour les responsables. On doit punir tout le monde car d'après ce que j'ai remarqué, là où il y avait beaucoup de Tutsi, ils ont maltraité les Hutu, mais ce n'était pas organisé par un parti comme l'a fait le FRODEBU. On les maltraitait pour s'approprier surtout de leurs biens. 6. Quand je me rends sur ma Colline d'origine, les gens me disent que notre époque est dépassée. Pour finir tout, il faut un dialogue franc entre les Hutu et les Tutsi à fin de se pardonner. Pour nous les paysans, il est facile de faire cela, mais comme on dit : « UMWERA UVA IBUKURU UGAKWIRA HOSE » ce sont les hautes autorités qui nous divisent car nous les petits, nous nous aimons vraiment. *FGD, Gitega Province, Commune Bugendana, 19 March 2008; (1) peasant, male, Tutsi, displaced, Umushingantahe, 58; (2) peasant, male, Tutsi, displaced, 48; (3) peasant, male, Tutsi, displaced, 74; (4) teacher, male, Tutsi, displaced, 54; (5) peasant, male, Tutsi, displaced, 35; (6) peasant, male, Tutsi, displaced, 54.*

Box 7. The Expectation of Justice (2)

Q. Comment traiter les problèmes du passé? 3. Pendant la guerre, les soldats et les rebelles ont pillé et tué, il faut pardonner et oublier. 1. Cela nous permettra de dormir, car nous avons tant souffert. *FGD, Gitega Province, Commune Itaba, 12 April 2008; (1) peasant, male, Hutu, 70; (2) peasant, male, Hutu, 40; (3) peasant, male, Hutu, 48; (4) peasant, male, Hutu, 67; (5) peasant, male, Hutu, 30.*

Q. Comment résoudre les problèmes du passé? 4. Les responsables des crimes doivent être arrêtés et jugés. 1. Ceux qui ont commis des crimes en 1988 et 1993 doivent être arrêtés et jugés. Si quelqu'un tue les gens et reste chez lui, il peut renouveler parce qu'il peut penser que ce qu'il a fait est bon. 5. Celui qui a commis des crimes doit être arrêté et traduit en justice. S'ils avouent leurs crimes, ils peuvent être pardonnés. Sinon ils peuvent continuer. *FGD, Kirundo Province, Commune Ntega, 26 March 2008; (1) peasant, male, Hutu, 28; (2) peasant, male, Hutu, 42; (3) peasant, male, Hutu, 52; (4) peasant, female, Hutu, 35; (5) peasant, male, Hutu, 36; (6) peasant, female, Hutu, 35; (7) peasant, female, Hutu, 21.*

Q. Comment traiter les événements de 1988 pour vous ? 4-5-7 : Celui qui ne veut pas doit être puni. Tous : Si on demande pardon, on peut pardonner. Nous sommes prêt à pardonner. 1. Même si on a tué mon père et frère, il était cherché parce qu'il était à l'école, je suis prêt à pardonner. 7. Même si on a tué toute la famille, je suis démobilisé sans emploi. Je suis prêt à pardonner mais si c'est dit aussi les gens qui ont tout perdu, qui sont sans maison. 5. C'est difficile d'aller vivre là où j'étais. Tous les gens qui ont tué ma famille sont encore là. Je n'ai pas confiance, l'état doit faire un geste pour nommer. Pour faire venir la confiance, on doit juger ces criminels devant les tribunaux. Ce n'est pas la justice locale qui peut faire cela. *FGD, Kirundo Province, Commune Ntega, 28 March 2008; (1) peasant, female, Tutsi, displaced, 36; (2) peasant, female, Tutsi, displaced, 84; (3) peasant, female, Tutsi, displaced, (4) peasant, male, Tutsi, displaced, 36; (5) peasant, male, Tutsi, displaced, 31; (6) peasant, female, Tutsi, displaced, 66; (7) peasant, male, Tutsi, displaced, 47; (8) peasant, female, Tutsi, displaced, 24.*

Q. Qu'est-ce qu'on doit faire avec les gens qui ont fait des crimes sur les collines ? 3. on doit les pardonner. Ils ne sont pas responsables de ce qu'ils ont fait. [...] 1. Pendant la guerre, les Tutsi formaient des groupes de 10 à 30 personnes pour tuer les Hutu. Les Hutu pareillement. Ce n'est pas à cause d'eux qu'ils ont fait ça mais à cause de l'ordre des autres. **Q. Alors, ceux qui ont effectivement tué ne sont pas responsables ?** 1. Même si les gens ont pris les machettes pour aller tuer, ce n'est pas à cause d'eux, il y avait des gens derrière cela. *FGD, Kirundo Province, Commune Ntega, 26 March 2008; (1) peasant, male, Hutu, 58; (2) peasant, male, Hutu, 43; (3) peasant, male, Hutu, 49; (4) peasant, male, Hutu, 57; (5) peasant, male, Hutu, 80; (6) peasant, male, Hutu, 40.*

Q. Quoi faire pour traiter ces problèmes du passé. Le pillage et les tueries etc. ? 6. Il faut que les rapatriés et lesdéplacés trouvent un terrain d'entente, qu'ils vivent en harmonie. Il faut qu'il y ait un partage de terre pour que les troubles finissent. 1. Le grand problème, c'est que les rapatriés trouvent leur terre occupée par d'autres personnes. 7. Pour résoudre ces problèmes, il faut que les gens se pardonnent. Il faut oublier les ethnies et reconnaître que tout le monde est humain. Il faut d'abord se réconcilier et le reste va suivre. **Q. Qu'est-ce qui est nécessaire pour se réconcilier ?** 8. Ce qui est nécessaire, c'est le dialogue qu'on peut avouer et qu'on demande pardon. Après, les gens peuvent vivre en harmonie. *FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Hutu, 86; (2) peasant, male, Hutu, 57; (3) peasant, male, Hutu, 60; (4) peasant, male, Hutu, 70; (5) peasant, male, Hutu, 52; (6) member hill council, male, Hutu, 62; (7) peasant, female, Hutu, 54; (8) trader & Umushingantahe, male, 57; (9) mechanic & hill administrator, male, Hutu, 40.*

Box 7. The Expectation of Justice (3)

Q. Qu'est ce que vous souhaitez ? 5. J'entends depuis longtemps qu'on parle des orphelins etc. Je ne sais pas quoi faire. 3. Je souhaite qu'il y ait une entente entre les hautes autorités du pays car « UMWERA UVUYE IBUKU UCA UKWIRA HOSE » La lumière vient d'en haut. Les simples paysans suivent l'exemple des hautes autorités. Ils sont souvent des outils. Les politiciens aiment diviser les gens selon les ethnies pour gagner la confiance de l'ethnie majoritaire. Pour arriver à la paix, il faut que les dirigeants laissent tomber les discours qui blessent. Pendant les élections, nous n'avons pas assez de représentants, on les qualifie des usurpateurs. Si le gouvernement nous a donné des terres, c'est une sorte de récompense parce qu'on a perdu beaucoup de gens. Ce qui occupe les gens c'est la question de terre. On oublie tous les gens qui sont morts. 4. Ce n'est pas difficile de résoudre les problèmes au niveau le plus bas. Si les gens au haut niveau s'entendent, les paysans suivent. 3. Les autorités de haut niveau ne veulent pas que ce qu'ils ont fait soit connu par tout le monde. Il faut qu'on connaisse ce qui s'est passé. Après avoir identifié les coupables, les criminels, on peut s'asseoir. S'il faut pardonner, on va pardonner, s'il faut payer, on va payer. 5. Qu'est ce qu'on peut faire. Les gens qui reviennent de l'exil disent qu'ils ont été en exil à cause des Tutsi. Comment cette haine dans les cœurs des gens peut-elle disparaître ?

Q. Oui, comment ? Qu'est ce qui est nécessaire ? 3. Le gouvernement doit se préparer pour accueillir les gens revenus de l'extérieur. Le gouvernement a abandonné ces rapatriés. Ils ne sont pas assistés. Nous aussi, on ne peut pas abandonner les terres qu'on occupe maintenant parce que nous avons reçu de petites parcelles. Le gouvernement devait récompenser ces gens pour les parcelles qu'ils ont perdues. *FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Tutsi, 39; (2) peasant, male, Tutsi, 72; (3) peasant, male, Tutsi, 52; (4) teacher, male, Tutsi, 40; (5) peasant, female, Tutsi, 44; (6) peasant, female, Tutsi, 67; (7) peasant, female, Tutsi, 40.*

Q. Que faire pour traiter les problèmes du passé ? 1. Je pense que ça ne devrait pas recommencer. 5. Ce qui est parti c'est fini. Je souhaite que ceux qui restent vivent en paix. Il ne faut pas revenir au passé. *FGD, Mwaro Province, Commune Bisoro, 16 April 2008; (1) peasant, male, Tutsi, Umushingantahe, 65; (2) peasant, male, Tutsi, Umushingantahe, 76; (3) peasant, male, Tutsi, Umushingantahe, 65; (4) peasant, male, Tutsi, Umushingantahe, 77; (5) peasant, male, Tutsi, Umushingantahe, 80.*

Q. Comment traiter les problèmes du passé ? 6. Je pense qu'il faut pardonner parce qu'on ne peut rien faire sur ce qui s'est passé. On dit à la radio qu'on va organiser un dialogue depuis la Colline jusqu'au niveau national pour nous réconcilier. 1. Je pense qu'il y a eu trop de crimes ici. Il n'y a aucun Burundais qui n'a pas perdu. Il faut oublier et reconstruire de nouveau. Tous : Il faut pardonner. *FGD, Kayanza Province, Commune Kabarore, 6 May 2008; (1) peasant, male, Hutu, 50; (2) peasant, male, Hutu, 42; (3) peasant, male, Hutu, 48; (4) peasant, male, Hutu, 37; (5) peasant, male, Hutu, 56; (6) peasant, male, Hutu, 55.*

These general discussions on ‘transitional justice’ reveal that

(1) A fundamental decision needs to be made between ‘digging up the past’ or ‘burying the past’.

(2) Fundamental differences can exist as to whether punishment would be a necessary strategy. Some respondents see punishment as a prerequisite to prevent a return the violence and to end a culture of impunity. Others are of the opinion that punishing perpetrators of crimes committed in the past will result in a return to violence. A detailed exploration will need to establish the breadth of these opinions and identify whether there are differences according to the identity of the respondents. As can be seen in Box 7, especially displaced persons seem to opt for punishment. Other prefer other objectives.

(3) Pardon is a recurring and prominent theme in the narratives presented in box 7. It needs to be discussed, however, what pardon entails. Several different expressions are used to refer to pardon. We will explore them in following sections.

(4) Discussants are not sure whether people can deal with the issue by themselves. The features of the mechanism(s) that need(s) to deal with the past are unclear. In any case an initiation and example of high-level authorities is necessary. The expression “umwera uvuye ibuku uca ukwira hose”- “light comes from above” is revealing in that regard. As much as there is awareness of the fact that violence was mainly a political problem initiated from above and imposed upon ordinary people, there is also the awareness that the initiative to deal with the past needs to be facilitated as well.

(5) The notion ‘dialogue’ is often used in connection with the issue of pardon. What kind of dialogue is expected? What are the parameters necessary to structure this dialogue?

(6) People are very much aware of the fact that a process of dealing with the past and achieving the transitional justice objectives will be very difficult due to a range of major obstacles. We will bring these obstacles into focus in a following section.

(7) Important element to take into account in the exploration of this initial discussion is the fact that issues considered to be outside of the scope of ‘transitional justice’ objectives are often cited as well. Reference is made to socio-economic elements (land), overall good governance and power-sharing issues.

(8) Often a distinction is made between the local and the national level. Ordinary people emphasize that there are no major problems at the local level. The events in the past are the result of what happened at the national level. Prevention of a recurrence of the past is thus primarily a political issue for them, while the local level needs assistance in the domain of economy, everyday justice, good governance and social cohesion.

(9) The notion of the heart is referred to when remembering the violence experienced. When discussing strategies to deal with the violence, the heart is often mentioned as well. As we will explain, the notion of the heart is important to understand local-level and interpersonal reconciliation.

(10) The need for justice is more prospective than retrospective. Strengthening the rule of law and rehabilitating the justice system is a priority.

7.2. Forgetting or remembering: the options and the choices

Ordinary Burundians are aware of the fact that a fundamental decision needs to be taken: digging up the past or leaving it behind; this is the most important decision to be taken and the most important discussion to be held. Ordinary Burundians were not consulted when the main features of a transitional justice process were laid out. They were not consulted with respect to the fundamental question whether they wanted a transitional justice process, although the “national consultations” that started in July 2009 must give them the opportunity to voice some opinions on the mechanisms identified to deal with the past. But ordinary people are not enough informed to voice a well-considered opinion on the technicalities of the mechanisms already envisioned to be used. But they can give an indication as to what kind of fundamental objectives are important to them and the general shape this “transitional” space needs to have. In open-ended discussions on the topic our respondents often used popular expressions to refer to possible fundamental strategies to be used. These expressions also served to evoke the consequences of certain approaches.

A recurring expression was “Nta kuzura akaboze” when expressing a preference not to bring to light – in some way - the ‘events’ of the past. The expression can be translated as: “one does not have to dig up what has been buried/is rotten”. It means that it is better to leave behind what happened in the past and what has been left untouched for a long period. Bringing ‘bad experiences’ into the open would have negative consequences. An expression that was often used as well but expresses the opposite strategy is “ibuye ryaserutse ntiriyica isuka” meaning that “the stone uncovered will not damage your hoe in the future”. This expression is used when the idea is propagated that the ‘events’ of the past, their origins and consequences need to be treated openly and with care. Dealing with them would ensure proper understanding and deterrence and would thus have positive consequences. Several other expressions can be used to express one of these two approaches. They are enumerated in box 8. Box 9 further explores the meaning of the two expressions in the words of our peasant conversation partners.

The choice made by a selection of 40 participants in the focus groups discussions reveals that the majority would take the option to leave the past behind by “not digging up what has been buried”. An insight corroborated by the findings of other large-scale scientific research projects. ²² Table 4 summarizes their choices.

Box 10 subsequently, gives an overview of the discussion unfolding when people were asked to make a choice between the two options. Those who would like to leave the past behind seem to take this option primarily out of conviction. Others would prefer to dig up what is under the surface but seem to be aware of the obstacles and especially the negative consequences it might have. The discussion around these two expressions often touches upon the different obstacles in place or that

²² Samii, Cyrus (2009), “Who wants to Forgive and Forget? Civilian Attitudes towards Post-Conflict Justice and Truth in Burundi.” Working Paper, New York: Columbia University. Uvin, P. (2009) *Life after Violence. A People's Story of Burundi*, London & New York, Zed Books,

might arise in the transitional justice process. We will further explore the perceived obstacles in following sections of the report.

Table 4. Choice Expressions - Selection Respondents FGDs (N=40)

	N
NTA KUZURA AKABOZE Forgetting / Amnesty	26
IBUYE RYASERUTSE NTIRYICA ISUKA Remembering / Digging up the past	10
NO ANSWER	4
TOTAL	40

Box 8: Forgetting or remembering: an overview of expressions

NTA KUZURA AKABOZE =one does not have to dig up that which has been rotten	IBUYE RYASERUTSE NTIRYICA ISUKA =the stone uncovered will not damage your hoe in the future"
<p>INTIBAGIRA NTIBANA = celui qui n'oublie pas n'a pas d'amis = the person that does not forget, has no friends</p>	<p>« IGITI NTIKIGUKORA MU JISHO KABIRI = une branche ne te touche pas dans l'œil deux fois » = a branch does not touch you in the eye twice</p>
<p>IHORIHORI RIMARA IMIRYANGO = la vengeance décime les familles = revenge decimates families</p>	<p>NTAWISIGIRA KU BUHOMA = On ne se maquille pas sans se laver = one does not make oneself up without washing</p>
<p>INYAMA MBISI ISEBURA IYUMYE = la viande crue remplace la viande desséchée = dried out meat is replaced by uncooked meat</p>	<p>IGITI KIGUKOZE MUJISHO KABIRI KIBA GISHAKA KURIMENA = Si une branche d'arbre te touche dans l'œil deux fois, elle cherche à le briser = if a branch of a tree touches you in the eye for the second time, it is destined to ruin</p>
<p>AMASE Y A KERA NTAGIHOMA URUTARO = les anciens excréments de la vache ne servent plus à enduire le panier = the old excrements of the cow are no longer used to smear the basket</p>	<p>IKIBI GIKWIYE GUHEBWA =LE MAL DOIT ETRE ABANDONNE = evil needs to be abandoned</p>
<p>ISUBIRAMO NI RIBI = refaire les choses c'est mauvais = redo thing is bad</p>	<p>IYAKUBURIYE NTIBA IKIKURIYE = le chien qui a aboyé ne mord plus = the dog that is barking does no longer bite</p>
<p>IVYAGIYE VYARAGIYE = ce qui est parti est parti et c'est fini = what is done is done and is over</p>	

Box 9: Forgetting or Remembering? The Options

Q. Il y a un proverbe burundais qui dit « NTA KUZURA AKABOZE » quel serait son contraire ? 7. L'expression « NTAKUZURA AKABOZE » signifie qu'il ne faut pas se préoccuper du passé, qu'il faut avancer pour aller vers l'avenir. 4. Le contraire serait « ISUBIRAMO NI RIBI » ce qui signifie qu'il ne faut pas revenir sur le passé. Tous : C'est plutôt la même chose.

Q. Que veut dire l'expression « IBUYE RYASERUTSE NTIRYICA ISUKA ? » 1. Ça signifie qu'après avoir découvert le mauvais, il faut l'écarter. 6. Ça veut dire que s'il y avait une chose qui était cachée et qu'on a découvert, cette chose ne va plus nuire car tout le monde peut l'écarter. 4. C'est comme l'autre expression qui dit « IGITI NTIKIGUKORA MU JISHO KABIRI = une branche d'arbre ne peut pas te toucher deux fois dans l'œil », car on sait comment éviter ce mal. *FGD, Mwaro Province, Commune Bisoro, 29 April 2008; (1) peasant, female, Hutu, 68; (2) peasant, male, Hutu, 60; (3) peasant, male, Tutsi, 78; (4) peasant, male, Tutsi, 76; (5) peasant, male, Hutu, 51; (6) peasant, male, Hutu, 45; (7) peasant, male, Hutu, 65; (8) peasant, female, Hutu, 41.*

Q. Que signifie l'expression « NTA KUZURA AKABOZE » ? 5. Ce qui est pourri est pourri, ce qui reste est de continuer vers l'avenir. 1. Ça dépend des moments, il arrive que le mal devienne une leçon pour l'avenir. On n'oublie pas le mal qui a séparé les gens. Si on se bat, on se respecte. 3. Il ne faut pas déterrer le passé.

Q. Que signifie l'expression « IBUYE RYASERUTSE NTIRYICA ISUKA » ? 2. C'est-à-dire par exemple dans un cas de dispute, quand les autres ont entendu le projet, ils avertissent l'intéressé et celui-ci se tient prêt et essaie de prendre des mesures qui s'imposent ; et ainsi on évite le combat. 5. Cela est vrai, quand on est déjà averti, on sait comment se comporter. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Hutu, 28; (2) peasant, male, Hutu, 49; (3) peasant, female, Hutu, 28; (4) peasant, female, Hutu, 59; (5) peasant, female, Hutu, 56.*

Q. Que veut dire l'expression « NTA KUZURA AKABOZE » ? 3. Cela veut dire qu'il faut abandonner le passé et avancer vers la nouvelle situation.

Q. Quel serait le contraire de cette expression ? 1. Le contraire serait « il faut quitter le passé pour avancer vers de nouvelles choses ».

Q. Que veut dire « IBUYE RYASERUTSE NTIRYICA ISUKA » ? 2. Cela veut dire qu'il y a quelqu'un qui veut faire du mal, mais qui est connu, on peut alors l'éviter et contrecarrer ce mal qu'il envisage de faire. 5. Cela veut dire « IYAKUBURIYE NTIBA IKIKURIYE = le chien qui a aboyé ne mord plus. » 4. Celui qui connaît les visées ne peut pas nuire. Celui avec qui on est en conflit, quand il fait un geste, on réagit très vite. *FGD, Kayanza Province, Commune Kabarore, 11 May 2008; (1) peasant, male, Hutu, 53; (2) peasant, male, Hutu, 50; (3) peasant, male, Hutu, 52; (4) peasant, female, Hutu, 40; (5) peasant, female, Hutu, 25; (6) peasant, female, Hutu, 30.*

Box 9: Forgetting or Remembering? The Options (2)

Q. Que signifie «NTAKUZURA AKABOZE ? » 6. Ca veut dire qu'on ne veut pas se rappeler de quelque chose qui n'était pas agréable. 5. « NTAKUZURA AKABOZE », c'est comme cette affaire de la crise de 1972, si quelqu'un veut faire payer, il est entrain de déterrer le pourri. 2. C'est comme cette crise de 1972, si on commence à en parler, la confiance est gênée alors que les gens commencent à s'entendre.

Q. Quel est le contraire de cette expression? 4. « IKIBI GIKWIYE GUHEBWA=LE MAL DOIT ETRE ABANDONNE ». 6. L'expression semblable est « INTIBAGIRA NTIBANA ». 3. Il faut oublier le passé qui n'était pas agréable.

Q. Que signifie « IBUYE RYSERUTSE NTIRYCA ISUKA ? » 6. Cela signifie que si le mal est connu avant d'arriver à terme, on a le temps de l'empêcher. Si un malfaiteur est connu, on peut l'éviter. 2. Si le mal est connu, on peut le combattre à temps.

Q. Quel est son synonyme ? 6. « IKUBURIYE NTIKURYA ». (= le chien qui a aboyé ne mord plus.)

Q. Quel est son contraire ? Tous : Pas de réponse. *FGD, Mwaro Province, Commune Bisoro, 1 May 2008; (1) peasant, female, Hutu, 60; (2) peasant, male, Hutu, 52; (3) peasant, male, Hutu, 67; (4) peasant, male, Hutu, 38; (5) peasant, male, Hutu, Umushingantahe, 51; (6) peasant, male, Hutu, 49.*

Q. Que signifie l'expression « NTA KUZURA AKABOZE » ? 3. Ça veut dire qu'il ne faut pas revenir sur le passé, ça veut dire qu'il faut avancer vers le futur.

Q. Quel serait le contraire de cette expression? Tous : Pas de réponse.

Q. Que signifie l'expression « IBUYE RYASERUTSE NTIRYICA ISUKA » ? 1. Ça veut dire que les idées qui sont mises devant le public ne font pas de mal à quelqu'un. Mais quand les idées cachées explosent, elles font des dégâts. 3. Une parole dite ne peut pas faire de mal, car on sait comment l'éviter. *FGD, Kayanza Province, Commune Kabarore, 10 May 2008; (1) peasant, male, Hutu, 54; (2) peasant, male, Hutu, 27; (3) peasant, male, Hutu, former burgomaster, 78; (4) peasant, female, Hutu, 38; (5) peasant, female, Hutu, 40.*

Q. Que signifie l'expression « NTAKUZURA AKABOZE » ? 6. Ca veut dire qu'il ne faut pas revenir sur le mal qui a endeuillé le pays.

Q. Quel est le contraire de cette expression ? 1. Le contraire est « IBUYE RYASERUTSE NTIRYICA ISUKA » qui signifie que quand on connaît le danger, on peut l'écartier. *FGD, Kayanza Province, Commune Kabarore, 6 May 2008; (1) peasant, male, Hutu, 50; (2) peasant, male, Hutu, 42; (3) peasant, male, Hutu, 48; (4) peasant, male, Hutu, 37; (5) peasant, male, Hutu, 56; (6) peasant, male, Hutu, 55.*

Box 10: Forgetting or Remembering? The Choices

Q. Que signifie l'expression « NTA KUZURA AKABOZE » ? 4. Cela est très mauvais, car c'est quelque chose qui est pourri, on ne peut pas le déterrer, quand on le déterre, il sent mauvais. 2. C'est se souvenir de mauvaises choses passées qu'il fallait oublier. Il faut oublier ce qui s'est passé. Que ce soit les Hutu ou les Tutsi, tout le monde a perdu, c'est pourquoi il faut abandonner. 1. Si on observe ce qui s'est passé, en y retournant, les bonnes relations qui commencent à naître vont disparaître, c'est pourquoi il faut abandonner. 3. C'est comme toucher dans une blessure. En vérité, tout le monde a perdu. Le pardon est possible à celui qui en fait une demande et l'Etat va indemniser ceux qui ont perdu pour faire oublier ce qui s'est passé. 5. Si quelqu'un rencontre quelqu'un du site et qu'il lui dit bonjour, c'est très bien. 2. Demander pardon, je trouve que c'est difficile, car si on va dans le site pour demander pardon, on va se dire que tu t'accuses de beaucoup de choses. 3. On doit organiser des réunions publiques au cours desquelles les gens vont se demander pardon. 4. Je ne vois pas l'intérêt de ces réunions car même si quelqu'un du site vient ici, nous lui donnons à manger sans problème.

Q. Qu'est-ce que l'expression « IBUYE RYASERUTSE NTIRYICA ISUKA » veut dire ? 2. Si on demande ce qui s'est passé, personne ne souhaiterait retourner dans le passé. 1. Une fois, si une chose est connue par tout le monde, on sait comment en faire face. 3. C'est la même chose que de dire « IGITI NTIKIGUKORA MU JISHO KABIRI= une branche ne te touche pas dans l'œil deux fois ». 4. Car on a toujours des soucis pour cet arbre. 3. En vérité « NTAWISIGIRA KU BUHOMA = On ne se maquille pas sans se laver », il faut tout dire et tout mettre à la portée de tous. Il faut déterrer la pierre et après, on va abandonner parce que tout le monde saura où se trouve cette pierre. 5. Il faut tout oublier, ce qui s'est passé s'est passé et c'est fini, il faut oublier pour s'aimer. 4. il faut laisser la pierre où ??elle, car même si on la déterre, ce qui est perdu ne reviendra pas. 1. Au lieu de réconcilier, ça peut causer d'autres problèmes, car il y aura des procès d'indemnisation, je pense qu'il faut avancer car tout cela peut causer d'autres problèmes. 2. Je peux dire quelque chose. J'ai entendu dire que « NTAWISIGIRA KU BUHOMA ». Je constate qu'il vient de se passer à peu près 5 ans avec le nouveau régime, au cours de toutes ces années, aucun Tutsi n'a eu des problèmes avec un Hutu, d'où il faut avancer et ne pas déterrer ce qui s'est passé. Pour le moment, on se donne des filles en mariage avec les Tutsi, et si on retourne en arrière, on avait créé des problèmes. 3. Il y a une différence. Il y a ceux qui ont perdu les leurs et qui connaissent les auteurs, on va pardonner à celui qui demande pardon, si non, c'est comme quelqu'un qui va chez le prêtre pour se confesser et qui se confesse en moitié. Il faut qu'on soit ensemble, qu'on se dise la vérité pour se pardonner enfin. 4. Cela est impossible, car si on avoue la faute, la victime va porter plainte. 2. Si je réfléchis, c'est le même mot. C'est difficile, les crimes ont eu lieu sous plusieurs formes, un déplacé pouvait venir avec un militaire et tuer les gens ici. Est-ce que celui-là viendra demander pardon lui aussi ? Comment le fera-t-il ? Est-ce que ce militaire viendra lui aussi pour demander pardon ? S'ils commencent, ça nous donnera une leçon et nous aussi, nous allons suivre. 3. Un Tutsi a été pillé, les rescapés sont dans le site. Les Hutu eux aussi ont été pillés et tués. Tout le monde avouera ce qu'il a fait. C'est le pardon qui va tout corriger car il y a eu la vengeance, c'est pourquoi tout le monde va demander pardon. 5. Tout le monde a perdu. Les Tutsi ont perdu et les Hutu aussi. Qu'est-ce qu'on peut faire ? Il faut tout laisser et continuer vers l'avenir parce que si on continue à s'accuser mutuellement, on risque d'être troublé. 2. Cela va encore nous enfoncer dans les malheurs. Tous mes biens ont été brûlés, mais je n'ai pas besoin de voir l'auteur venir chez moi pour me demander pardon, car s'il vient, je vais lui demander de me payer. Il y a un autre qui va me demander de lui remettre ce qu'il a perdu et dont je suis le responsable, alors que je suis incapable de payer ! Qu'est-ce que je deviendrai ? Je n'ai pas besoin de voir l'auteur chez moi pour me demander pardon. **FGD, Gitega Province, Commune Bugendana, 27 February 2009; (1) peasant, male, Hutu, 26; (2) peasant, male, Hutu, 33; (3) peasant, male, Tutsi, former displaced, 69; (4) peasant, male, Hutu, 55; (5) peasant, female, Hutu, 40.**

Box 10: Forgetting or Remembering? The Choices (2)

Q. Quelle expression peut-on utiliser pour traiter les problèmes du passé ici? 1. Je pense qu'il ne faut rien négliger étant donné ce qui s'est passé ici. 2. (Il hésite pour répondre). 3-4 : « NTA KUZURA AKABOZE », il faut avancer et laisser de côté ce qui s'est passé et de fait, la paix viendra. 5. Même si on déterre la pierre, on ne fera pas revenir les nôtres, de ce fait « NTA KUZURA AKABOZE ». 1. Je pense que ceux qui ont pris le devant doivent commencer par avouer, il y en a même qui ont parlé sur les radios, les Burundais doivent déterrer cette pierre eux-mêmes. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Hutu, 28; (2) peasant, male, Hutu, 49; (3) peasant, female, Hutu, 28; (4) peasant, female, Hutu, 59; (5) peasant, female, Hutu, 56.*

Q. Quelle expression faut-il utiliser pour régler les problèmes du passé dans la communauté? 1. Selon moi, je pense qu'il faut clarifier ces problèmes du passé parce qu'actuellement, les uns accusent les autres. Je pense alors qu'il faut tout mettre au clair et pardonner après avoir su pourquoi et à qui on pardonne. Si non, on ne peut pas pardonner à quelqu'un qu'on ne connaît pas. 2. Moi aussi, je pense que le mieux est de pardonner, mais après la vérité. On ne peut pas bien sûr demander à celui qui a tué de restituer les gens tués, mais si on connaît la vérité, on peut pardonner à celui qui a avoué. Je pense qu'il faut « GISERURA IBUYE » et après, oublier le passé et avancer vers l'avenir. 5. Selon moi, je pense qu'on ne doit pas se venger après la vérité, on peut « KUZURA AKABOZE » et pardonner après pour éviter la guerre. La vérité va venir des autorités, nous les paysans, nous succombons aux mauvaises actions des autorités. Nous allons pardonner. 2. « UMWERA UVUYE IBUKURU UKWIRA HOSE = la clarté qui vient du haut placé arrive partout », les problèmes commencent au niveau supérieur, quand il y a des problèmes là bas, les uns prennent le chemin de la forêt et nous succombons. 1. Toutes les crises depuis 1965, nous ne savons pas comment elles sont venues, nous subissons seulement. 4. Pour moi, « NTA KUZURA AKABOZE » car ça sera le début de la guerre. 1. Je pense qu'on peut « GISERURA IBUYE » en évitant « KUZURA AKABOZE ». S'il y a quelqu'un qui a commis des crimes, il doit venir pour avouer et demander pardon.

Q. Où organiser ce genre de rencontre ? 1. Ce problème est délicat, le criminel ne va pas aller devant la victime pour lui demander pardon. « IMITIMA Y'ABARUNDI NTIYOROSHE = les cœurs des Burundais ne sont pas tendres », il faut installer des commissions qui vont visiter les gens qui ont perdu les leurs pendant les différentes crises, les victimes vont dénoncer les criminels et la commission va mettre en confrontation les victimes et leurs bourreaux. Ici, la crise de 1972 a été « AGAHOMERAMUNWA = inqualifiable », mais les crimes étaient commis en pleine journée, ce n'était pas pendant la nuit, on connaît ceux qui ont commis des crimes. Si une telle commission est installée, on peut pardonner après l'aveu. 2. Les autorités doivent installer des commissions pour faire l'instruction. On peut aussi installer des tribunaux devant lesquels les gens vont comparaître et se pardonner après la vérité. 1. Si possible, l'Etat doit installer ces tribunaux, car ici sur la colline, nous ne pouvons pas trancher ce genre de conflit. 3. Les BASHINGANTAHE ne peuvent pas régler ce genre de conflit. 1. Moi, je suis un MUSHINGANTAHE investi depuis 1984, il peut y avoir un MUSHINGANTAHE qui a tué ou dont les gens ont été tués, c'est impossible pour les deux de faire ce genre de procès équitablement. 2. C'est le gouvernement qui doit s'occuper de ce problème, car ce sont eux qui organisent aussi toutes les crises. 3. Si on commence à dire que ce sont les BASHINGANTAHE qui vont faire ces procès, les gens vont dire qu'on veut « KUZURA AKABOZE » et c'est de nouveau la guerre. Tous : Il faut « GISERURA IBUYE » mais c'est une action qui doit être réalisée par des gens venus des instances supérieures pas ceux de la colline. *FGD, Mwaro Province, Commune Bisoro, 30 April 2008; (1) peasant, male, Hutu, Umushingantahe, 64; (2) peasant, male, Hutu, 43; (3) peasant, female, Hutu, 46; (4) peasant, female, Hutu, 51; (5) peasant, female, Hutu, 38; (6) peasant, female, Hutu, 56.*

Box 10: Forgetting or Remembering? The Choices (3)

Q. Quelle expression utiliser pour traiter les problèmes du passé ? 6. Moi, je préférerais « NTA KUZURA AKABOZE » parce que quand un acte est consommé, souvent la victime est séquestrée par son tortionnaire, la victime s'écrie alors envers son bourreau « Que tu ne continues pas à déterrer mon pourri ». 2. Moi aussi, je préférerais « NTA KUZURA AKABOZE » car par exemple si deux enfants d'un même père se battent et que l'un est mort et l'autre emprisonné, le parent préférerait ne pas perdre les deux enfants, il irait demander pardon pour le vivant. Si on déterre le pourri, ça serait une sorte de vengeance perpétuelle. 3. Moi aussi, je préfère « NTA KUZURA AKABOZE » quand on déterre le pourri, on avance en reculant. 1. Si on commence à démasquer la pierre, on ne vise pas la paix, il faut aller en avant. 2. La pierre démasquée n'amène pas à la confiance, ça veut dire qu'on doit rester vigilant pour la pierre démasquée. 6. Ça serait la guerre. 5. Si on continue à parler de ce qu'on avait oublié, c'est la paix qui part.

Q. Pour vous « NTA KUZURA AKABOZE » Tous : Oui, c'est notre conclusion. *FGD, Mwaro Province, Commune Bisoro, 30 April 2008; (1) peasant, male, Hutu, Umushingantahe, 64; (2) peasant, male, Hutu, 43; (3) peasant, female, Hutu, 46; (4) peasant, female, Hutu, 51; (5) peasant, female, Hutu, 38; (6) peasant, female, Hutu, 56.*

Q. Quelle expression choisissez-vous entre les deux ? 2. Moi, je préférerais « NTAKUZURA AKABOZE ». 6. C'est vrai, il ne faut pas déterrer car « INTIBAGIRA NTIBANA = Celui qui n'oublie pas n'a pas d'ami ». 1. Moi, je préférerais « IBUYE RYASERUTSE NTIRYICA ISUKA » parce qu'on arrive à démontrer ce qui allait détruire, on le met de côté et tout le monde sait où se trouve cette origine du mal. 3. En vérité, si on connaît cette mauvaise pierre, on la jette loin, et aucune houe ne serait endommagée par la pierre. 5. Je pense que « NTA KUZURA AKABOZE » car on dit « IVYAGIYE VYARAGIYE = ce qui est parti est parti et c'est fini ». 8. Moi, je pense qu'il faut démonter cette pierre, la mettre devant tout le monde pour qu'elle n'abîme plus de houes. 4. Je pense que « NTA KUZURA AKABOZE » car tout le monde sait où se trouve la pierre, il faut savoir que « IGITI KITAGUKORA MU JISHO KABIRI ». *FGD, Mwaro Province, Commune Bisoro; 30 April 2008 (1) peasant, male, Hutu, Umushingantahe, 59; (2) peasant, male, Hutu, Umushingantahe, 40; (3) peasant, female, Tutsi, 80; (4) peasant, female, Hutu, 55; (5) peasant, female, Hutu, 82; (6) peasant, female, Hutu, 58.*

Q. Quelle expression choisir pour traiter les problèmes du passé? 4. Pour moi, il ne faut pas déterrer, car si on déterre, ça va causer des dégâts, on ne va pas construire. 5. On peut considérer le fait de déterrer comme quand on a une plaie qui est en train de cicatriser, quand une blanche la blesse de nouveau, on a mal, alors, il ne faut pas déterrer car ça serait comme rouvrir la plaie en voie de cicatrisation. 3. Pour moi, il ne faut pas déterrer. Par exemple, quand on se rappelle les biens que nous avons perdus ici, on est pris de chagrin, mieux vaut alors regarder vers l'avenir. 2. Pour moi, il ne faut pas déterrer, parce qu'on peut même être traumatisé. 3. Pendant la guerre, on ne savait pas où les gens de la famille passaient la nuit, pourquoi y revenir pour en parler ? A quoi servirait le fait de connaître ceux qui ont tué ? Mieux vaut aller en avant pour se développer. 1. Pour moi, il ne faut pas parler du passé, car ça peut être pire, ça blesse. Mieux vaut aller en avant en commençant par où on est maintenant. 3. Il faut mettre des lois pour punir ceux qui vont recommencer, celui qui parle du passé risque de blesser les gens qui ont souffert dans ce passé douloureux. 1. Comment venir me dire comment mon père a été tué alors que celui qui parle est peut être celui qui a tué mon père ? Cela veut dire qu'il veut me blesser et que je pourrais me venger de lui immédiatement. *FGD, Kayanza Province, Commune Kabarore, 10 May 2008; (1) peasant, male, Hutu, 54; (2) peasant, male, Hutu, 27; (3) peasant, male, Hutu, former burgomaster, 78; (4) peasant, female, Hutu, 38; (5) peasant, female, Hutu, 40.*

Box 10: Forgetting or Remembering? The Choices (4)

Q. Quelle expression utilisée pour traiter les problèmes du passé ? 1. Moi, je pense qu'il faut démasquer la pierre parce que si la pierre est démasquée, aucune houe ne sera endommagée et nous pourrions avancer sans avoir peur de buter encore une fois sur des pierres. 6. Moi, je pense que il ne faut pas déterrer le pourri parce que ce pourri est mauvais. Si un événement est dépassé et que tous les concernés ont oublié, il faut l'abandonner car si l'événement était mauvais, revenir sur lui peut endommager les relations entre les gens. Mais on oublie, on avance et les dégâts de cet événement malheureux sont abandonnés pour de bon. 2. Il faut démasquer la pierre pour que les houes ne soient plus endommagées. 5. Moi, je pense qu'il ne faut pas déterrer, qu'il faut abandonner le passé et avancer vers l'avenir. 4. Moi, je pense que ça ne sert à rien de reparler du passé douloureux. Il ne faut pas déterrer le pourri. 5. Pour moi, il faut avancer et ne pas déterrer le pourri. Il faut aller vers de nouveaux événements et non revenir sur les anciens.

Q. Si nécessaire qu'on démasque la pierre, que se passera-t-il ? 5. Si on décide de démasquer la pierre, on va retourner dans cette méfiance, il n'y a rien de bon en démasquant la pierre. 6. Moi aussi, si on dit de démasquer la pierre, cette pierre va causer des dégâts car on va s'entredéchirer en disant que c'est à cause de celui qui démasque la pierre que la situation va mal.

Q. Si on décide qu'il ne faut pas déterrer le pourri, quelles seraient les conséquences ? 1. La pierre démasquée n'endommage pas la houe, si on la laisse, elle va encore endommager d'autres houes. Mais si on démasque, on peut pardonner après avoir su où se trouvent tous ceux qui ont commis des crimes. 2. Si je sais que tel est mon ennemi, je peux aller lui demander pourquoi il me haït, il peut me dire pourquoi et nous pouvons nous réconcilier. Mais si je me tais alors que je sais qu'il me haït, c'est la haine qui va continuer entre nous. C'est comme quelqu'un qui découvre la pierre mais qui la couvre de la pierre, il faut vraiment démasquer cette pierre.

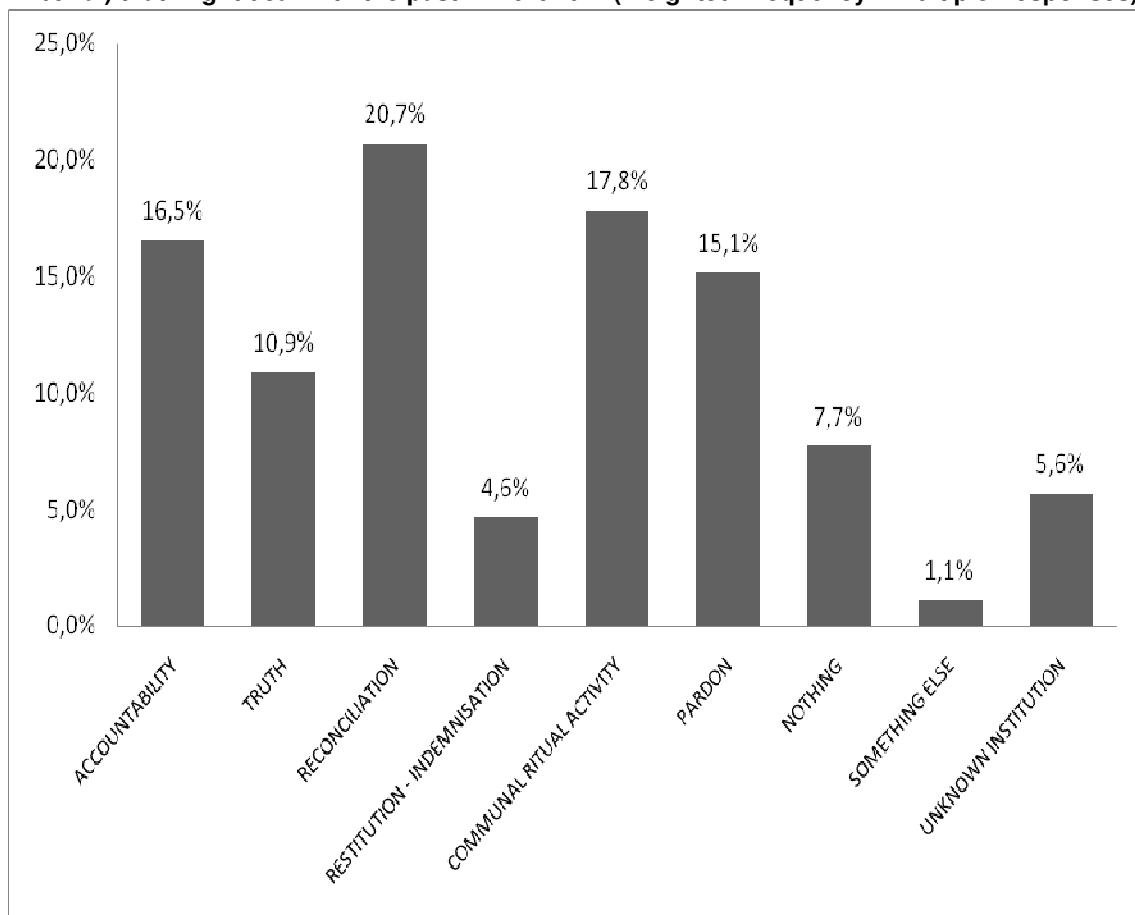
Q. Qui peut démasquer cette pierre ? 2. Je pense que ceux qui ont commis des crimes peuvent demander pardon, mais je ne sais pas qui peut leur inciter à le faire, car moi, je ne peux pas aller arrêter mon tortionnaire. 1. C'est vrai que le criminel ne peut pas aller devant sa victime pour demander pardon, mais la victime peut aller devant la justice porter plainte, le criminel peut avouer, demander pardon pour ne plus recommencer. 5. Même si je ne suis pas pour qu'on démasque la pierre, je pense que si on connaît le criminel, on doit aller devant la justice car personne ne va demander pardon de soi.

Q. Quel genre de justice ? 5. La justice du niveau supérieur car ici, on ne peut pas trancher de tels procès. Je suis un MUSHINGANTAHE, mais je pense que nous ne pouvons pas faire ce genre de procès. Les Burundais sont compliqués, on ne peut pas trancher ce genre de procès sur la Colline. 6. Quelqu'un qui perdrait sur la Colline ne va pas accepter de payer et même s'il paye, ça ne marchera pas entre les deux parties. 1. La pierre va alors continuer à endommager les houes. Je pense qu'il faut pardonner mais après avoir connu la vérité car personne ne peut refuser le pardon. *FGD, Mwaro Province, Commune Bisoro, 1 May 2008; (1) peasant, female, Hutu, 60; (2) peasant, male, Hutu, 52; (3) peasant, male, Hutu, 67; (4) peasant, male, Hutu, 38; (5) peasant, male, Hutu, Umushingantahe, 51; (6) peasant, male, Hutu, 49.*

7.3. THE EXPECTATIONS OF THE INSTITUTIONS (TPRC, SC, UBUSHINGANTAHE)

Figures 4 to 6 present the answers to the question what is expected from the institutions envisioned to deal with the past in Burundi. The question specifically focused on dealing with the past in the context of these institutions. The inquiry was thus not open-endedly verifying the general preferences to deal with the past as in the focus group discussions. It is important to know that the categories used in the graphs have been recoded to achieve a reduction of possibilities. Respondents had more options for some categories.²³ Important to know is the fact that “communal-ritual activity” refers to the ideas of “coming together to talk (about what happened)”; “to honor the victims” and “to integrate people in society”.²⁴

Figure 4: What do you expect from the institutions (Ubushingantahe, TPR Commission, Special Tribunal) that might deal with the past in Burundi? (Weighted Frequency – Multiple Responses)



²³ *Accountability* is derived from the options “the end past wrongs”, “judge and punish the guilty” and “seperate the guilty from the non-guilty”. *Truth* was phrased as “to make the truth emerge”. *Reconciliation* was a direct and single option., as well as *restitution*. ‘Revenge’ and ‘liberating the prisoners’ fall under the category *Other*. *Pardon* brings together the options ‘asking pardon’, ‘showing remorse’ and ‘to pardon’. *Communal-ritual activity* is a recoded category encompassing the options “to come together to talk (about what happened)”; “to honor the victims” and “to integrate people in society”. To options *nothing* (no expectation) and *unknown institution* were options that were immediately available to the respondents.

²⁴ Luc Huyse refer to ritualistic-communal procedures that characterize tradition-based approaches to justice and reconciliation. Huyse, L. (2008), “Introduction: Tradition-Based Approaches in Peacemaking, transitional justice and reconciliation policies”, in: Huyse, L. & Salter, M. (eds.), (2008) *Traditional Justice and Reconciliation after Violent Conflict. Learning from African Experiences*, Stockholm, International Idea, pp. 14-15.

The findings suggest that our respondents prioritize other objectives than the ones laid down in the framework of the Arusha Peace Accords. Truth and accountability are not as often cited as reconciliation (21%), communal ritual activities (18%) or pardon (15%). Seventeen percent of respondents favour accountability, 11% have a preference for truth and 5% want restitution. A significant number expects nothing (8%), something else (1%) or are unfamiliar with one or more of the institutions (6%). As said, one has to keep in mind that this question probes into the expectations of the respondents with the specific reference to the mechanisms such as the Truth, Pardon and Reconciliation Commission, the Special Tribunal and the Ubushingantahe together. The responses should thus be interpreted by taking into account that respondents formulate their opinions within the framework of these three mechanisms.

There are minor differences between the opinions of the social groups when disaggregating the findings according to the ethnic identity of the respondents (figure 5) or sub-ethnic identities (figure 6).

Figure 5 What do you expect from the institutions (Ubushingantahe, TPR Commission, Special Tribunal) that might deal with the past in Burundi? (Weighted Frequency – Multiple Responses)

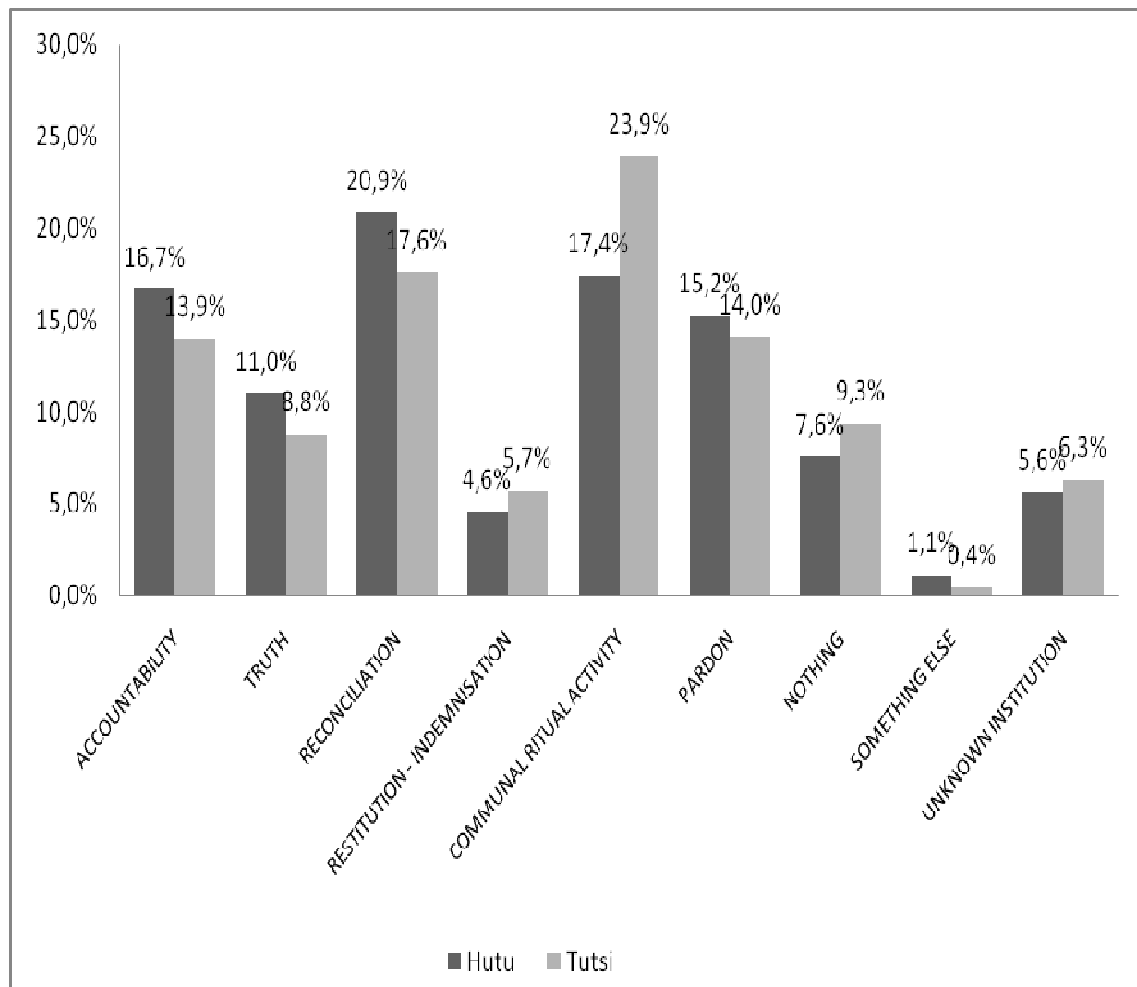
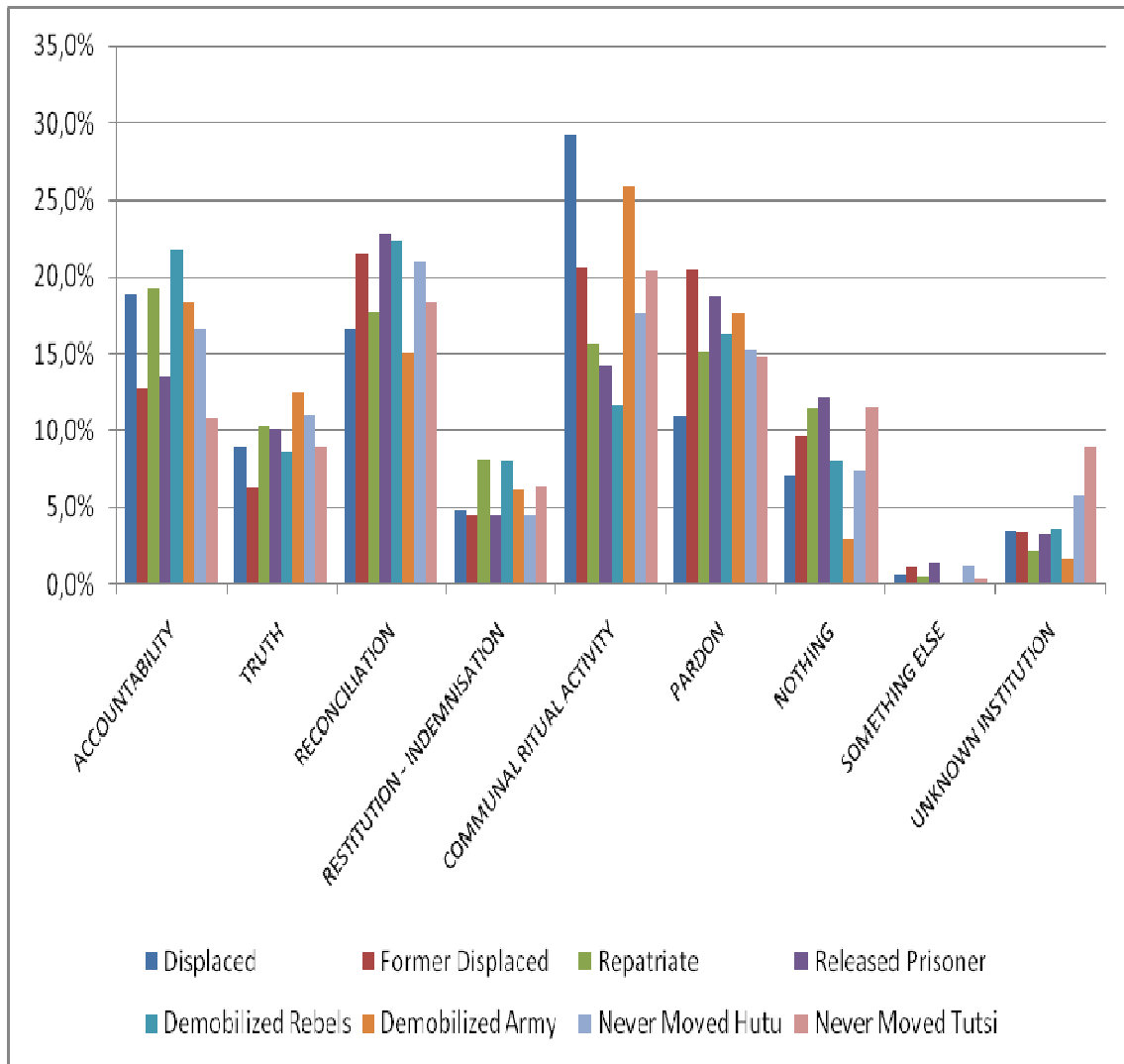


Figure 6. What do you expect from the institutions (Ubushingantahe, TPR Commission, Special Tribunal) that might deal with the past in Burundi? (Weighted Frequency – Multiple Responses)



Tutsi stress the need for what we have labelled a ‘communal ritual activity’ (24%). It are often the displaced currently still living in camps who expect this kind of strategy facilitated by these institutions (Figure 5). They most probably stress the need to be integrated in society again. For years they have lived not only far away from their plots of land, but also from their neighbours. On the one hand they have the desire to return. On the other hand practical problems make them hesitant to effectively return: the lack of shelter f.i. since their original homes were destroyed- but also the continuing fear due to the experiences from the past as the sometimes inciting messages from politicians.

When considering the sub-ethnic identities, it is interesting to see that it are those persons still displaced among the Tutsi respondents who prioritize accountability (19%). Tutsi who have never left their houses on the hills (11%) or the ones that have lived in camps in the past but

have returned (13%) are not so much expecting accountability from the mechanisms. They emphasize more the wish for a reconciling approach (19% and 22%) instead. Table 5. presents the findings in a different way by ranking the objectives according to the identity of the respondents.

Important to note is that the answer to this question also reveals that people not necessarily associate a specific mechanism with a certain objective. Even a truth commission or a tribunal is expected by some respondents to bring reconciliation or pardon. We will return to these expectations in the following sections.

Table 5. Priority Ranking

Ranking Identity	1	2	3	4	5
All Respondents	Reconciliation	Communal-Ritual Activity	Accountability	Pardon	Truth
Hutu	Reconciliation	Communal-Ritual Activity	Accountability	Pardon	Truth
Tutsi	Communal-Ritual Activity	Reconciliation	Pardon	Accountability	Nothing
Displaced	Communal-Ritual Activity	Accountability	Reconciliation	Pardon	Truth
Former Displaced	Reconciliation	Communal-Ritual Activity	Pardon	Accountability	Nothing
Repatriate	Accountability	Reconciliation	Communal-Ritual Activity	Pardon	Nothing
Former Prisoner (Political Prisoner)	Reconciliation	Pardon	Communal-Ritual Activity	Accountability	Truth
Demobilized Soldiers (Rebels)	Reconciliation	Accountability	Pardon	Communal-Ritual Activity	Truth
Demobilized Soldiers (Army)	Communal-Ritual Activity	Accountability	Pardon	Reconciliation	Truth
Never Moved Hutu	Reconciliation	Communal-Ritual Activity	Accountability	Pardon	Truth
Never Moved Tutsi	Communal-Ritual Activity	Reconciliation	Pardon	Nothing	Unknown Institution(s)

8. RESPONSIBILITY

Box 11 brings together some of the narratives recorded during group discussions. Five tendencies are discernable when our respondents reflect on the onus of responsibility for the history of violence in their country.

(1) Everybody has been victimized by the violence and many have a responsibility in the violent events. The war, massacres and 'events' in general have not left anyone untouched. Not only individuals but the ethnic groups as such, Hutu or Tutsi, need to take their part of the responsibility.

(2) The *longue durée* of the responsibility needs to be taken into account. Burundi is often associated with the most recent episode in its violent history, the 1993 events and especially the decade of civil war. But -as we have shown- every period of violence built upon a previous cycle. Ordinary people are very much aware that identifying the responsibility is a complex exercise that needs to go back to distant events. This is in the perception also an obstacle to initiate such a process.

(3) Nevertheless, the primary responsibility for all these episodes lies with the political leaders, the administrative authorities and military officers who repeatedly resorted to violence as a strategy to rule, as an avenue to obtain access to power or to stay in power. The names of Burundian personalities often mentioned when discussing the issue of responsibility are Micombero, Bagaza, Buyoya, Bikomagu. To a lesser extent also current president Nkurunziza as the former rebel leader. The general opinion is that establishing responsibility needs to start with these people and not with the ordinary peasants. Before arriving at the local level, all other administrative levels from the military and rebel commanders to the people in the administration at the time need to be taken into account.

(4) The killing of Ndadaye stands out when considering Burundi's long history of violent episodes. The killing of the democratically elected president is for many an event those responsible for need to be held accountable. Either because of the symbolic nature of the act (killing democracy and the will of the majority) or because it plunged Burundi into a decade of civil war and thus suffering and loss for ordinary people both Hutu and Tutsi.

(5) People sometimes make a distinction between "the war between the peasants" and "the war between the armies". During several periods and moments in the history of Burundi, ordinary people – often neighbours – were engaged in violent acts against each other. But there were also periods - especially during the civil war that engulfed the country after 1993 - when it were mainly the national army and armed groups that were fighting each other. The general population of Hutu, Tutsi and also Twa were often caught between two sides.

Box 11. Responsibility: The Authorities, the Killing of Ndadaye and the Longue Durée

4. Je pense que ce dialogue n'est pas nécessaire. Ce qui s'est passé a été comme un incident, c'est fini. Nous savons tous que la guerre a eu lieu, maintenant les gens sont ensemble, il n'y a plus de méfiance. Au cours de cette guerre, il n'y a eu aucun innocent, tout le monde est coupable, les Hutu ont tué et les Tutsi aussi l'ont fait. [...] 5. Si une [telle] justice a lieu, elle doit commencer par les hautes autorités avant d'arriver au bas peuple. Ce sont ces hautes autorités qui sont responsables. 1. pour nous, un petit paysan n'a jamais eu l'idée de tuer son voisin. Ceux qui ont tué le Président ont été à la base et les gens d'ici ont réagi en se rappelant ce qui s'était passé dans les années précédentes. 4. Au début de la crise, l'administrateur n'a rien fait pour calmer la situation, il a failli à son obligation et ça a été comme remuer une fourmilière. Nous sommes comme un troupeau de vache que l'administrateur n'a pas pu conduire.

Q. Il faut alors juger les grands responsables ? 1. Cela serait un retour en arrière. Si on juge les hautes autorités, ça va descendre pour arriver chez nous. 5. Qui peut-on juger ? Les Tutsi appelaient les leurs à tuer les Hutu, et les Hutu eux aussi appelaient les leurs à tuer les Tutsi. Il n'y a aucun innocent. TOUS : Tout le monde est coupable. 5. Même si on n'a pas été impliqué physiquement dans les massacres, on était complaisant de ce qui se passait pour ou contre l'autre ethnies. Seul Dieu va nous juger. *FGD, Gitega Province, Commune Bugendana, 28 February 2009; (1) peasant, male, Hutu, 34; (2) peasant, male, Hutu, 49; (3) peasant, female, Tutsi, former displaced, 68; (4) peasant, male, Hutu, 60; (5) peasant, male, Hutu, 46.*

Q. Est-ce qu'on doit punir ? 3. Oui, parmi ces hautes autorités oui. Ils doivent passer au moins deux mois en prison. 4. Mais les simples paysans ont été trompés. 5. Quand un rapatrié vient et il dit c'est là où j'habitais. C'est la guerre qui commence. *FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Tutsi, 39; (2) peasant, male, Tutsi, 72; (3) peasant, male, Tutsi, 52; (4) teacher, male, Tutsi, 40; (5) peasant, female, Tutsi, 44; (6) peasant, female, Tutsi, 67; (7) peasant, female, Tutsi, 40.*

Q. Pensez-vous qu'il faut connaître la vérité, ou punir les auteurs de ces crimes ? 5. Pour moi, s'il faut connaître la vérité, il faut commencer par 1965. 1. Il faut d'abord connaître la vérité afin de pouvoir punir les responsables. 3. Pour punir, il faut faire attention, il faut commencer par ceux qui ont tué les hautes autorités. 5. Si on ne fait pas cela, il faut une loi amnistiant tout le monde.

Q. Que faire selon toi ? 5. Depuis 1965 à 1993, si on veut connaître la vérité, il faut commencer par le sommet, ils connaissent les responsables et vous les connaissez aussi. 1. L'impunité que nous constatons actuellement vient de là de puis lors, on ne punit pas les coupables. *FGD, Mwaro Province, Commune Bisoro, 15 April 2008; (1) peasant, male, Hutu, 51; (2) peasant, male, Hutu, 60; (3) peasant, male, Hutu, Umushingantahe, 73; (4) peasant, female, Hutu, 67; (5) peasant, male, Hutu, Umushingantahe, 63; (6) peasant, male, Hutu, Umushingantahe, 43.*

Q. Que faire pour les auteurs de cette guerre ? 5. Les principaux acteurs de cette guerre : BAGAZA, BUYOYA et BIKOMAGU JEAN doivent avouer ce qu'ils ont fait et demander pardon aux citoyens. BUYOYA doit répondre à beaucoup de questions car même à l'époque MICOMBERO, il était là, en 1972. *FGD, Gitega Province, Commune Bugendana, 30 March 2008; (1) peasant, male, Hutu, 56; (2) peasant, male, Hutu, 41; (3) peasant, female, Hutu, 65; (4) trader, male, Hutu, 36; (5) peasant, male, Hutu, 37.*

4. Pour moi, les Hutu ont tué, les Tutsi ont tué, comment va t-on s'accuser ? 3. Pour moi, il faut chercher ceux qui ont tué le Président NDADAYE et laisser en paix le petit peuple. 1. Depuis 1972, beaucoup de Hutu ont été tués, en 1993, les Tutsi eux aussi ont été tués, mais les Hutu ont perdu l'élite qui avait de l'importance, tandis que pour les Tutsi, c'est le petit peuple qui était visé. Il faut chercher celui qui a tué NDADAYE.

Q. Qui l'a tué selon vous ? 4. Ce sont les Tutsi qui étaient forts dans l'armée.

Q. Que faire de ces gens ? 4. Il faut les punir exemplairement mais il ne faut pas les tuer. *FGD, Kayanza Province, Commune Kabarore, 6 May 2008; (1) peasant, male, Hutu, 50; (2) peasant, male, Hutu, 42; (3) peasant, male, Hutu, 48; (4) peasant, male, Hutu, 37; (5) peasant, male, Hutu, 56; (6) peasant, male, Hutu, 55.*

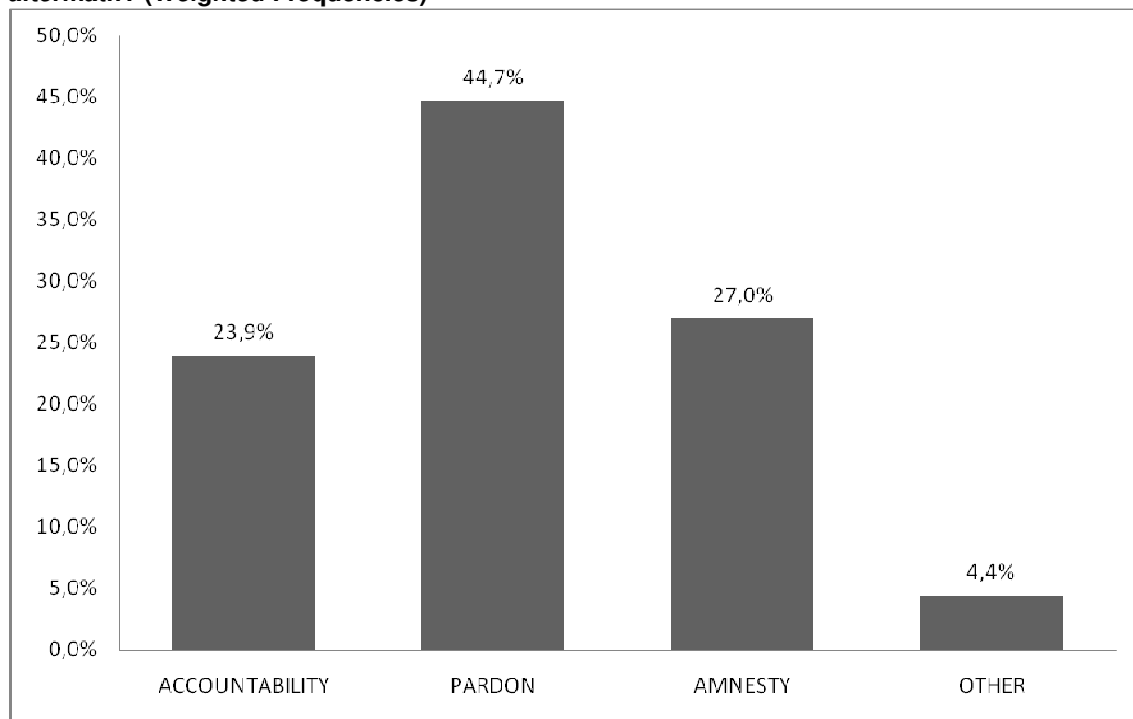
Box 11. Responsibility: The Authorities, the Killing of Ndadaye and the Longue Durée

7. Tous ceux qui ont commis des crimes doivent être punis sans aucune exception. 3. On peut tuer différemment, on peut tuer par les paroles et par les actes. Il faut d’abord juger les promoteurs car même si on punit les voisins ça ne servira à rien, il faut commencer par le plus haut niveau. On ne peut pas arriver à la colline sans juger l’administrateur par exemple. 1. Il faut commencer au plus haut niveau et même le Président. 2. Quand on emprisonnait les gens de la colline, il y a ceux qui disaient qu’ils avaient reçu un ordre, et qu’on leur avait promis des terres des Tutsi car on disait que les Tutsi avaient de grandes superficies, on leur disait qu’ils allaient se partager les terres et les places dans l’administration. 3. Que ce tribunal vienne, mais pas pour le bas peuple, mais pour tout le monde. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Tutsi, displaced, 44; (2) peasant, female, Tutsi, displaced, 50; (3) peasant, male, Tutsi, displaced, 50; (4) peasant, male, Tutsi, displaced, 39; (5) peasant, female, Tutsi, displaced, 28; (6) peasant, male, Tutsi, displaced, 37; (7) peasant, male, Tutsi, displaced, 40.*

8.1. Pardon with or without confession

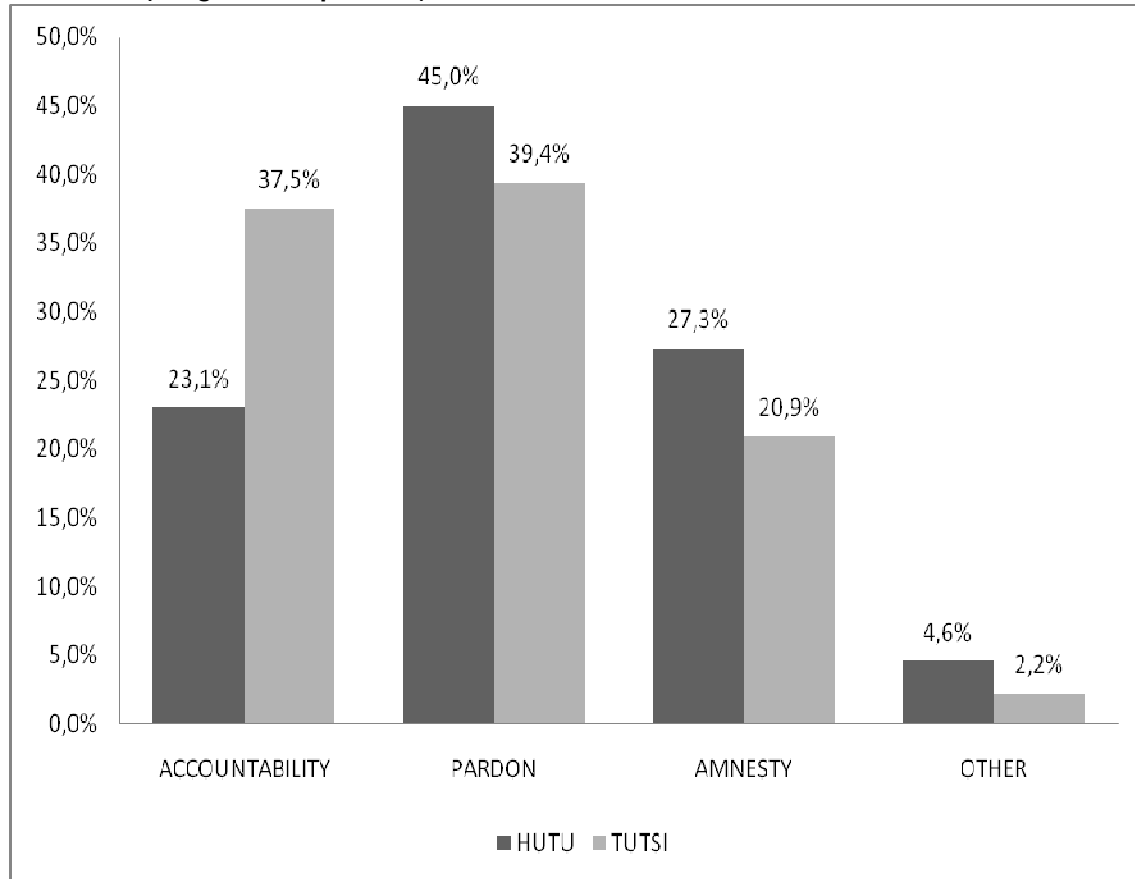
Figure 7 to 9 detail the responses to the question how those considered responsible for the events of 1993 and their aftermath should be dealt with? We limited ourselves to the events of 1993 and their aftermath to reduce the complexity of the issue. By stressing the events of 1993 and their aftermath (the civil war) we, nevertheless, refer to a range of issues that are linked to both major political players from all sides as well as Hutu and Tutsi actors.

Figure 7: How to deal with those responsible for / participants in the 1993 events and their aftermath? (Weighted Frequencies)



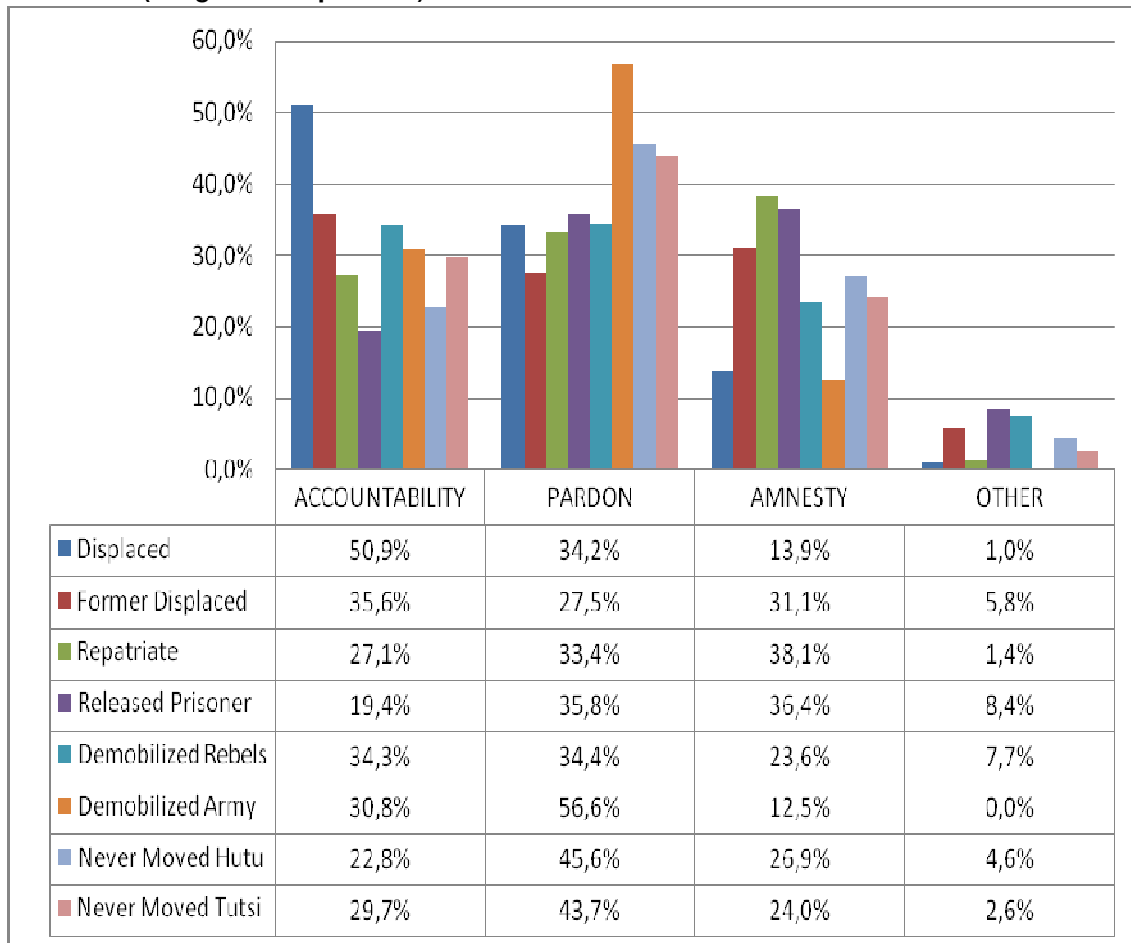
The majority of the people we talked to prefer pardon over a process of accountability on the one hand or a blanket amnesty on the other hand. When breaking down the responses according to the ethnicity of the respondents we notice that over 14% more Tutsi respondents are of the opinion that those responsible for the 1993 events and their aftermath should be held accountable.

Figure 8: How to deal with those responsible for / participants in the 1993 events and their aftermath? (Weighted Frequencies)



When breaking down these results according to 'sub-ethnic' identities it becomes clear that in the group of Tutsi respondents, mostly displaced, favour an accountability process (50.9%). Another extreme position can be found with the group of so-called 'released prisoners' with only 19,4% favouring some sort of accountability procedure. This group is, of course, the only group that has already experienced criminal prosecution or at least incarceration in the wake of the 1993 events. Moreover, although a significant part of them was put into custody due to false accusations or in the confusion of the times, a similar significant part of this group has a responsibility for what happened in 1993. This is probably an additional reason why they are not in favour of an accountability procedure.

Figure 9: How to deal with those responsible for / participants in the 1993 events and their aftermath? (Weighted Frequencies)



Important to note is the fact that also almost as many demobilized rebels (34,3%) as former displaced (35,6%) signal a preference to see those responsible for the 1993 carnage and everything that followed brought to justice. Repatriates (27,1%) and Hutu who never left their hill (22,8%) do not favour accountability more than either pardon or amnesty. Thirty-three percent of the repatriates wants pardon as a strategy to deal with what happened in 1993 and after and 38,1% of them wants a blanket amnesty. High scores for pardon are seen in the group of never moved Hutu (45,6%) and never moved Tutsi (43,7%) . These groups have never left their hills of origin for a longer period during the violent events. They most probably prefer pardon because they were not so much affected by this violence. These experiences influence their opinions without any doubt. Demobilized soldiers from the national armed forces during the 1993 crisis and the years of civil war also favour a strategy of pardon with 56,6% of the respondents in this group.

It is important to be aware of the fact that 'pardon' does not mean 'amnesty'. The choices people make for the option of pardon are thus not a choice for total oblivion. One can make the following distinction in the semantic field referring to the notion of 'pardon' in Kirundi, all with a specific connotation:

- (1) Ikigongwe c'ikivunga = amnesty
- (2) Ikigongwe / imbabazi = pardon
- (2a) Ikigongwe kuwemeye amakosa = pardon with confession (dialogue)
- (2b) Ikigongwe kumurekurira = pardon without confession (dialogue)

People are very much aware of the fact that option 1 is something given or imposed by an outside and abstract entity such as the state while 2 is still an interpersonal act between human beings. Options 2a and 2b are subsequently further qualifications and make things more personal. As figures 10 to 12 further make clear: ordinary Burundians taking the option for pardon prefer an act of pardon with a confession. Out of the group of 44,7% taking the option of pardon, 31,4% wants pardon to be accompanied by an act of confessing. No large differences in this option when considering ethnic or other identities (figure 12). The notion confession may mean confessing to the crimes committed as a sort of establishing the 'forensic truth': who, where, when, with whom, etc. But we will later turn to the narratives to give more body to these statistics. The analysis will show that the preference for an act of pardon with some sort of confessional activity signals the need or desire to initiate a sort of dialogue or in its most basic manifestation: an encounter. The truth-telling dimension of the element of confession is more social and restorative in nature than forensic or narrative.

Figure 10 How to deal with those responsible for / participants in the 1993 events and their aftermath? (Weighted Frequencies)

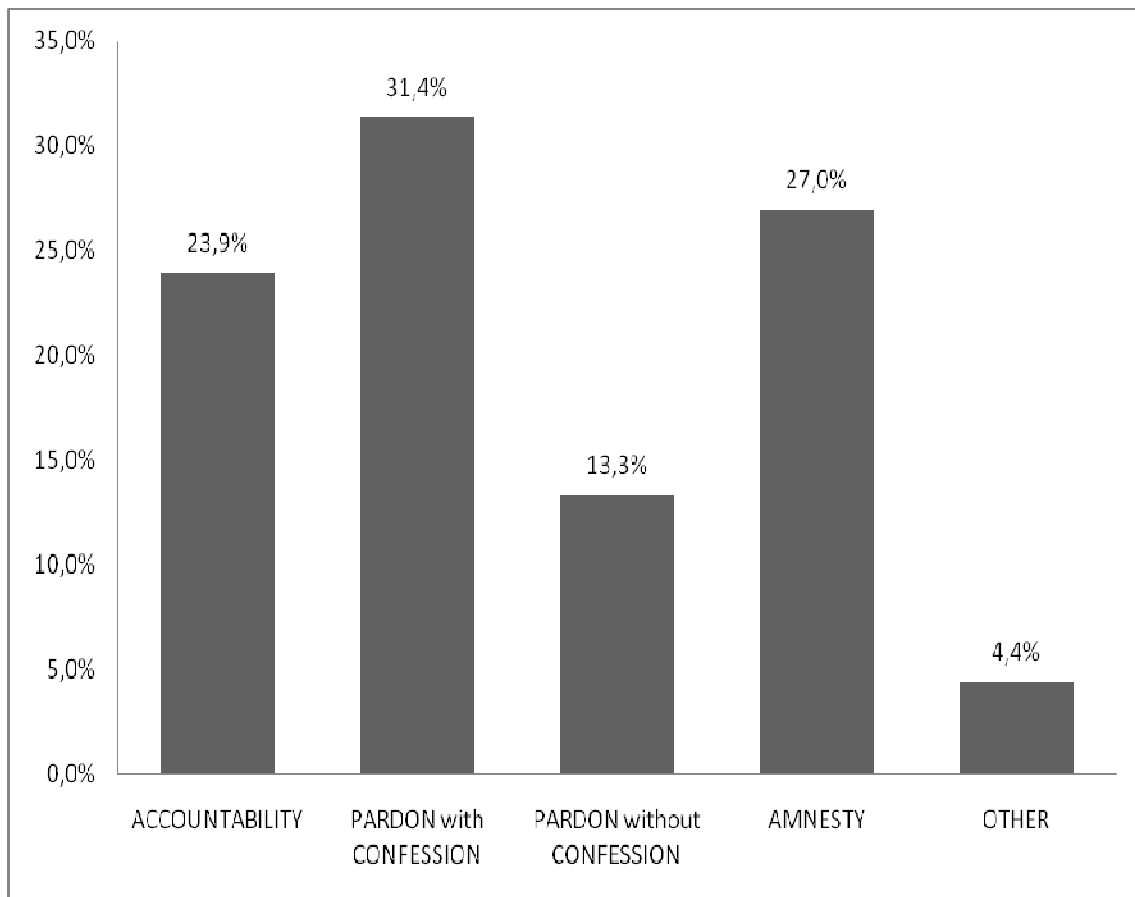


Figure 11: How to deal with those responsible for / participants in the 1993 events and their aftermath? (Weighted Frequencies)

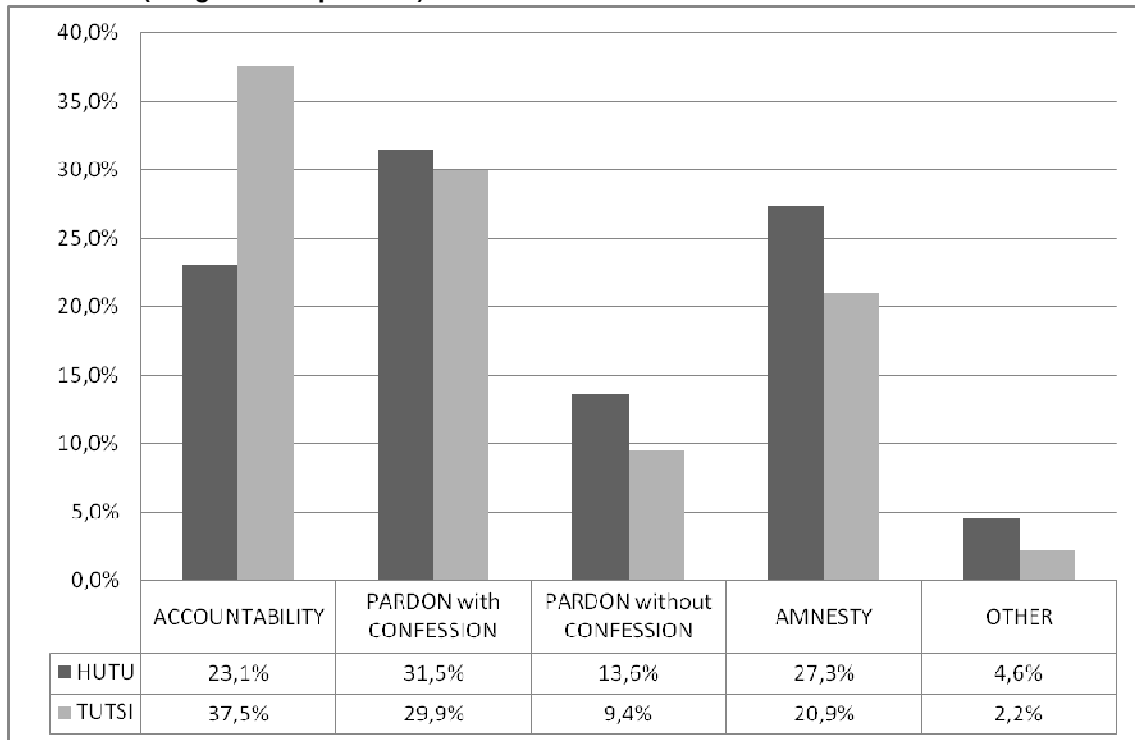
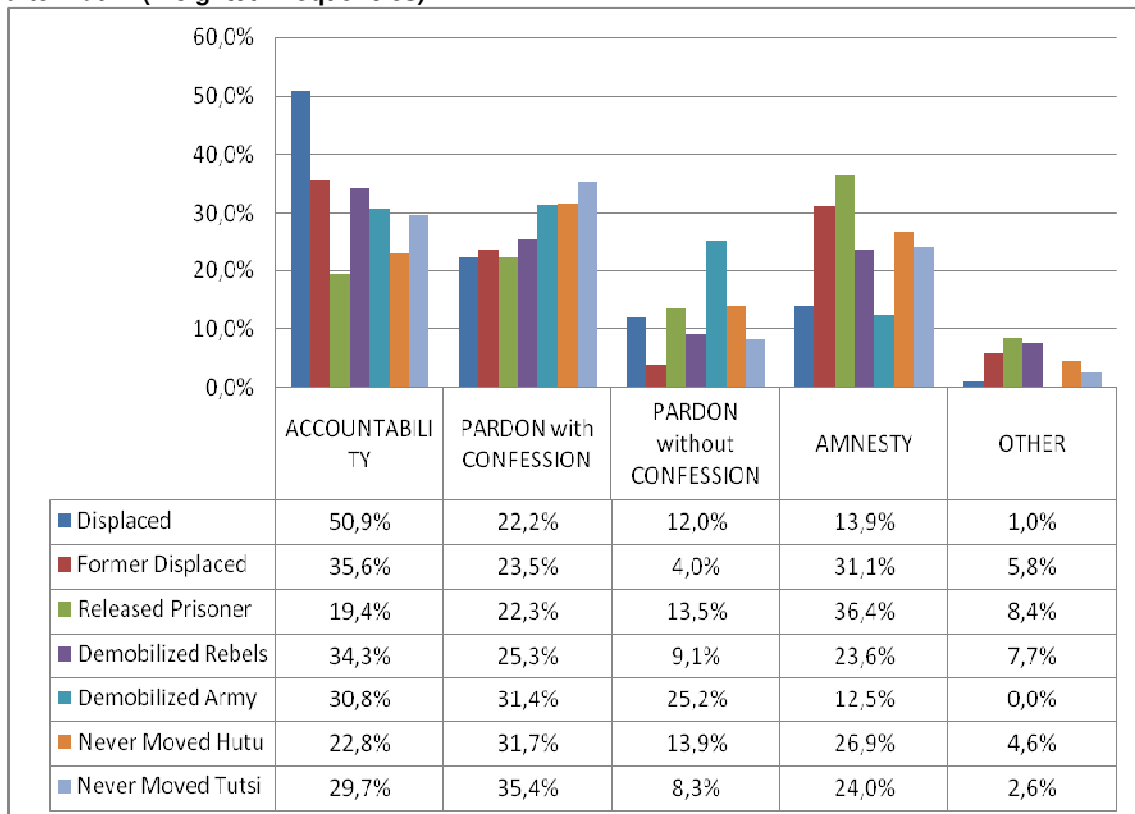


Figure 12: How to deal with those responsible for / participants in the 1993 events and their aftermath? (Weighted Frequencies)

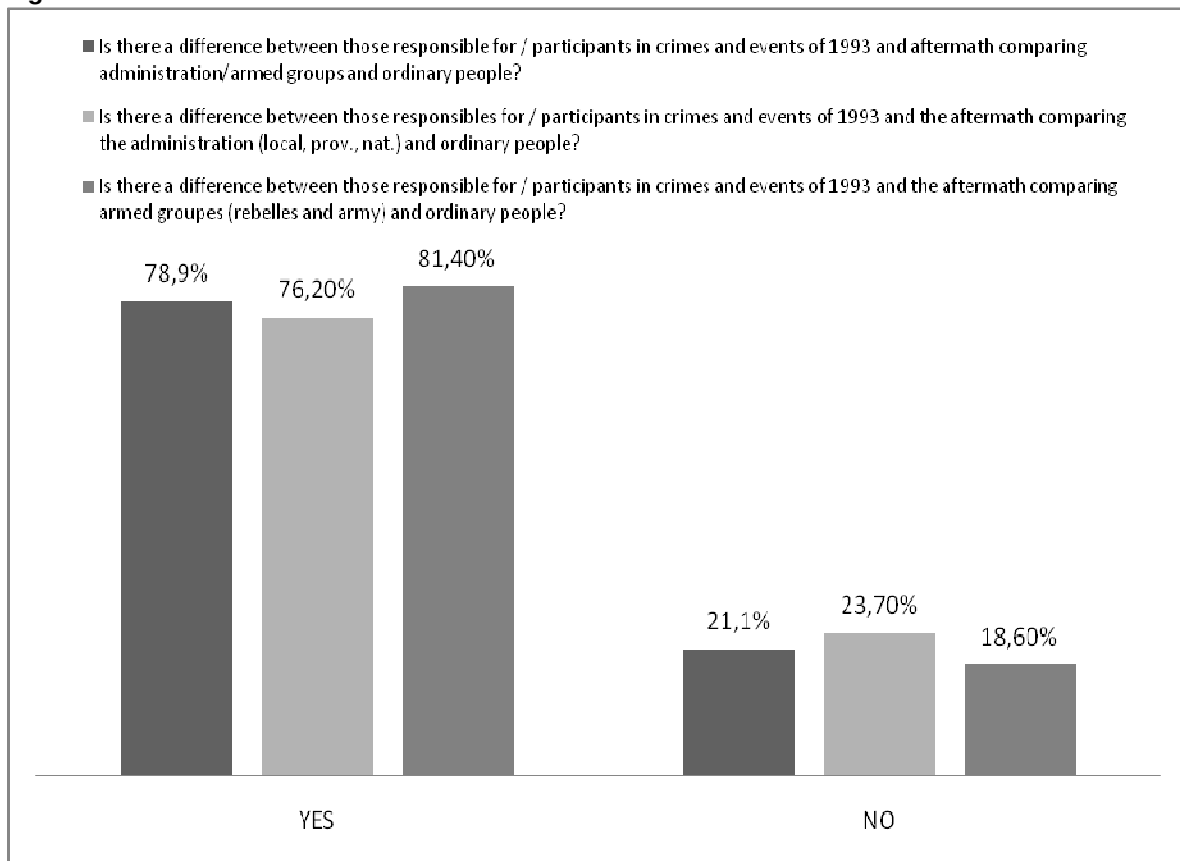


8.2. Authorities & Armed Groups vs. Ordinary People

Although ordinary Burundians are of the opinion that every Burundian has to take a part of the responsibility of what happened in Burundi in the different cycles of violence, they make a clear distinction between levels of responsibility. Figure 13 and 14 give an overview of the opinions of our respondents when asked whether there is a difference between ordinary people and people who held a position in the administration or were members of armed groups (both national army and rebel movements) during the events of 1993 and the years of civil war that followed. As mentioned before, we focus on the year 1993 to reduce the complexity of Burundi's history, but we clearly incorporate a reference to the years of civil war as well.

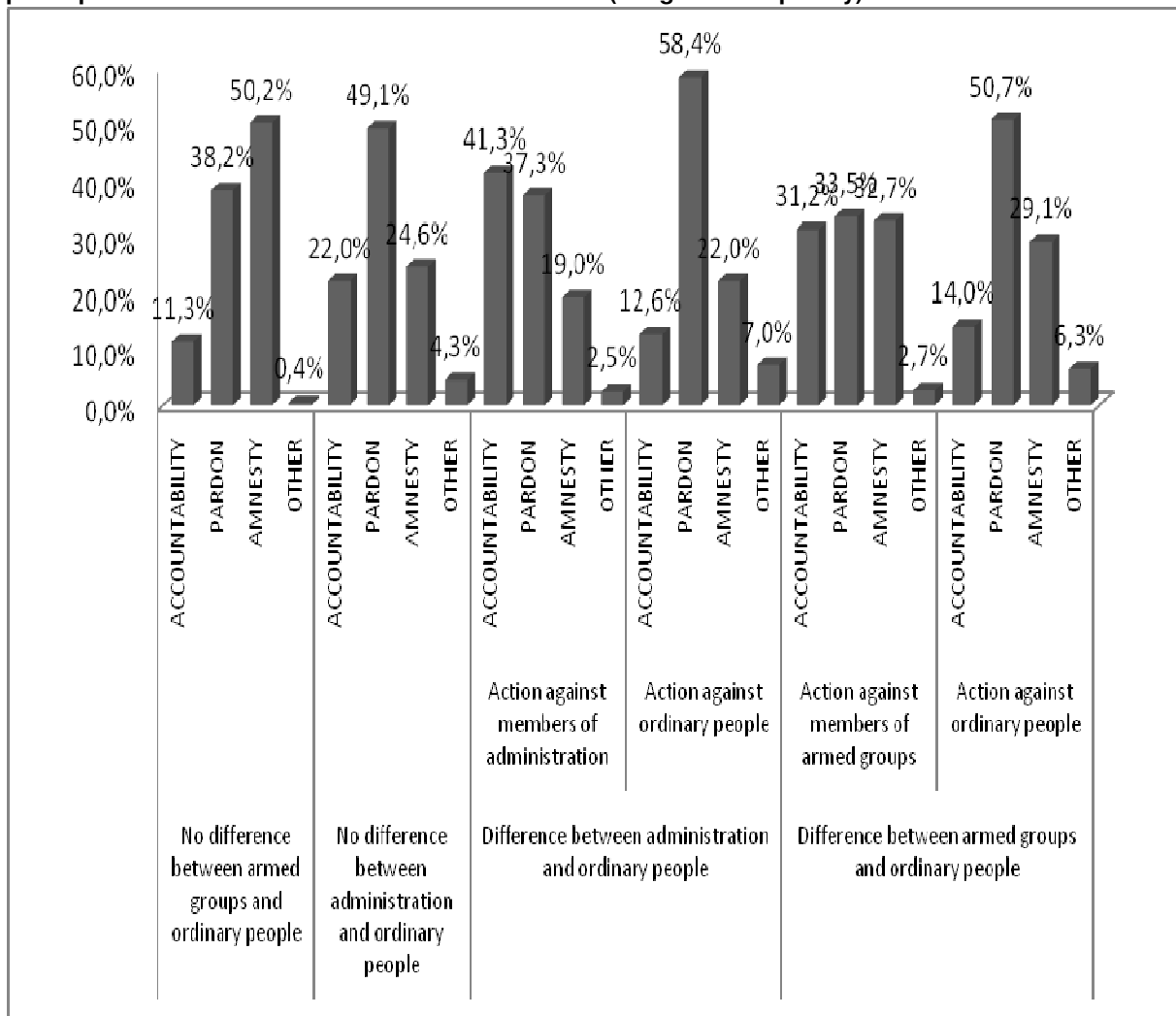
The result of the question on the difference in responsibility of the different actors is clear. Almost 80% of the respondents is, indeed, of the opinion that there is a difference between ordinary people and those who were in the position of authority or in the possession of the gun. This conviction rises even to the level of 81,4% when isolating the armed groups from the people in the administration.

Figure 13 Differences between actors?



More important is what follows in figure 14. Taking into account the difference between the actors and the nature of their responsibility, we separate the respondents that think there is no difference between armed groups, people in the administration and ordinary people. These respondents opt for amnesty (50,2%). As said, it is however a minority of the respondents that does not want to differentiate the actors. The majority of approximately 80% does so. Important to note is that in this group 41,3% would favour an accountability process for the people in the administration at the times of upheaval and the treatment with pardon (58,4%) or amnesty (12,0%) for the ordinary people. A similar tendency is visible when asked what should be done with the members of the armed groups (rebellion, militia, youth groups, national army) compared to the ordinary people. The options for the armed groups are spread over accountability (31,2%), pardon (33,5%) and amnesty (32,7%), while ordinary people should enter a process of pardoning (50,7%) or amnesty (19,1%). A minority also wants ordinary people that played a role in the 1993 'events' and/or the aftermath to be held accountable for their actions.

Figure 14 What are according to you the most favourable actions against those responsible / participants in the 1993 events and their aftermath? (Weighted Frequency)



9. OBSTACLES - ACCOUNTABILITY, TRUTH, REPARATION, RECONCILIATION

In the preceding sections we explored the opinions on transitional justice issues in general and the element of responsibility. These opinions are influenced by the experiences of the past and the perceptions of the current socio-political order. We, therefore, asked our respondents to explain in their own words the obstacles that might exist to reach each of the transitional justice objectives. We first present some exemplary narratives that will subsequently be explored more in-depth.

Box 12. Obstacles When Dealing With the Past: Accountability

La politique du pays n'est pas bonne. Si le gouvernement avait la volonté de faire la justice, les organes pour faire la justice sont là, il n'y aurait pas d'autres obstacles

Comme la question de 1993 est sensible, les juges burundais peuvent être partiaux, peut-être que des juges étrangers pourraient traiter ces cas

Le retour à la vengeance et la guerre pour les familles des victimes et des responsables des crimes

La corruption : les juges et l'administration sont corrompus par ceux qui ont de l'argent

La justice actuelle n'est pas pour tous, certains des magistrats sont aussi impliqués

Les autorités ne veulent pas dénoncer ceux qui ont tué le président Ndadaye

La lutte pour le pouvoir qui empêche aux gens d'avoir une même vision pour le pays

Le manque de volonté des autorités actuelles car les dirigeants seraient accusés ouvertement car il y en a des coupables

Tant qu'il n'y a pas de volonté des autorités, les citoyens eux seuls ne pourront pas le faire

La peur de dénoncer : on risque d'être menacé si l'administration ne s'y prend pas bien

Il y a un grand problème de justice. C'est la corruption qui ronge le pays

L'injustice qui a caractérisé les pouvoirs passés et qui continue même aujourd'hui fait qu'il y ait des dominants sur les autres

Box 13. Obstacles When Dealing With the Past: Truth

On joue au cache-cache entre les politiciens, on ne peut pas connaître la vérité

Ce sont les autorités qui font traîner le processus, de peur d'être accusées elles-mêmes

Les autorités sont parmi les coupables et la justice n'est pas indépendante, ce qui freine l'arrivée à la vérité

Nous, le bas peuple, nous ne pouvons pas oser accuser nos dirigeants criminels

La peur de dénoncer car on peut subir des représailles: il faut être téméraire pour dénoncer les grands crimes

La population a peur d'être poursuivie pour leur témoignage

Je n'ai pas besoin d'accuser ceux qui m'ont pillé et qui ont commis des crimes, de peur de ne pas en sortir; ça risquerait de nous enfoncer encore une fois dans une crise comme celle d'octobre. C'est mauvais de déterrer ce qui est pourri (Si vyiza kuzura akaboze)

Absence de cadre d'expression pour arriver à cette vérité

Les gens ont peur de dire la vérité

Box 14. Obstacles When Dealing With the Past: Reparation

On ne peut pas avoir à restituer : il y a beaucoup de biens endommagés

La justice est corrompue, si vous portez plainte à la justice, celui qui a les moyens sera le gagnant

Les biens pillés ont été consommés et il n'y a plus de moyens de restituer, même l'Etat n'aurait pas de moyens suffisants pour restituer tout

La plupart de nos biens ont été emportés par les ex-combattants, comment pourrais-je connaître ceux qui ont emporté les chèvres et mes sacs de haricots ?

Le gouvernement actuel ne travaille pas pour tous les Burundais, les autorités travaillent pour leurs intérêts

Inutile de faire la restitution, car il faut oublier, toute personne a perdu des biens

Le retour de la guerre : il y a eu trop de dommages et les responsables risquent de fuir le pays

Il est pratiquement impossible de restituer les pertes tant bien matérielles qu'humaines

La pauvreté : les coupables sont morts ou pauvres

Box 15. Obstacles When Dealing With the Past: Reconciliation

Le fait de vivre seuls, les Tutsi, ici dans le site, les Tutsi sont isolés et les Hutu sont restés sur les collines

L'obstacle ce sont les autorités au niveau le plus haut qui ne veulent pas sensibiliser la population à la réconciliation, mais aussi il faut que les politiciens s'entendent entre eux d'abord.

Nous manquons de rencontres qui nous uniraient pour pouvoir nous pardonner les uns les autres.

Pour le petit peuple, pas d'obstacle, mais au haut sommet, tous sont égoïstes, chacun se cache derrière la guerre pour avoir de bonnes places

Le grand problème c'est l'injustice qui caractérise notre société.

Les séquelles du passé n'ont pas encore quitté les coeurs de certains Burundais.

Il y a encore l'injustice je ne peux pas me réconcilier avec les Tutsi car les juges me défavorisent.

Parmi les responsabilités du gouvernement il n'y a pas mis en priorité cette question de réconciliation.

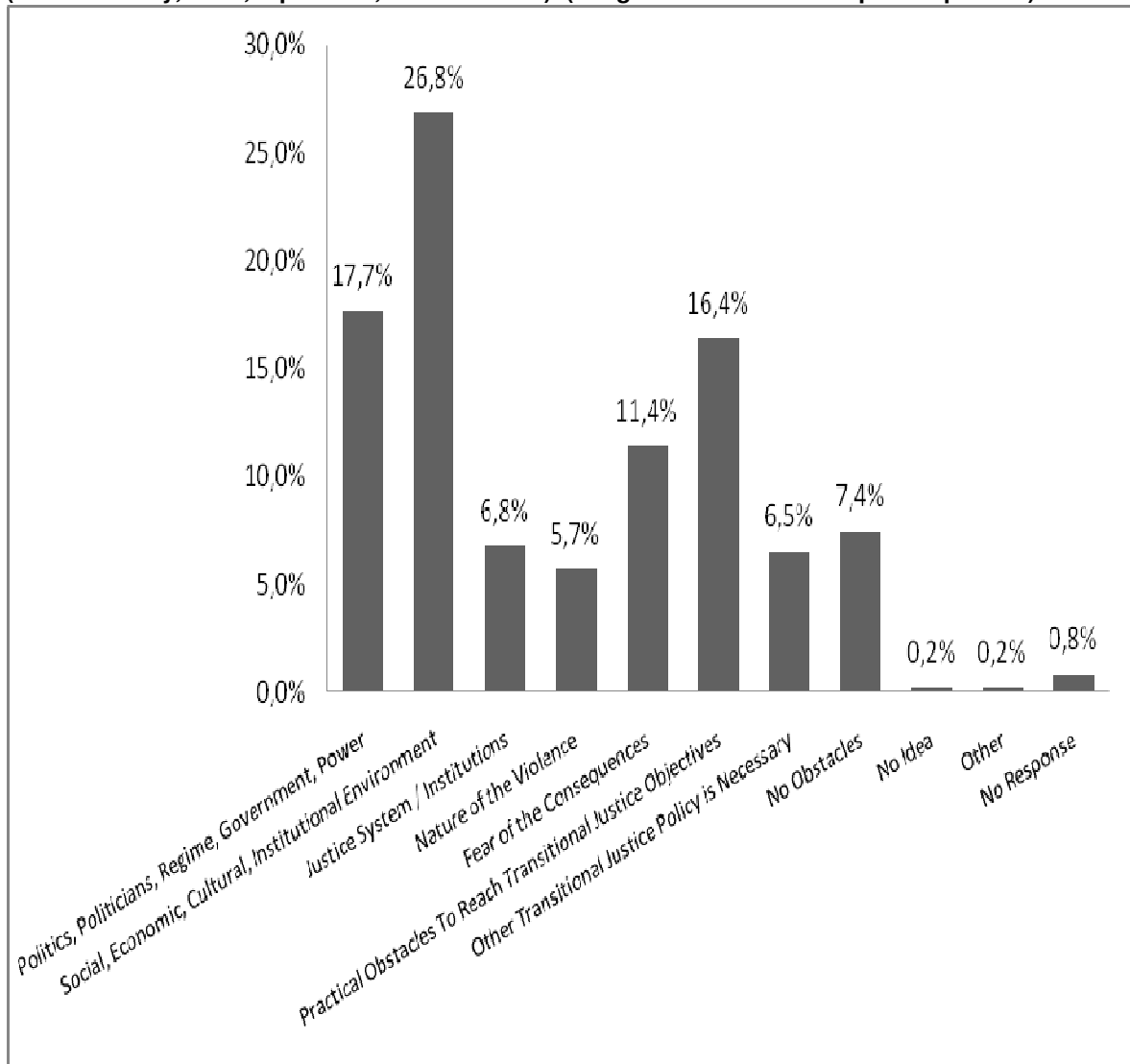
Il n'y a pas de problèmes de réconciliation ici, le problème se trouve au haut niveau, chez les intellectuels et les dirigeants.

After having presented some exemplary statements recorded through the qualitative research techniques, we turn to the quantified opinions on potential obstacles. The idea is to gain a better insight in the breadth of these opinions. The findings presented in figures 15 to 25 and tables 6 to 9 are based on codes attributed to open-ended questions that were part of the survey instrument. The respondents were free to give two obstacles they saw important to achieve each one of the transitional justice objectives: accountability, truth, reparation and reconciliation. All options were recorded. The coding tree was derived from these options in an inductive way and consisted of 109 options. These options were later summarized under 11 main categories. You can find the coding tree in annex.

Figure 15 gives an overview of the perceived obstacles when taking the answers for all objectives together. Especially contextual elements to the transitional justice process are often cited as potential obstacles: the social, economic, cultural and institutional environment in which our respondents (need to) live and operate. Especially the phenomenon of widespread corruption is often cited; entrenched interests, injustices and inequalities are (perceived) as severe hindrances to achieve the transitional justice goals. Weak institutions are part of this general environment but the justice sector is often cited separately. Seven percent of respondents see the nature of the justice system as a setback to any transitional justice process aimed at achieving progress in these four domains of

accountability, truth, reparation and reconciliation. But as we will indicate in the following sections, the nature and/or functioning of the judicial sector in Burundi is predominantly an obstacle when respondents need to reflect on potential obstacles in the process of achieving accountability for wrong done in the past.

Figure 15 What are the biggest obstacles to reach the combined transitional justice objectives (accountability, truth, reparation, reconciliation). (Weighted Results – Multiple Responses).



Awareness of these contextual elements makes respondents hesitate as to whether a transitional justice process will be possible and if so, productive. Not only the socio-cultural environment and weak institutions but, also issues related to power, politicians and the current regime are considered to hinder the reaching of the transitional justice objectives. Eighteen percent of respondents think there is no political will, that the guilty are still in power, that the past is politicized or that pardon is imposed. A significant part of them is of the opinion that the executive influences the judicial sector. The absence of witnesses or information or the unwillingness to participate are

practical obstacles often referred to as well (16,4%), mostly when reflecting on what might impede establishing the truth about the past.

Interesting to see are the response inquiring whether politicians or powerholders are blocking the avenues to reach the transitional justice objectives (figure 16). To this question there are 8% more affirmative responses of the respondents of Tutsi identity compared to the ones of Hutu respondents. The (perceived) nature of the current regime contributes to this difference. On the other hand, there is a difference of 6% when comparing Hutu and Tutsi responses with regard to the contextual elements blocking the pathways to deal with the past. The experience of entrenched injustices due to decades of privileges permeating the governance structures lies at the basis of these differences.

Figure 16 What are the biggest obstacles to reach the combined transitional justice objectives (accountability, truth, reparation, reconciliation). (Weighted Results – Multiple Responses)

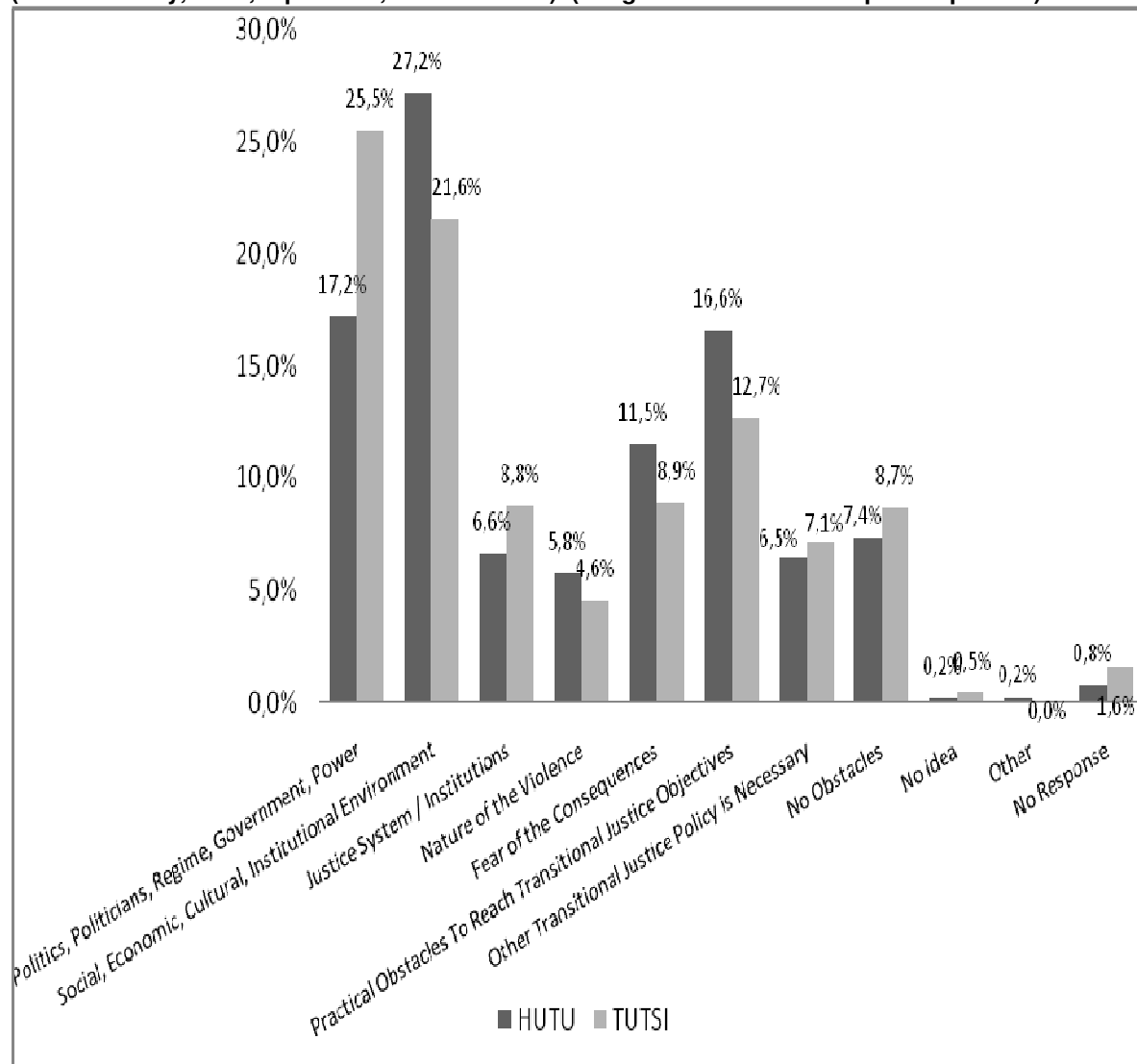


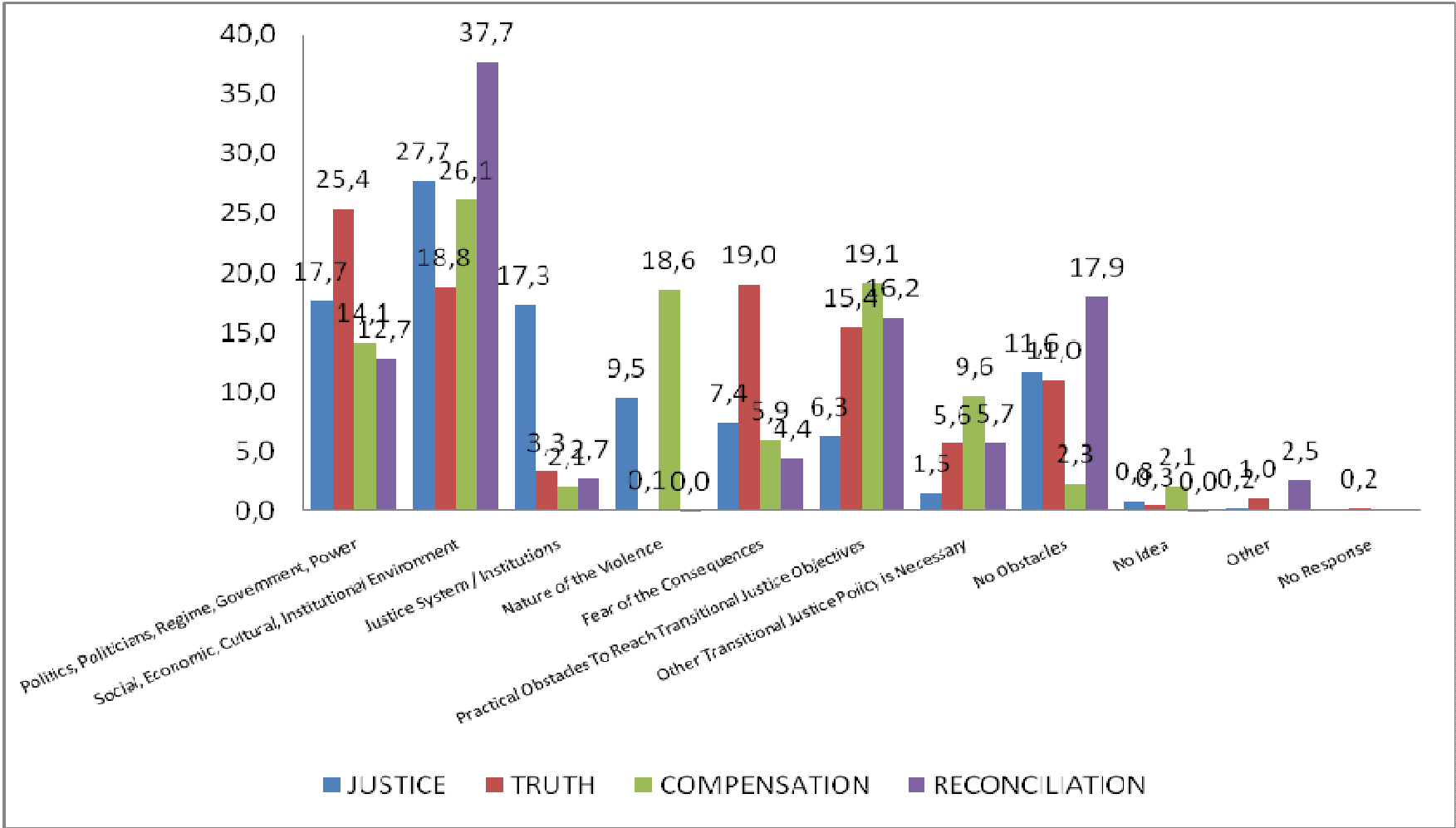
Figure 17 summarizes the findings for the perceived obstacles for each of the objectives. The graph not only confirms that especially political and contextual elements dominate the opinions on obstacles in general but also suggests that people perceive some objectives (accountability, truth, reparation or reconciliation) to be subject to different types of obstacles. The main obstacles to reach justice (accountability) for past wrongdoings are particularly the experience of a corrupt justice system and socio-political environment in general.

Nineteen percent of the respondents see the nature of the violence as a major obstacle to achieve compensation for losses. As we have explained, respondents are very much aware of the fact that the violence experienced in the past is extremely complex: losses have been incurred over many decades not only in almost all segments of society but also several generations have been affected by the violence.

The nature of the violence is, however, not considered to be an obstacle to reach the truth or reconciliation. Difficulties to reach the truth are more related to the fear of the possible consequences of speaking and establishing the truth, while the political environment is also perceived as not favourable to a truth-telling process. A number of the respondents are of the opinion that there are no major obstacles to facilitate reconciliation, although a significant part of them refer to the social environment in general as not favourable to the reconciliation process. It means that people experience a lack in the initiatives that facilitate the co-habitation process. The social tissue at the local level is severely affected by the massacres and war characterizing the lives of the communities we visited. Distrust is pervasive. There exists a strong desire to overcome these obstacles as we will explain the following sections.

The following tables and figures (18 to 25) consider the different objectives separately. The opinions are broken down along ethnic and sub-ethnic identity groups. We summarize the most striking findings. Especially Tutsi respondents consider politics, the government and nature of power as an obstacle (29%) with regard to accountability (justice). This is only the case for 17% of Hutu respondents. Particularly displaced persons (37%) and demobilized soldiers from the former national army (48%) consider the current political situation unfavourable to hold people accountable for past wrongdoings. Hutu perceive more obstacles in the nature of the justice system (21%) with regard to this objective, although Tutsi are also aware of the problematical character of the judicial institutions (17%).

Figure 17 What are the biggest obstacles to reach the respective transitional justice objectives (accountability (justice), truth, reparation, reconciliation). (Weighted Results – Multiple Responses).



As highlighted previously, especially the fear of the consequences and the overall political situation are considered a potential problem when the truth about the past needs to be established. Also here Tutsi respondents give more often voice to the fact that they perceive the nature of the political environment as an obstacle (31%). Hutu are also aware of the potential influence of power and politics on the process that needs to establish the truth about the past (25%). In their opinion not only politics but also the social and institutional environment can create difficulties (19%). Almost 44% of the displaced persons currently still living in camps see the political situation as detrimental to a process of digging up the past through some kind of truth telling exercise. The people that used to live in camps but have returned to their hills of origin in the meantime have also concerns referring to the political and power situation (31%) but they are especially afraid of the consequences of such an exercise (40%). This is only the case for 11% of the respondents still displaced. The fact that the former displaced are living again in close proximity of the people that might have played a role during the crisis in 1993 or the periods before or after makes them voice this opinion. A closer look at the interviews with these people reveals that they are aware of the fact that they live in a fragile environment. Although they returned to their initial homes, the scars of the past violence have not healed. Although they interact with their Hutu neighbours, distrust lurks under the surface of daily life. They are aware of the fact that establishing the truth about what happened at the local level in the past- and thus possibly identifying who was involved- will create tensions. They fear the consequences of telling the truth more than the ones still living in camps. The latter feel more protected since they are grouped together with others they can trust and there is often a military position near to the camps guaranteeing security for them.

A similar tendency is visible with regard to the objective of compensation. Tutsi respondents attribute the potential problems with or the lack of a reparation policy to the powerholders. Twenty-nine percent of all Tutsi respondents voice that opinion. Apart from the fact that they are, of course, also aware of the practical obstacles (19%) and the complex nature of the violence (19%). In any case there are 13% less Hutu respondents referring to politics, politicians or the regime as an obstacle in matters of compensation. These tendencies reveal that Tutsi respondents do not consider the current government to be in their favour in respect of restitution issues. But one has also to take into account that the political awareness of the people still living in displacement camps has a particular nature. While there are all kinds of reasons why they do not or cannot return to their hills of origin, one of them has to do with some political sensitization going on in the camps that makes them afraid to return since they perceive the current political constellation as unfavourable. As a consequence many (potential) decisions taken by the regime are perceived as obstacles to them. This can be seen when comparing the opinions of displaced and the former displaced. The latter cite the socio-economic environment (48%) as an obstacle to compensation. Only 14% of their responses refer to the political situation. Thirty-three of the displaced refer to politics and only 11% to poverty.

Figure 18 Biggest obstacles you observe in order to reach accountability (at the level of a tribunal) for past crimes in your community? (Coded Open Question – Weighted Frequency)

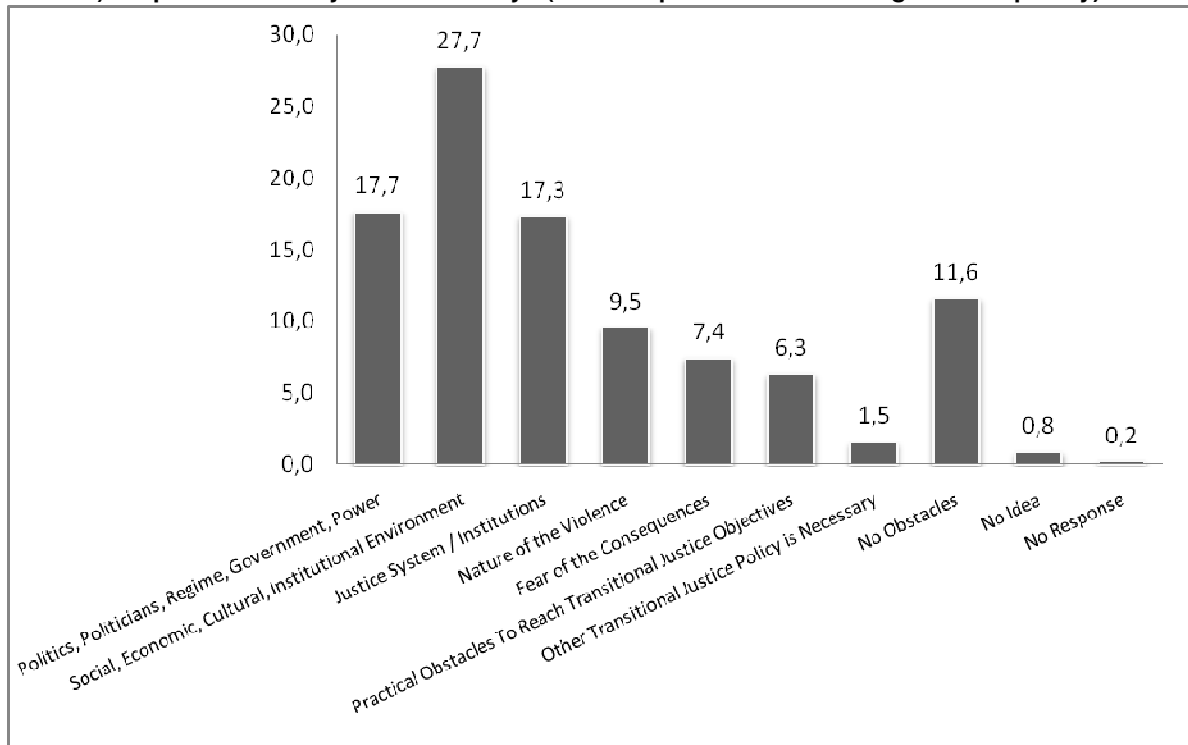


Figure 19 Biggest obstacles you observe in order to reach the truth on the events of the past and past crimes in your community? (Coded Open Question – Weighted Frequency)

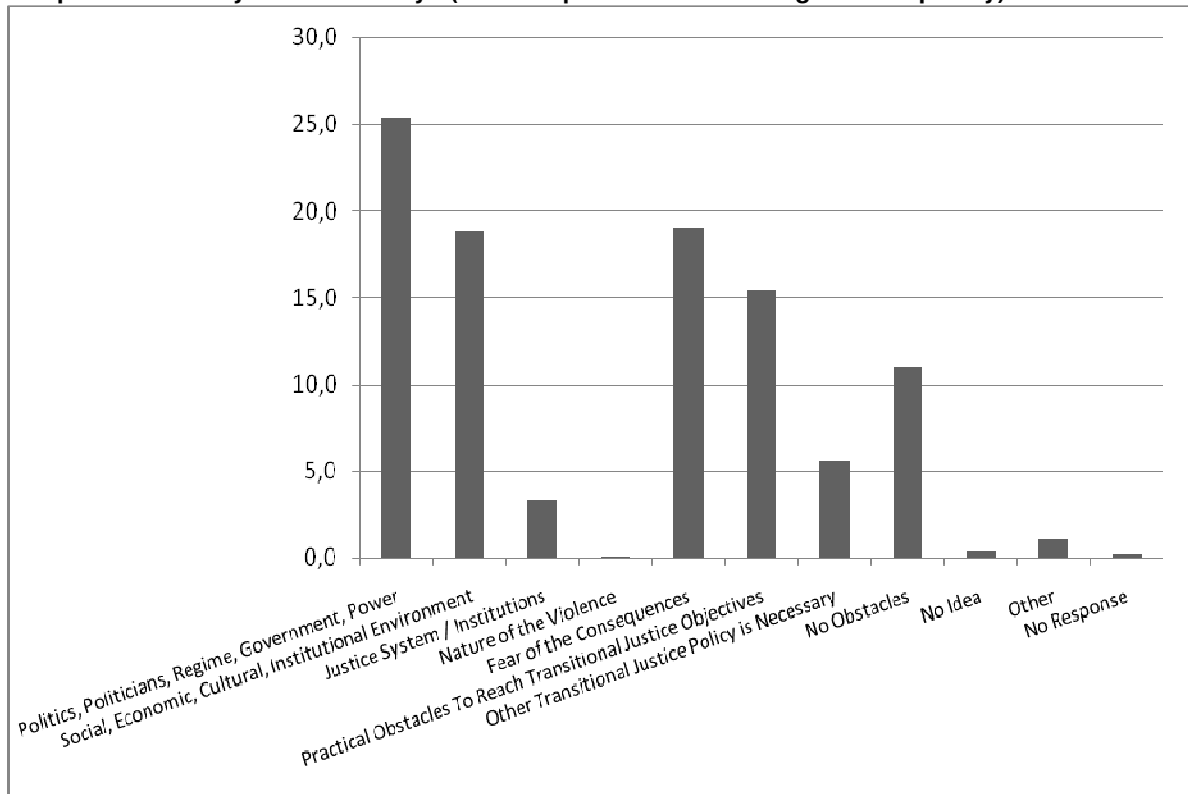


Figure 20 Biggest obstacles you observe in order to reach compensation for the losses experienced in the past in your community? (Coded Open Question – Weighted Frequency)

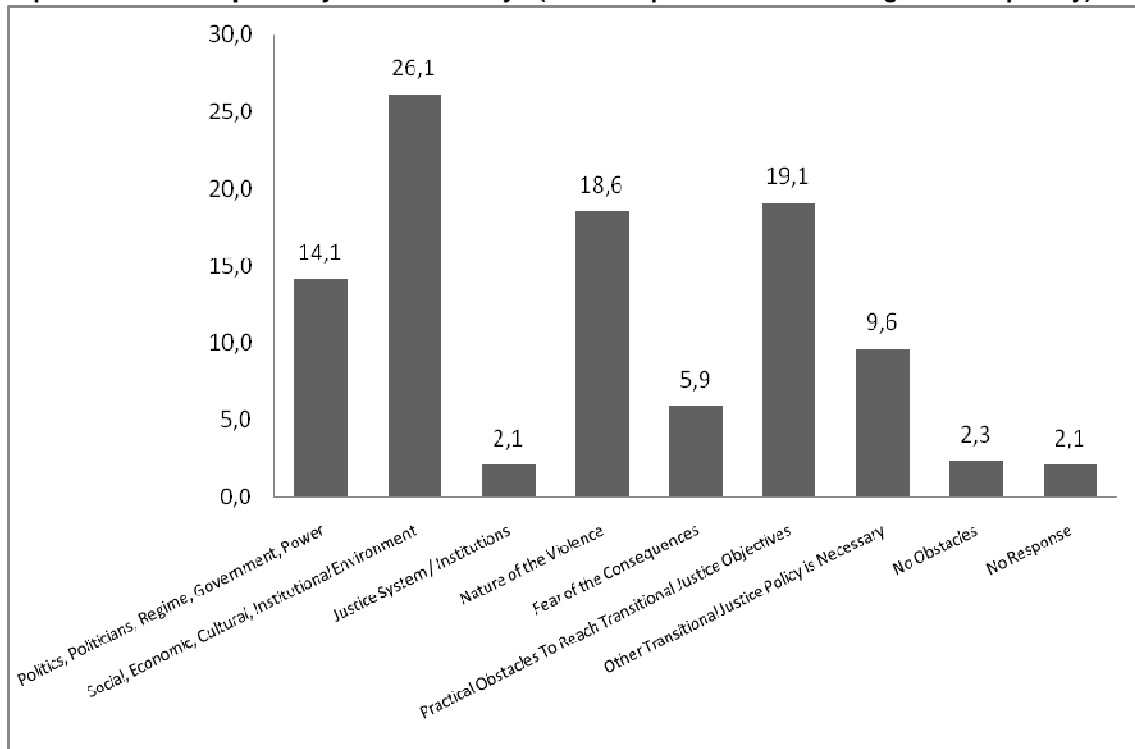


Figure 21 Biggest obstacles you observe in order to establish reconciliation between the inhabitants in your community? (Coded Open Question – Weighted Frequency)

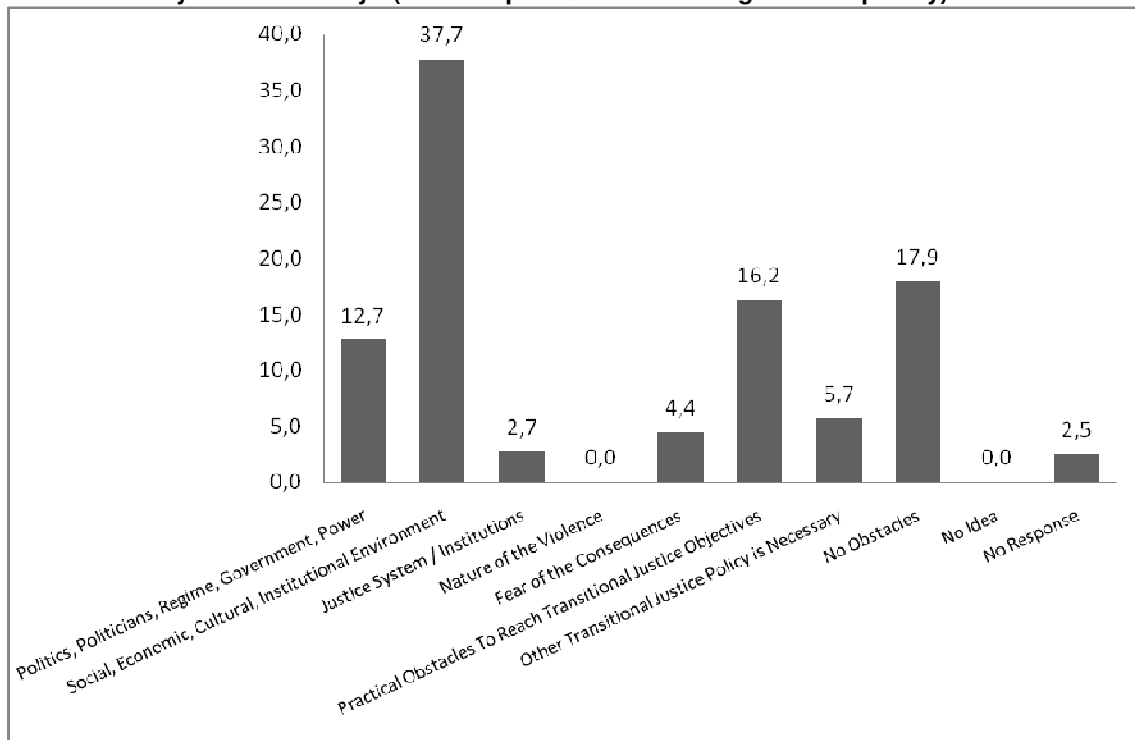


Figure 22 The biggest obstacles you observe in order to reach accountability (at the level of a tribunal) for past crimes in your community? (Coded Open Question – Weighted Frequency)

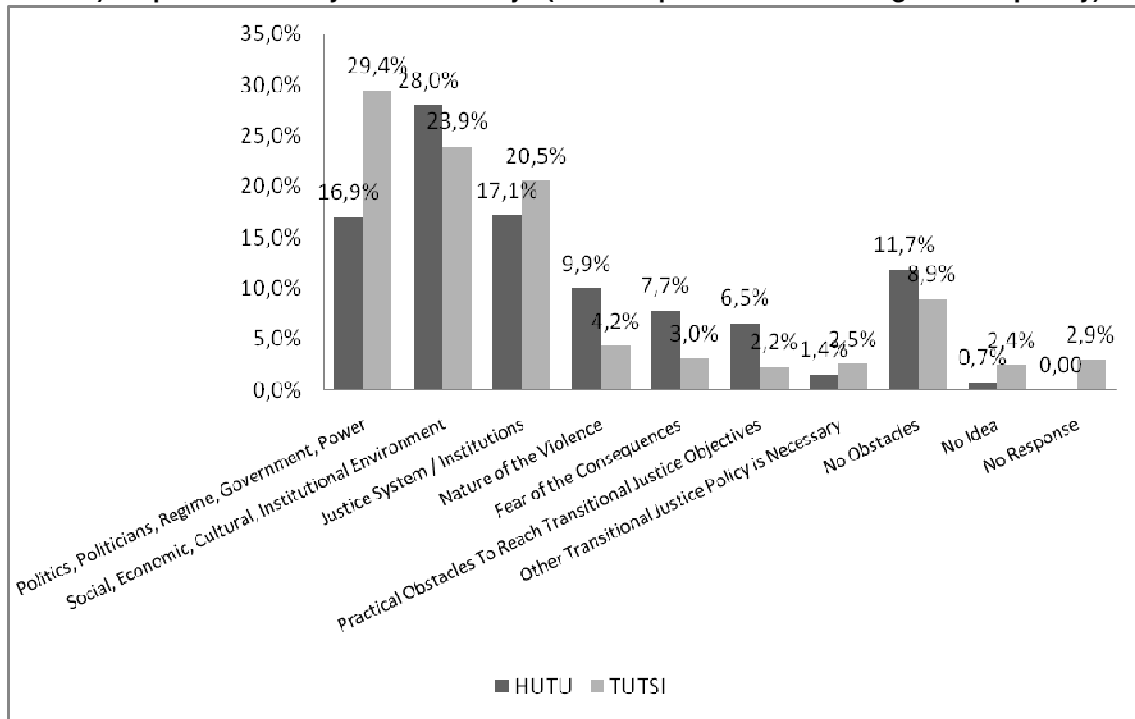


Figure 23 Biggest obstacles you observe in order to reach the truth on the events of the past and past crimes in your community? (Coded Open Question – Weighted Frequency)

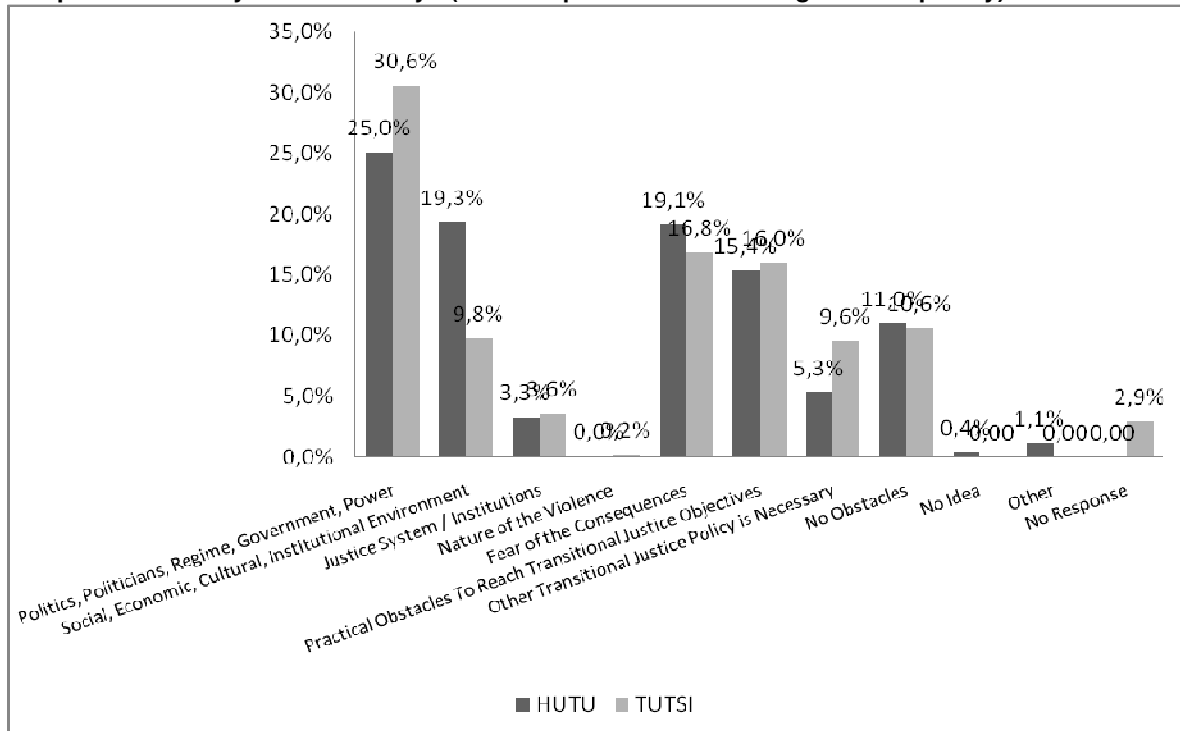


Figure 24 Biggest obstacles you observe in order to reach compensation for the losses experienced in the past in your community? (Coded Open Question – Weighted Frequency)

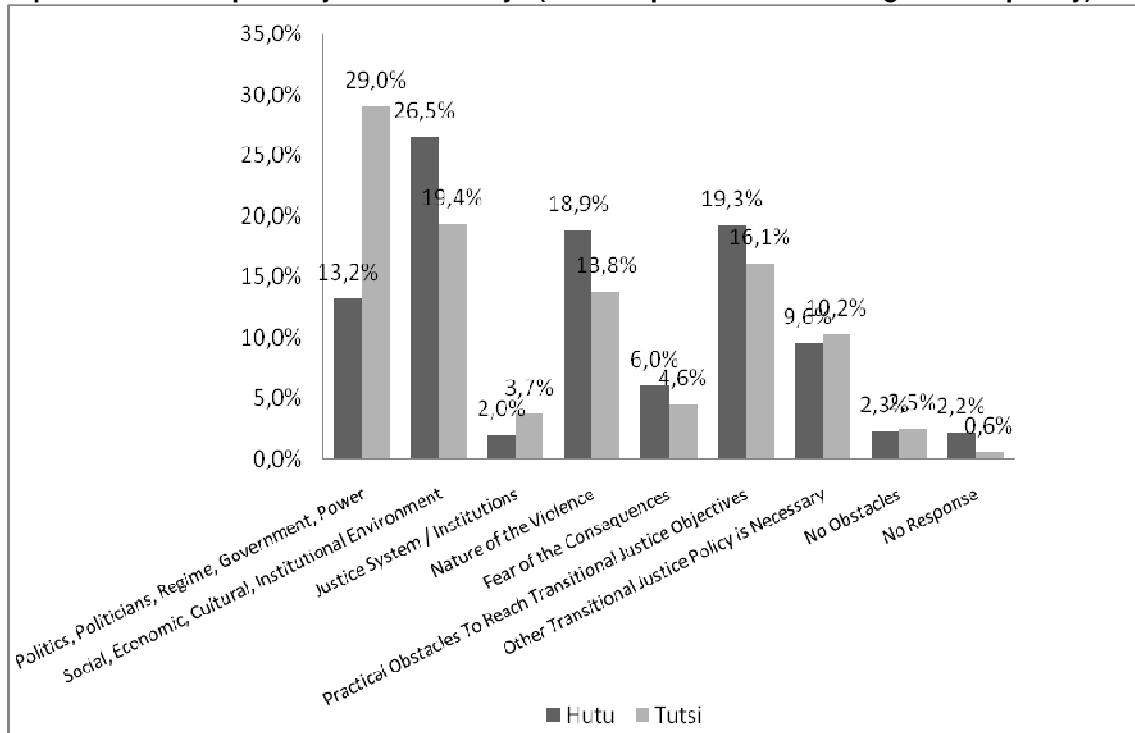


Figure 25 Biggest obstacles you observe in order to establish reconciliation between the inhabitants in your community? (Coded Open Question – Weighted Frequency)

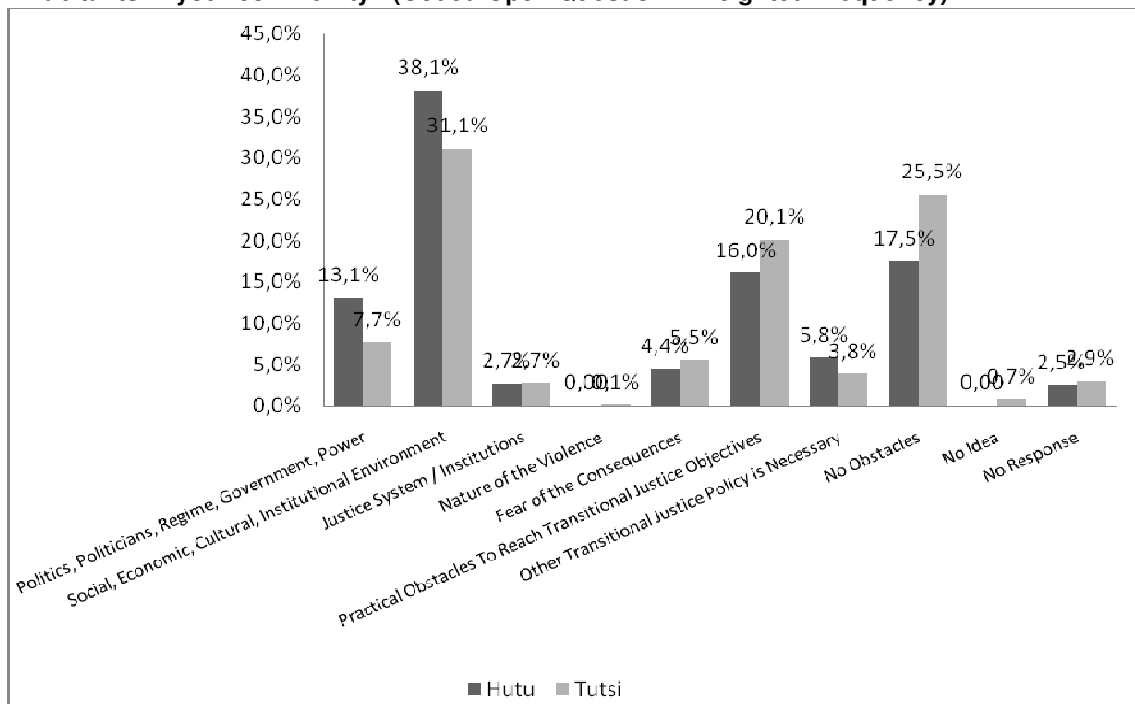


Table 6 Biggest obstacles you observe in order to reach accountability (at the level of a tribunal) for past crimes in your community? (Coded Open Question – Weighted Frequency)

	DISPLACED	FORMER DISPLACED	REPATRIATE	FORMER PRISONER ("Political"	DEMOBILIZED SOLDIER (REBELS)	DEMOBILIZED SOLDIER (ARMY)	NEVER MOVED HUTU	NEVER MOVED TUTSI
	%	%	%	%	%	%	%	%
Politics, Politicians, Regime, Government, Power	37,2%	20,6%	30,8%	20,0%	3,1%	47,7%	16,5%	23,9%
Social, Economic, Cultural, Institutional Environment	16,8%	27,6%	26,0%	20,0%	47,7%	9,5%	27,9%	29,1%
Justice System / Institutions	21,0%	28,4%	16,2%	26,9%	19,6%	9,5%	17,0%	19,8%
Nature of the Violence	3,8%	7,8%	3,5%	12,3%	0,0%	9,5%	10,2%	4,1%
Fear of the Consequences	9,9%	0,0%	2,0%	0,0%	8,1%	0,0%	8,0%	0,0%
Practical Obstacles To Reach Transitional Justice Objectives	7,5%	0,0%	6,3%	7,7%	3,1%	11,9%	6,5%	0,0%
Other Transitional Justice Policy is Necessary	3,5%	15,6%	0,9%	0,0%	9,2%	0,0%	1,4%	0,0%
No Obstacles	0,3%	0,0%	14,3%	13,1%	6,7%	0,0%	11,7%	15,1%
No Idea	0,0%	0,0%	0,0%	0,0%	2,5%	0,0%	0,7%	4,1%
No Response	0,0%	0,0%	0,0%	0,0%	0,0%	11,9%	0,0%	4,1%

Table 7 Biggest obstacles you observe in order to reach the truth on the events of the past and past crimes in your community? (Coded Open Question – Weighted Frequency)

	DISPLACED	FORMER DISPLACED	REPATRIATE	FORMER PRISONER ("Political"	DEMOBILIZED SOLDIER (REBELS)	DEMOBILIZED SOLDIER (ARMY)	NEVER MOVED HUTU	NEVER MOVED TUTSI
	%	%	%	%	%	%	%	%
Politics, Politicians, Regime, Government, Power	43,8%	30,9%	25,5%	27,7%	19,8%	33,3%	25,1%	22,7%
Social, Economic, Cultural, Institutional Environment	13,4%	0,0%	13,9%	8,5%	26,3%	9,5%	19,6%	9,9%
Justice System / Institutions	6,7%	0,0%	8,3%	8,5%	3,1%	11,9%	3,1%	1,8%
Nature of the Violence	0,7%	0,0%	1,2%	0,0%	0,0%	0,0%	0,0%	0,0%
Fear of the Consequences	10,6%	40,1%	10,8%	11,5%	21,0%	11,9%	19,5%	16,9%
Practical Obstacles To Reach Transitional Justice Objectives	10,4%	14,5%	19,3%	20,8%	13,3%	0,0%	15,2%	19,8%
Other Transitional Justice Policy is Necessary	14,1%	7,2%	1,2%	15,4%	9,8%	9,5%	5,4%	8,1%
No Obstacles	0,3%	7,2%	16,8%	7,7%	6,7%	11,9%	10,8%	16,9%
No Idea	0,0%	0,0%	3,1%	0,0%	0,0%	0,0%	0,3%	0,0%
Other	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	1,1%	0,0%
No Response	0,0%	0,0%	0,0%	0,0%	0,0%	11,9%	0,0%	4,1%

Table 8 Biggest obstacles you observe in order to reach compensation for the losses experienced in the past in your community? (Coded Open Question – Weighted Frequency)

	DISPLACED	FORMER DISPLACED	REPATRIATE	FORMER PRISONER ("Political")	DEMOBILIZED SOLDIER (REBELS)	DEMOBILIZED SOLDIER (ARMY)	NEVER MOVED HUTU	NEVER MOVED TUTSI
	%	%	%	%	%	%	%	%
Politics, Politicians, Regime, Government, Power	33,5%	14,1%	13,9%	19,2%	17,6%	35,8%	13,1%	27,3%
Social, Economic, Cultural, Institutional Environment	10,7%	47,7%	36,0%	32,3%	48,4%	0,0%	26,0%	21,0%
Justice System / Institutions	6,5%	7,2%	6,3%	3,8%	6,0%	9,5%	1,7%	1,8%
Nature of the Violence	27,1%	4,6%	7,4%	7,7%	2,7%	21,4%	19,5%	8,1%
Fear of the Consequences	3,5%	11,8%	1,7%	4,6%	2,7%	0,0%	6,2%	4,1%
Practical Obstacles To Reach Transitional Justice Objectives	7,7%	0,0%	22,0%	11,5%	17,2%	21,4%	19,2%	23,8%
Other Transitional Justice Policy is Necessary	10,3%	14,5%	9,9%	16,9%	2,7%	0,0%	9,6%	9,9%
No Obstacles	0,7%	0,0%	2,8%	3,8%	2,7%	0,0%	2,3%	4,1%
No Response	0,0%	0,0%	0,0%	0,0%	0,0%	11,9%	2,4%	0,0%

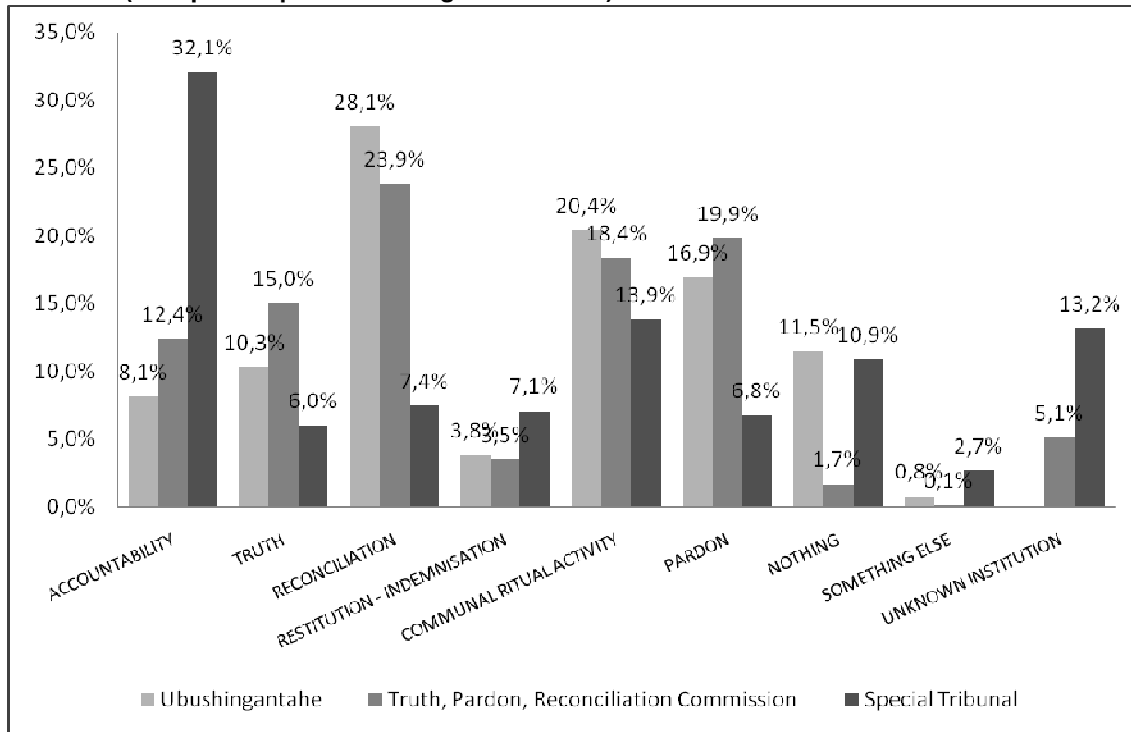
Table 9 Biggest obstacles you observe in order to establish reconciliation between the inhabitants in your community? (Coded Open Question – Weighted Frequency)

	DISPLACED	FORMER DISPLACED	REPATRIATE	FORMER PRISONER ("Political")	DEMOBILIZED SOLDIER (REBELS)	DEMOBILIZED SOLDIER (ARMY)	NEVER MOVED HUTU	NEVER MOVED TUTSI
	%	%	%	%	%	%	%	%
Politics, Politicians, Regime, Government, Power	10,6%	18,7%	13,6%	23,1%	5,6%	11,9%	13,1%	3,5%
Social, Economic, Cultural, Institutional Environment	39,9%	19,1%	42,5%	43,8%	37,5%	54,7%	38,0%	26,7%
Justice System / Institutions	4,1%	4,6%	6,2%	3,8%	0,0%	9,5%	2,5%	1,8%
Nature of the Violence	0,3%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Fear of the Consequences	13,4%	14,5%	0,0%	0,0%	0,0%	0,0%	4,6%	0,0%
Practical Obstacles To Reach Transitional Justice Objectives	17,2%	14,1%	18,2%	21,5%	22,5%	0,0%	15,8%	24,5%
Other Transitional Justice Policy is Necessary	6,7%	7,2%	2,9%	0,0%	6,7%	0,0%	6,0%	1,8%
No Obstacles	7,7%	14,5%	16,5%	7,7%	27,7%	11,9%	17,4%	37,7%
No Idea	0,0%	7,2%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
No Response	0,0%	0,0%	0,0%	0,0%	0,0%	11,9%	2,6%	4,1%

10. INSTITUTIONS ENVISIONED TO DEAL WITH THE PAST: UBUSHINGANTAHE, TPR COMMISSION, SPECIAL TRIBUNAL

In the previous section we explored the expectations in regard to the different institutions that might deal with the past in Burundi. Here we focus on the expectations towards each of these institutions separately. Figure 10 presents the weighted expectations of all respondents to the different mechanisms.

Figure 20 What do you expect from the different institutions that might deal with the past in Burundi? (Multiple Responses – Weighted Results)



Remarkable is the fact that people expect that some of the institutions will also facilitate other objectives than the ones dominantly associated with a particular institution. Thirty-two percent of respondents expect accountability from a special tribunal. But there are also 7% of respondents of the opinion that the activities of a tribunal should contribute to reconciliation or should facilitate what we have labelled “communal ritual activities”. Important to take into account is that 11% expect nothing to come out of judicial proceedings while 13% are unaware of the nature of such an institution.

A significant number of respondents has no great expectations of a Truth, Reconciliation and Pardon Commission (12%), some (5%) are unfamiliar with what such an institution would do. And while the name of such a commission refers to three objectives - truth, reconciliation and pardon – the answers to this question indicate that people primarily expect reconciliation (28%) and pardon (17%) to be an outcome of the initiation of such a commission. The “communal ritual” aspect of the commission is also wanted (20%). The latter aspect refers to the “honouring of victims”, “coming

Box 16. Truth Reconciliation and Pardon Commission

Q. Que pensez-vous de la Commission Vérité et Réconciliation ? 4. Nous avons besoin de se pardonner. 3. Nous sommes pour cette CVR, car on expliquera en public et tout le monde comprendra qu'il faut dire la vérité et se pardonner ici sur la colline. 2. Cette commission, c'est bon ! Nous sommes pour le pardon mutuel, car tout ce que nous avons vécu est venu du haut, c'est pourquoi pour nous, nous sommes pour le pardon. 3. Cette Commission organisera des réunions publiques avec tout le monde et l'auteur demandera pardon à la victime et celui qui ne demandera pardon sera jugé. 2. Ce n'est pas cette Commission qui va trouver une solution ici, la solution viendra de nous, nous pouvons nous-mêmes trouver un remède et la Commission sera un facilitateur. *FGD, Gitega Province, Commune Bugendana, 27 February 2009; (1) peasant, male, Hutu, 26; (2) peasant, male, Hutu, 33; (3) peasant, male, Tutsi, former displaced, 69; (4) peasant, male, Hutu, 55; (5) peasant, female, Hutu, 40.*

Q. Que pensez-vous de la CVR ? 3. Nous ne sommes pas contre cette commission, qu'elle vienne dans le but de réconcilier les Burundais, et même le tribunal peut venir. Que tous viennent pour tout mettre au clair, mais il faut que les punitions qu'on va donner ne soient pas du genre à nous faire retourner dans la crise. 4. Si quelqu'un avoue sa faute, cela permettra à penser que le criminel ne refera plus ce qu'il a fait, il va pardonner sans l'intervention du tribunal. 3. Je suis pour cette Commission Vérité et Réconciliation pour qu'on se dise la vérité et cela nous permettra à découvrir la vérité et les causes des crises. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Tutsi, displaced, 44; (2) peasant, female, Tutsi, displaced, 50; (3) peasant, male, Tutsi, displaced, 50; (4) peasant, male, Tutsi, displaced, 39; (5) peasant, female, Tutsi, displaced, 28; (6) peasant, male, Tutsi, displaced, 37; (7) peasant, male, Tutsi, displaced, 40.*

Q. Que pensez-vous de la CVR ? 1. Nous entendons souvent parler de cette commission, son rôle sera de chercher la vérité. 2. Cette commission vient pour nous aider, c'est nous d'abord qui devons avoir en tête cet esprit de réconciliation, deux frères qui sont en conflit ne peuvent pas s'entendre sans médiateur. On pardonne à celui qui a péché quand il a demandé pardon. Quand on demande pardon, on est pardonné. 3. Personne n'est contre cette commission ! Il faut se réconcilier. 1. Il faut que cette commission fasse des séminaires avec toutes les composantes de la communauté burundaise (hutu, tutsi, twa, rapatriés, libérés, déplacés). On va s'entendre sur le rapport final et la solution sera trouvée par tout le monde de ce pays. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Hutu, 28; (2) peasant, male, Hutu, 49; (3) peasant, female, Hutu, 28; (4) peasant, female, Hutu, 59; (5) peasant, female, Hutu, 56.*

Q. Que pensez-vous de la CVR ? 2. Tout le monde applaudira si les gens se pardonnent. Nous ne voulons pas une commission pour la division, mais pour la réconciliation, nous sommes d'accord. 4. La CVR peut inciter les gens à venir demander pardon, car je peux pardonner à celui qui viendra me demander pardon. 1. Il faut pardonner pour pouvoir vivre en paix. *FGD, Gitega Province, Commune Itaba, 12 April 2008; (1) peasant, male, Tutsi, former displaced, 85; (2) peasant, male, Tutsi, former displaced, 74; (3) peasant, male, Tutsi, former displaced, 37; (4) peasant, male, Tutsi, former displaced, 60; (5) peasant, male, Tutsi, former displaced, 37.*

Q. Au Burundi, on veut installer une commission de vérité. Qu'est ce que vous pensez de cela ? 3. On entend de cela à la radio. C'est bien qu'on installe cela à la radio. Cette commission doit être installée pour faire des investigations sur ce qui s'est passé dans le pays afin de connaître les divisions qui sont à la base des problèmes. Tous : Ils doivent venir sur la Colline là où les faits ont eu lieu. *FGD, Kirundo Province, Commune Ntega, 26 March 2008; (1) peasant, male, Hutu, 58; (2) peasant, male, Hutu, 43; (3) peasant, male, Hutu, 49; (4) peasant, male, Hutu, 57; (5) peasant, male, Hutu, 80; (6) peasant, male, Hutu, 40.*

Box 16. Truth Reconciliation and Pardon Commission (2)

Q. Qu'est ce que vous pensez du CVR ? 4. On ne connaît pas l'objectif de cette commission. On a entendu parler à la radio.

Q. Pour établir la vérité ? 4. C'est mieux de connaître la vérité. Le mieux serait de mettre les Hutu et les Tutsi ensemble pour parler.

Q. Et si on voit que ce que les Tutsi disent n'est pas le même que les Hutu ? 1. Ça sera à la commission de trancher. Les gens de la commission vont trouver la vérité comme le juge tranche. (.....) parce que chacun a sa version. Chacun dit qu'il est innocent. 2. Il faut pardonner parce que celui qui accuse a peut-être aussi tué. *FGD, Gitega Province, Commune Bugendana, 30 March 2008; (1) peasant, male, Hutu, 56; (2) peasant, male, Hutu, 48; (3) peasant, male, Hutu, 58; (4) peasant, male, Hutu, 46; (5) peasant, male, Hutu, 60; (6) peasant, male, Hutu, 74.*

Q. Vous avez entendu d'une CVR ? 4. Ça ne va pas servir à quelque chose. Ils vont juger qui ? 4-7 : Ce qui ont fait cela, ce sont les dirigeants actuels. 4. Le président demande souvent pardon à la radio. *FGD, Kirundo Province, Commune Ntega, 28 March 2008; (1) peasant, female, Tutsi, displaced, 36; (2) peasant, female, Tutsi, displaced, 84; (3) peasant, female, Tutsi, displaced, (4) peasant, male, Tutsi, displaced, 36; (5) peasant, male, Tutsi, displaced, 31; (6) peasant, female, Tutsi, displaced, 66; (7) peasant, male, Tutsi, displaced, 47; (8) peasant, female, Tutsi, displaced, 24.*

Q. Vous avez entendu parler du CVR ? 6. On ne connaît pas ces autorités, mais on a entendu parler. Il n'y a aucune autorité qui vient ici. **Q. Selon vous, c'est quoi ?** 6. On n'a vu personne pour expliquer de quoi il s'agit. On entend seulement à la radio. *FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Hutu, 86; (2) peasant, male, Hutu, 57; (3) peasant, male, Hutu, 60; (4) peasant, male, Hutu, 70; (5) peasant, male, Hutu, 52; (6) member hill council, male, Hutu, 62; (7) peasant, female, Hutu, 54; (8) trader & Umushingantahe, male, 57; (9) mechanic & hill administrator, male, Hutu, 40.*

Q. Avez-vous entendu parler de la CVR ? On entend cela à la radio.

Q. C'est quoi selon vous ? 1. Je pense qu'on peut avoir une commission au niveau de la Commune et de la Colline. Cette commission pourra réconcilier les gens là-bas sur la Colline et procéder à la restitution. * Protestation des autres. *FGD, Mwaro Province, Commune Bisoro, 16 April 2008; (1) peasant, male, Tutsi, Umushingantahe, 65; (2) peasant, male, Tutsi, Umushingantahe, 76; (3) peasant, male, Tutsi, Umushingantahe, 65; (4) peasant, male, Tutsi, Umushingantahe, 77; (5) peasant, male, Tutsi, Umushingantahe, 80.*

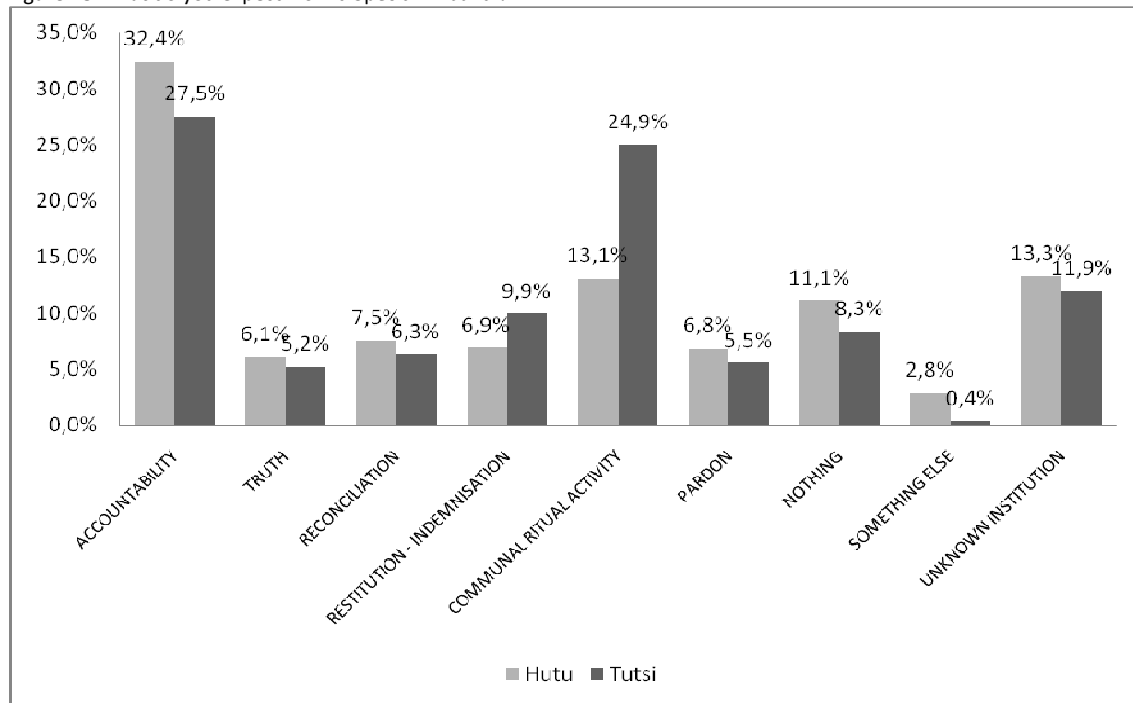
2. Les autorités doivent installer des commissions pour donner l'instruction. On peut aussi installer des tribunaux devant lesquels les gens vont comparaître et se pardonner après la vérité. 1. Si possible, l'Etat doit installer ces tribunaux, car ici sur la colline, nous ne pouvons pas trancher ce genre de conflit. *FGD, Mwaro Province, Commune Bisoro, 30 April 2008; (1) peasant, male, Hutu, Umushingantahe, 64; (2) peasant, male, Hutu, 43; (3) peasant, female, Hutu, 46; (4) peasant, female, Hutu, 51; (5) peasant, female, Hutu, 38; (6) peasant, female, Hutu, 56.*

Q. On veut installer CVR au Burundi, qu'est ce que vous pensez de cela ? 3. Cette commission de V&R n'a pas de bonne raison d'être parce que les Hutu ont tué et les Tutsi aussi. Ceux qui ont fait des erreurs sont ceux qui ont tué le président, ils ont aussi tué la démocratie. *FGD, Kirundo Province, Commune Ntega, 26 March 2008; (1) peasant, male, Hutu, 58; (2) peasant, male, Hutu, 43; (3) peasant, male, Hutu, 49; (4) peasant, male, Hutu, 57; (5) peasant, male, Hutu, 80; (6) peasant, male, Hutu, 40.*

10.2. Special Tribunal

There are no major difference in the opinions of Hutu and Tutsi with regard to their expectations of a special tribunal as can be seen in figure 28. Apart from the fact that Tutsi respondents put more emphasis on the “communal ritual” expectations of the tribunal. Especially the “honouring of the victims” is important to them in that regard.

Figure 28 What do you expect from a Special Tribunal?



The opinions on the potential role of a tribunal are mixed, as can be seen in the excerpts from discussions in box 17. Some people are not in favour of a tribunal since it will create tensions, a new round of war or simply because it will not be an adequate compensation for the losses. Moreover, respondents wonder whether such a tribunal will be able to operate independently and guarantee due process. As we have explained, a major obstacle voiced when reflecting on a process that needs to deal with the past is the general experience of a corrupt and partial justice system. The judicial apparatus is considered to be operating under the influence of the executive. And even in the context of questions inquiring about the opinions on a tribunal the notions ‘dialogue’ and ‘pardon’ prevail.

People are aware of the fact that a localized judicial procedure will create tensions and fear in their midst. Conflicts and sentiments arising from these judicial proceedings will hamper the difficult process of living together again. Other respondents are aware of the fact that a process of establishing accountability is necessary but especially with regard to the political, administrative and military leaders most responsible for the violence in the past. In the popular perception the murder of Ndadaye was the event that was the basis of all mayhem, suffering and death that followed in their midst. People responsible for this assassination should be held accountable for their actions.

Box 17. A Special Tribunal

Que pensez-vous du Tribunal spécial pour le Burundi ? 3. Que ce tribunal vienne, mais qu'il collabore avec les autres tribunaux nationaux. Qu'il travaille dans la justice, si non, il y a eu déjà des jugements ! 1. Que ce tribunal commence par cette haute autorité, celle du haut niveau avant d'arriver au bas niveau. 2. Ce n'est pas nécessaire parce qu'il viendra juger et demandera des indemnités. En serons-nous capables ? 3. Les procès ont eu lieu, et les verdicts ont été prononcés ! Seulement, on attend que ce tribunal vienne pour vérification et collaboration avec les autres tribunaux. Les indemnités viendront de la communauté internationale. 4. Pourquoi ce tribunal alors que nous avons fini de nous pardonner ? Il faut le pardon mutuel que les autres rentrent et cohabitent ensemble. 2. Tout cela a été causé par la mort du Président NDADAYE, est-ce que ce tribunal jugera tous les responsables ? Pour moi, la solution n'est pas là, il faut que ces gens du site rentrent chez eux et que ces tribunaux restent où ils sont. 4. Je vais chaque fois dans le site et on me donne à boire et à manger : Quand ce tribunal viendra, je n'y retournerais plus, j'aurais peur. 2. Pour ceux du site, on peut aussi les aider comme on a aidé ceux qui viennent de la Tanzanie, et ainsi ils viendront et vivront avec les autres ensemble sur la colline. La solution ne viendra pas des tribunaux. Car quand il y a un procès devant les Bashingantahe, je remarque souvent qu'après le jugement, les conflits entre les concernés s'intensifient. *FGD, Gitega Province, Commune Bugendana, 27 February 2009; (1) peasant, male, Hutu, 26; (2) peasant, male, Hutu, 33; (3) peasant, male, Tutsi, former displaced, 69; (4) peasant, male, Hutu, 55; (5) peasant, female, Hutu, 40.*

Q. Que pensez-vous du tribunal spécial pour le Burundi ? 1. Ce tribunal est nécessaire au Burundi et surtout qu'on commence à punir les responsables, et plus particulièrement, les promoteurs. Il faut que ce tribunal soit composé par toutes les composantes de la société burundaise et que son siège soit installé à l'étranger pour qu'il soit plus indépendant. 3. Devant ce tribunal, ce sont d'abord les autorités qui doivent répondre. Il y a aussi les Bashingantahe qui doivent aider ce tribunal. 2. À propos de ce tribunal, comme les Bashingantahe ont tout vu, ils peuvent vraiment aider. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Tutsi, displaced, 44; (2) peasant, female, Tutsi, displaced, 50; (3) peasant, male, Tutsi, displaced, 50; (4) peasant, male, Tutsi, displaced, 39; (5) peasant, female, Tutsi, displaced, 28; (6) peasant, male, Tutsi, displaced, 37; (7) peasant, male, Tutsi, displaced, 40.*

Q. Que pensez-vous du tribunal spécial pour le Burundi ? 5. Que ce tribunal vienne et qu'il commence ses investigations du début des conflits jusqu'aujourd'hui. [...] 1. Ce tribunal n'est pas nécessaire. Ce qui est important, c'est le dialogue, lui seul sera la source de solution à nos problèmes. Si on demande à quelqu'un d'ici qui a tué, il répond que c'est parce qu'on avait tué le Président NDADAYE, mais pour lui, il ne sait pas pourquoi le Président a été tué. Que ce soit pour les Hutu et pour les Tutsi, le dialogue est plus important que ce tribunal. 2. Les Bashingantahe peuvent aider ! Quand il y a un conflit entre un Hutu et un Tutsi, un Mushingantahe sans aucune distinction, doit être impartial. Ils prônent pour la réconciliation. 4. Ils aident beaucoup ! Ils ne distinguent pas les ethnies dans les procès. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Hutu, 28; (2) peasant, male, Hutu, 49; (3) peasant, female, Hutu, 28; (4) peasant, female, Hutu, 59; (5) peasant, female, Hutu, 56.*

Q. Va-t-on du tribunal spécial traiter des cas où la réconciliation n'est pas possible ? 3. Pas d'innocents. Tout le monde est coupable. Si le tribunal vient, tout le monde va perdre. 4. C'est Dieu qui va juger. *FGD, Gitega Province, Commune Bugendana, 30 March 2008; (1) peasant, male, Hutu, 56; (2) peasant, male, Hutu, 48; (3) peasant, male, Hutu, 58; (4) peasant, male, Hutu, 46; (5) peasant, male, Hutu, 60; (6) peasant, male, Hutu, 74.*

10.3. The Ubushingantahe & the Bashingantahe counsels

We have previously explained the fact that the institution of the Bashingantahe was referred to in the Arusha peace agreement but that it remains to be seen whether the institution will officially be part of a transitional justice policy. In addition to the reference in the initial Arusha accords we pay attention to the institution because of the fact that there is globally an increasing attention for the potential use of localized, informal and tradition-based approaches in dealing with the past. In addition, the Ubushingantahe as a set of values and the men embodying these values – the Bashingantahe - are well-known to the local population and an important factor to be taken into account when exploring popular expectations on dealing with the past and the social dynamics already developing at the local level in the aftermath of violence. We first briefly sketch the almost perennial values referred to by the notion Ubushingantahe. We focus on the almost universal, lasting feature and principles guiding the functioning of the Bashingantahe counsels. Secondly, we give an overall overview of the different changes the Bashingantahe counsels experienced in the course of time. And subsequently we explore the perceptions and opinions of ordinary people on the potential role the Ubushingantahe and the Bashingantahe counsels might play in the transitional justice process.

As shown we make a clear distinction between the Ubushingantahe values and the Bashingantahe counsels. There is a general confusion in the literature between the notions Ubushingantahe and Bashingantahe. Some authors refer to the Ubushingantahe as an institution and the Bashingantahe as the members or representatives of the institutions.²⁵ others refer to the “institution of the Bashingantahe” as such.²⁶ Considering the nature of prefixes used in Bantu languages and thus also in Kirundi, it becomes clear that the word Ubushingantahe refers to the institution and the word Bashingantahe refers to the people that represent the (values and authority) of the institution. The institution as such is universal and perennial, but not necessarily unchanging, but the members representing the institution are temporal. This is an important distinction to keep in mind since -as we will argue later on- it is a crucial insight when trying to understand the problems, polemics and politization surrounding the institution and its members. An insight in this distinction will facilitate an in-depth understanding of popular perceptions and opinions on the potential role this tradition-based institution can play in the transitional justice process in Burundi.

Both the notions Bashingantahe and Ubushingantahe refer to the word intahe. Intahe is generally translated as “the staff of justice” but it also has the connotation of “what determines where things belong”. In extension: what brings together warring parties with the objective to restore the situation they experienced previously.²⁷ Ubushingantahe refers to a range of values: righteousness, sociableness, sagacity, compassion, self-control, responsibility, honour, discretion, hospitality, equity, truthfulness, justice, social cohesion, coherence and balance in speech, faithfulness, transparency,

²⁵ Laely, Thomas (1992), “Le Destin du Bashingantahe. Transformations d’une Structure Locale d’Autorité au Burundi” *Genève-Afrique*, Vol. 2, pp. 75-98. Deslaurier, Christine (2003), “Le “Bushingantahe” peut-il réconcilier le Burundi?”, *Politique Africaine*, N°92, pp. 76-96.

²⁶ Ntahombaye, Phillipe & Ntabona, Adrien & Gahama, Joseph & Kagabo Liboire (eds.) (1999), *The Bashingantahe institution in Burundi. A Pluridisciplinary Study*, Bujumbura. Dexter, T. & Ntahombaye, P., (2005) *The Role of Informal Justice Systems in Fostering the Rule of Law in Post-Conflict Situations. The Case of Burundi*, Geneva, Centre for Humanitarian Dialogue. Naniwe-Kaburahe Assumpta (2008) “The institution of Bashingantahe in Burundi” in: Huysse, L. & Salter, M. (eds.), (2008) *Traditional Justice and Reconciliation after Violent Conflict. Learning from African Experiences*, Stockholm, International Idea, pp. 156.

²⁷ Joseph Bigirumwami, “Uses of the word Intahe and its corollaries in the Burundian language and culture” in . Ntahombaye, Phillipe & Ntabona, Adrien & Gahama, Joseph & Kagabo Liboire (eds.) (1999), *The Bashingantahe institution in Burundi. A Pluridisciplinary Study*, Bujumbura. p. 59-63.

tolerance, etcetera.²⁸ Both personal virtues and social values are attached to the notion Ubushingantahe. The Bashingantahe (plural) are the men (and since recently also women) that embody these virtues and promote these values. A candidate who wants to be part of the group of Bashingantahe should have umutima, what literally means “spirit” or “heart: politeness, education, compassion, self-control, social consciousness, etc;”²⁹ in sum the set of values referred to in the word Ubushingantahe. The notion Ijambo, speech or discourse is attached to the popular understanding of the qualities of an umushingantahe (singular). A person having these qualities is an umushingantahe after officially being invested. The investiture is a sign of acceptance and confirmation by the local community. The Bashingantahe were traditionally mandated and legitimized from the bottom up. There seem to be no consensus in the literature on the exact principles that guide the counsel of Bashingantahe. The most cited principles are: impartiality, collegiality, consensus, transparency, credibility, equity. The Bashingantahe counsel traditionally had both a moral, judicial and political function.

The counsel of Bashingantahe generally functions at the smallest societal unit: the hill. Someone becomes a member of this counsel through a ceremonial investiture (kwatirwa). The community is invited to participate in a ceremony where beer is shared. Before being invested the person needs to undergo several stages as a form of initiation. The candidate is guided and observed by a mentor. Once the candidate was/is accepted and invested, he becomes part of the local counsel.

Due to colonial and post-colonial interventions and as a consequence of natural changes that characterized the functioning of the Bashingantahe counsels over time more emphasis has been put on the judicial features. The most common objectives of the Bashingantahe counsels on the local hills in the Burundi countryside are currently mediation, conciliation and arbitration.³⁰ We give an overview of the changes the Bashingantahe counsels underwent in colonial, post-colonial and the most recent period.

The Bashingantahe occupied fundamental nodes in the socio-political order of pre-colonial Burundi. They played an important role in the conflict resolution at the local level while they aimed at guaranteeing peace, order and harmony. Although they also played a role as counsellors at the supra-local level in the courts of the king and princess.³¹ they were mainly situated at the grassroot level of local hills. The Bashingantahe were local noble men with judicial, moral and political authority. Since they were part of a sacral order with no distinctions between judicial, political and social spheres they embodied justice, knowledge, virtue and authority at the local level. According to Laely, they were “more judges of peace than judges of justice (tribunal)”.³²

The colonial stance towards the Burundian society was characterized by indirect rule. It meant that the colonial powers – first Germany, later Belgium – used the institutions they found existing in society but nevertheless altered their functioning. The state became more powerful and

²⁸ Manirakiza, Zénon (2007), “La Justice Transitionnelle pour la Paix Sociale. Le Système Bashingantahe au Burundi”, p. 2.

²⁹ Laely, Thomas (1992), “Le Destin du Bushingantahe. Transformations d’une Structure Locale d’Autorité au Burundi” Genève-Afrique, Vol. 2, p. 81.

³⁰ Naniwe-Kaburahe Assumpta (2008) “The institution of Bashingantahe in Burundi” in: Huyse, L. & Salter, M. (eds.), (2008) *Traditional Justice and Reconciliation after Violent Conflict. Learning from African Experiences*, Stockholm, International Idea, pp. 156.

³¹ Laely, Thomas (1992), “Le Destin du Bushingantahe. Transformations d’une Structure Locale d’Autorité au Burundi” Genève-Afrique, Vol. 2, p. 78

³² Ibid, p. 78.

organized; the influence was felt to the most remote corners of rural life. The once sacred order in which the Bashingantahe occupied several positions and played several roles at the same time gradually disintegrated. The colonial powers instituted administrative authorities taking over tasks normally observed by the Bashingantahe. Some dimensions of the principles structuring the actions of the Bashingantahe were formalized. The political aspects faded. A modern justice system was introduced taking over some of the conflict resolution capacities of the invested Bashingantahe counsels. The institution weakened and was tasked with more specific objectives.

The incorporation by the state became stronger after independence. During the first Republic (1966-76) the dominating political party Uprona politicized the Bashingantahe counsels by investing individuals without taking into account the necessary phases in the investiture. The administrative functionaries organized the appointments of the new Bashingantahe. The bottom-up legitimization dimension was harmed in doing so. An entirely new administrative apparatus came into being. New administrative positions were imposed top-down and branched deeply into rural life, replacing and usurping the existing Bashingantahe at the hill level.

Bagaza ruled during the Second Republic (1976-1987). His reign was characterized by an increasing authoritarian drift and a far-reaching ambition to change society through socio-legal engineering. Not only were ethnic identities “abolished”, religious practices were not allowed and also the Bashingantahe investitures became forbidden. Local party dignitaries occupied the roles the Bashingantahe used to play previously. The one party-state did not completely annihilate the Bashingantahe counsels but took over its functioning completely and allocated their members from within the centres of power. In doing so, it drained the counsels and the practices of its members from their spirit: the Ubushingantahe. The new members operated in the service of the state and the party, not for the good of the local communities; they were not chosen and confirmed by the population. It is questionable whether the initial values (the Ubushingantahe) underlying the institution could continue to flourish in the structures of a one party-state, dictatorial in nature and with a specific ideological and ethnic profile.

Pierre Buyoya came to power in 1987 and was immediately faced with the question of national unity and political liberalization after the massacres in Ntega and Marangara in 1988. The “national commission charged with the study of the question of national unity” referred to the ubushingantahe as a factor of unity in the history of Burundi and recommended its revalorization. Research took place to identify the main features of the “bashingantahe institution”.³³ Recommendations for its rehabilitation were made. After the killing of president Ndadaye in 1993 the renewed attention for the institution entered a second phase. A decree “re-invented” the institution in 1997 with as most visible consequence the installation of a consultative national counsel composed of 40 Bashingantahe appointed by president Buyoya. The national counsel of Bashingantahe (CNB) made several recommendations in the context of the ongoing mediation between the warring parties at the time.

Since 1997 several international donors and aid agencies contributed to the so-called “rehabilitation” of the institution. The UNDP financed an identification exercise to make an inventory of the traditionally invested Bashingantahe throughout the country. They found 34.000 “traditionally”

³³ Ntahombaye, Phillipe & Ntabona, Adrien & Gahama, Joseph & Kagabo Liboire (eds.) (1999), *The Bashingantahe institution in Burundi. A Pluridisciplinary Study*, Bujumbura.

invested Bashingantahe. In a second phase communal and provincial councils as well as an additional national council were instigated. This rehabilitation and especially the investiture of the Bashingantahe at the national level was not able to counter the continued spectre of politicization of the institution.³⁴ Especially the fact that dignitaries of the old regimes were admitted to the national council gave rise to doubts on whether these persons embodied the values of the institution. The incorporation of people that might have played a role in the upheaval of the past did not facilitate the task the institution is supposed to play: guarantee unity, promote peace and harmony. These problems are, however, mainly national. The situation at the local level is different as we will see.

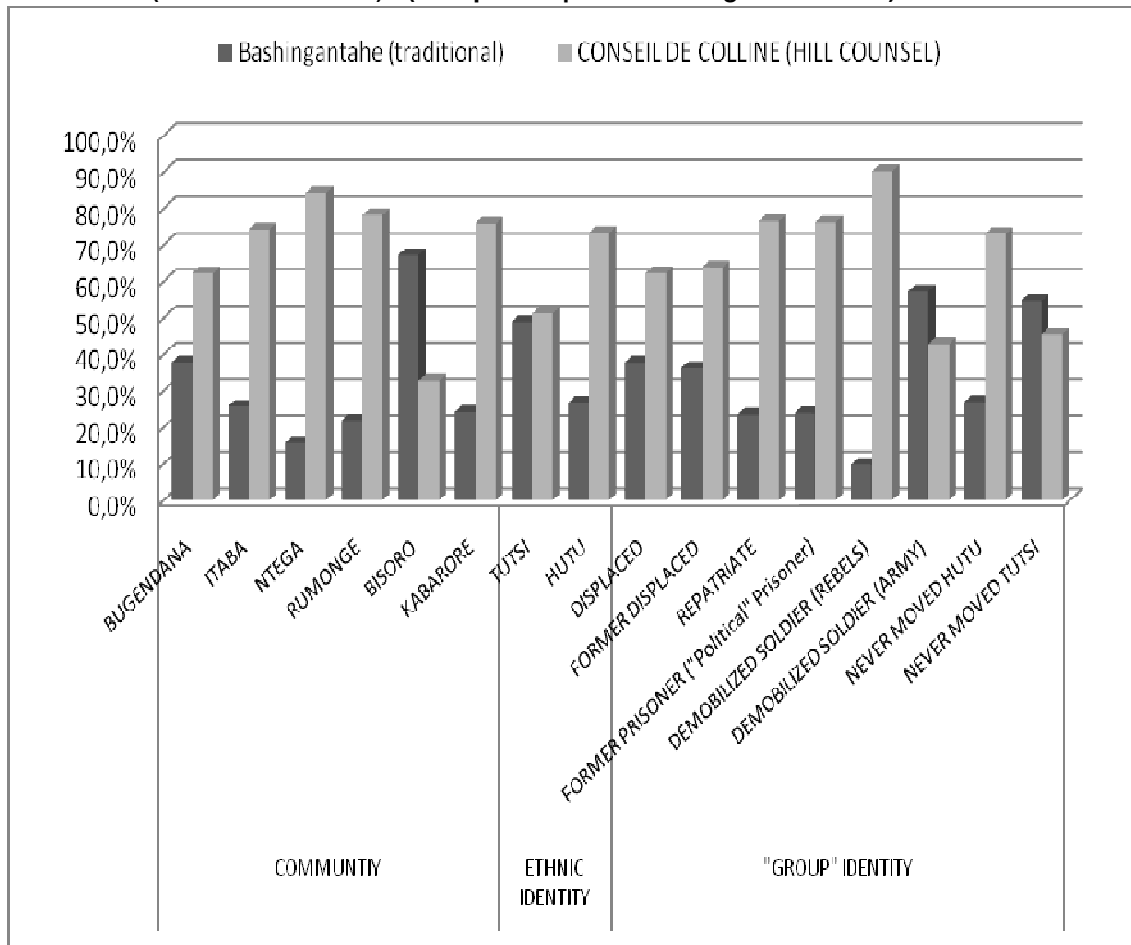
After the 2005 elections that brought to power the CNDD-FDD a new situation developed at the local level: a conflict between the locally elected hill councils and the Bashingantahe councils that had always existed. Both councils have similar tasks. The members of the former have recently taken up their position and are dominantly associated with the CNDD-FDD political party, while the Bashingantahe councils continue to have the stamp of UPRONA due to the decennia of incorporation in the machinerie of the one-party state. The new rulers both at the national and local level, therefore, questioned the legitimacy of the Bashingantahe. A conflict of authority broke out in some places at the local level: the newly elected authorities wanted to suppress the activities of the existing Bashingantahe councils. The 2005 law on local governance stipulates that these newly elected local officials should act in concertation with the local Bashingantahe to ensure arbitration, mediation and conciliation.³⁵

To come to an understanding of the functioning of the Bashingantahe councils and the popular perceptions on the institution we asked questions related to this municipal law and the reference made to the institution in the constitution. Figure 30 and 31 present the findings. Figure 29 summarizes the findings on the questions whether people would prefer to contact the Bashingantahe council or the hill council in case of problems or conflict. Although the law stipulates the fact that both councils are supposed to work together, the preference of the respondents might indicate a general appreciation of the legitimacy. The figure details responses according to locality, ethnic and other social identities of the respondents. Important to take into account is the fact that Hutu respondents prefer the hill council over the Bashingantahe councils. Half of the Tutsi respondents prefer the Bashingantahe, while the other half would contact the hill council in case of conflict and problems. In all but one locality the population has more confidence in the hills councils. In the province of Mwaro, the commune Bisoro, a significant part of the respondents refer to the Bashingantahe council as the primary institution to deal with conflicts. The hill we visited in that region is characterized by a large number of traditionally invested Bashingantahe, both of Hutu and Tutsi identity. They have a prominent place in the local governance structure at the local level. Their authority is highly respected. They played an important role in the prevention of the unfolding of violence during the years of “crisis”.

³⁴ Deslaurier, Christine (2003), “Le “Bushingantahe” peut-il réconcilier le Burundi?”, *Politique Africaine*, N°92, pp. 76-96.

³⁵ Loi N° 1/016 du 20 avril 2005 portant organisation de l’administration communale, B.O.B N°4bis/205, 1 April 2005, 1.

Figure 29. If you have a problem or conflict, do you prefer to contact the Bashingantahe or the hill counsel (Conseil de Colline)? (Multiple Responses – Weighted Results)



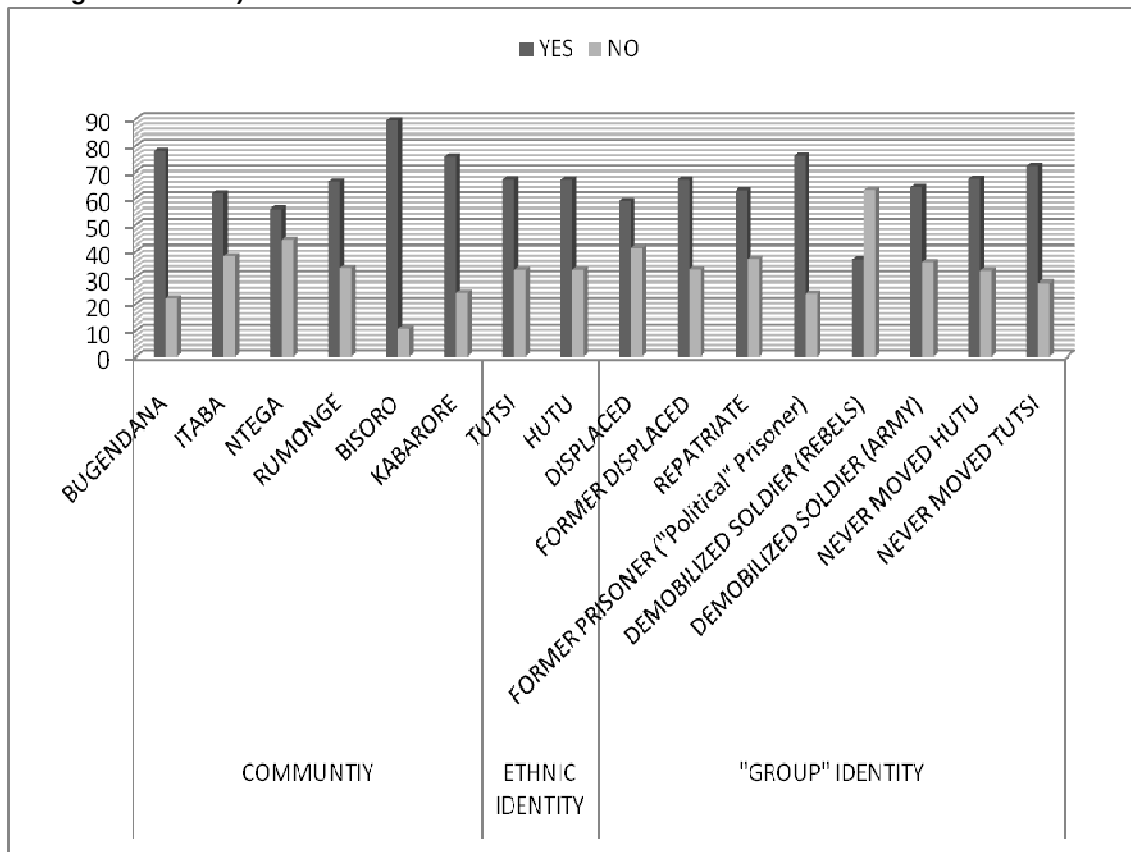
Striking are the responses of demobilized rebels. This is the group that mostly challenges the legitimacy of the Bashingantahe in their answers. Less than 10% say they would contact the Bashingantahe in case of conflict and problems, while the averages of the other social groups is to be situated somewhere around 40%. One has to keep in mind that the current leadership in Burundi mainly originates from the rebel forces. The difficult relationship between the leadership of the former rebel groups and the Bashingantahe at the national level is thus also reflected at the local level. But it does not seem to be a preoccupation of the other segments of society. In conclusion: the hill counsels seem to have more legitimacy than the Bashingantahe but the findings also reveal that this does not mean that the Bashingantahe counsels do not have any legitimacy in the eyes of the local population.

And in fact, fieldwork observations made clear that both the members of the hill counsels and the Bashingantahe seat together in sessions to deal with local conflicts. An interesting observation is the fact that -although members of both groups are generally seated together on a bench facing the parties in dispute- only the traditionally invested Bashingantahe use the intahe stick during the proceedings. Rythmically hitting the ground and pointing the “staff of justice” is the privilege of the invested Bashingantahe only. The stick is passed on the other members once they take the floor to speak. In case a member of the hill council speaks, they do so without using the intahe stick. It is a

symbolic gesture that accentuates the different origins and status of the two groups but the overall proceedings are taking place in collaboration.

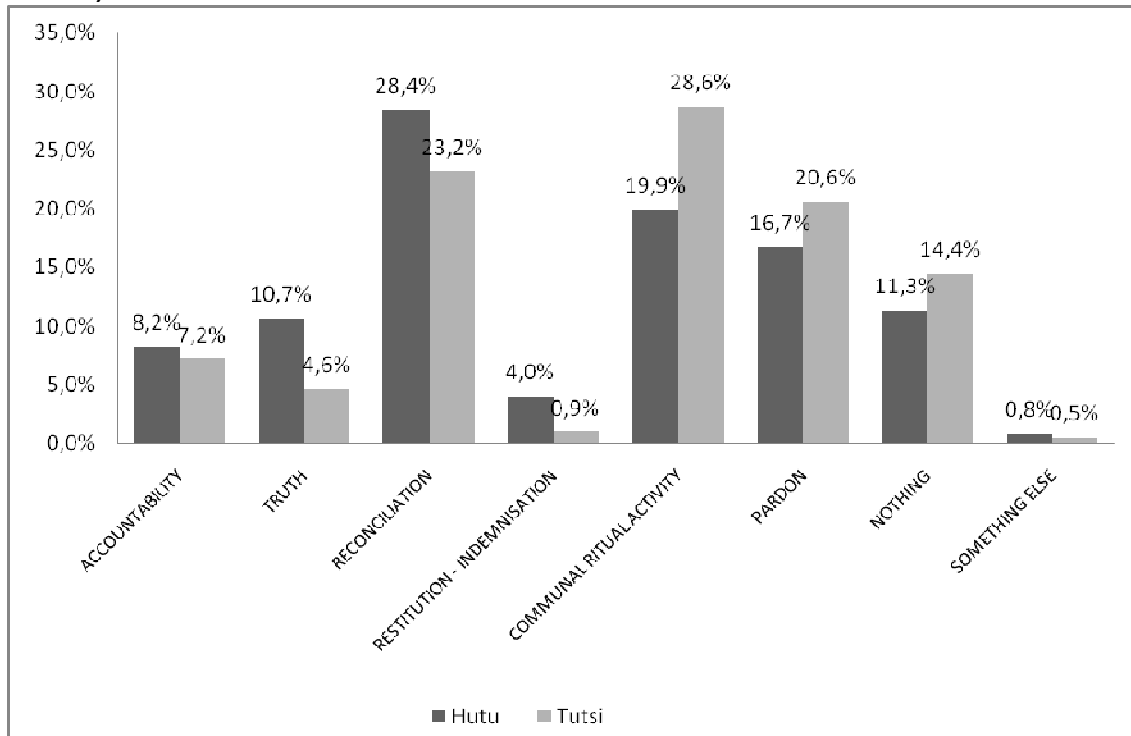
As can be seen in figure 30 the Bashingantahe are indeed considered to be a source of peace and social cohesion at the local level. Both the Arusha accords and the constitution make reference to the institution in these formulations. Both Hutu and Tutsi are of that opinion with approximately 65% of the responses. In some localities, such as Bugendana and Bisoro again, this conviction is very strong. The demobilized rebels not only contest the legitimacy of the Bashingantahe, they also voice the opinion that they do not agree with the statement that the Bashingantahe are a source of peace and social cohesion.

Figure 30 Are the Bashingantahe a source of peace and social cohesion? (Multiple Responses – Weighted Results)



The question remains what the ordinary population expects from the Bashingantahe counsels and the set of values underlying the institution in the process of dealing with the past. We have indicated above that the main expectations need to be situated around the objectives of reconciliation, re-integration of people in society, honouring the victims and a dialogue taking place. The latter three activities were labelled “communal-ritual activities”. Pardon is often referred to as well. Figure 31 details these opinions according the ethnic identity of respondents. Responses do no differ fundamentally, although Hutu emphasize reconciliation while Tutsi voice a stronger preference for the “communal-ritual” dimensions of the institution.

Figure 31 What do you expect from the Ubushingantahe? (Multiple Responses – Weighted Results)



We give an extensive overview of the discussions on the Bashingantahe in box 18. Two tendencies can be distinguished in the perceptions on the Bashingantahe and the role they played during the “crisis”. There is an awareness that some tried and were able to prevent violence or temper the intensity of the violence. On the other hand people are also conscious that some of them were implicated in the violence. As a consequence, the potential use of the members of the institution is mixed as well. To a certain extent people refer to the fact that they are an ideal source of unity and peace at the local level, a factor that can facilitate social cohesion and reconciliation in their communities. On the other hand respondents sometimes refer to the fact that they cannot “judge themselves” since they have been implicated somehow, as victims but sometimes as perpetrators as well. A selection process that separates the “untainted” and the ones whose actions “have cast a slur” on their reputation is necessary.

The true Bashingantahe are still considered to represent the values of the country. They might take up the role of counsellors and “sensitizers”, bringing people from different social and ethnic groups together. Undertaking judicial proceedings to identify guilt and responsibility in regard of the large-scale crimes is considered to be beyond their abilities and competence. The local embeddedness in face-to-face communities is an obstacle in that respect. But this local anchoring is considered to be an asset for the task of facilitating peace, harmony, social cohesion, reconciliation and even conflict prevention. Somehow the previous narratives indicate that people tend to make a tacit distinction between the set of values commonly referred to as Ubushingantahe and the people who have to become the representatives of these values over the years, the Bashingantahe. A

distinction equally observed in the research conducted by Dominik Kohlhagen.³⁶ We will elaborate on this insight in the following section where this observation receives more support with the inquiry into the factors important to increase reconciliation and social cohesion at the local level.

Box 18. The Ubushingantahe & the Bashingantahe

2. Les Bashingantahe peuvent aider ! Quand il y a un conflit entre un Hutu et un Tutsi, un Mushingantahe sans aucune distinction, doit être impartial. Ils prônent pour la réconciliation. 4. Ils aident beaucoup ! Ils ne distinguent pas les ethnies dans les procès. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Hutu, 28; (2) peasant, male, Hutu, 49; (3) peasant, female, Hutu, 28; (4) peasant, female, Hutu, 59; (5) peasant, female, Hutu, 56.*

5. Il n'y a pas de mal avec les BASHINGANTAHE. 6. C'est la 1^{ère} institution par laquelle il faut commencer. 4. Nous avons confiance à eux pour résoudre les problèmes du passé. Ils peuvent appeler les trois ethnies et essayer de réconcilier les ethnies. Je sais que nous sommes ici entrain de dire quelque chose, les Tutsi eux aussi vont dire autre chose. Il est difficile de réconcilier les gens, quand il y a une réunion de la colline, il y a seulement deux ou 4 Tutsi. Les BASHINGANTAHE devraient inciter les Tutsi à participer aux travaux communautaires avec les Hutu. Ils doivent collaborer avec les élus locaux. L'administrateur doit ordonner à ces Tutsi de participer aux activités qui se passent sur leurs collines d'origine. Après ces activités, on peut faire passer le message de réconciliation et de vérité. *FGD, Gitega Province, Commune Bugendana, 19 March 2008; (1) peasant, male, Hutu, 67; (2) peasant, male, Hutu, 54; (3) peasant, male, Hutu, 54; (4) peasant, male, Hutu, 65; (5) peasant, male, Hutu, 49; (6) peasant, male, Hutu, 50; (7) peasant, male, Hutu, 47.*

4. L'institution d'UBUSHINGANTAHE peut aider grandement si le gouvernement accepte le passé du Pays. Les dirigeants devraient respecter les valeurs du Pays et ne peuvent pas prendre en compte l'ethnie des membres de cette institution. Tous les organes devraient s'inspirer du fonctionnement de cette institution qui était vraiment neutre. 1. Les ABASHINGANTAHE peuvent jouer un rôle dans la réconciliation, mais les rapatriés, les anciens prisonniers et même le pouvoir n'acceptent pas cette institution consultative comme c'était dans le temps. 4. La constitution devrait donner de la place à cette institution d'UBUSHINGANTAHE qui doit être un organe consultatif au-dessus de tous les trois pouvoirs. Cet organe a été ignoré par les pouvoirs qui se sont succédés depuis l'époque coloniale. *FGD, Gitega Province, Commune Bugendana, 19 March 2008; (1) peasant, male, Tutsi, displaced, Umushingantahe, 58; (2) peasant, male, Tutsi, displaced, 48; (3) peasant, male, Tutsi, displaced, 74; (4) teacher, male, Tutsi, displaced, 54; (5) peasant, male, Tutsi, displaced, 35; (6) peasant, male, Tutsi, displaced, 54.*

³⁶ Kohlhagen, Dominik (2008), Le Tribunal Face au Terrain. Les Problèmes d'Exécution des Jugements au Mugamba dans une Perspective Juridique et Anthropologique, Bujumbura, RCN Justice & Démocratie, p. 136.

Box 18. The Ubushingantahe & the Bashingantahe (2)

Q. Que peut faire les BASHINGANTAHE de la tradition ? 2. Moi, j'ai été investi en 2002 quand j'étais dans le site des déplacés. 1. Moi aussi, j'ai été investi en 2002. 2. Je pense que nous pouvons convoquer des réunions pour inciter les Hutu et les Tutsi à vivre harmonieusement comme dans le passé. Ces réunions peuvent être organisées sur chaque Colline. Au moment de notre investiture, ce sont les paysans Hutu qui ont rassemblé la bière que nous avons utilisé dans les cérémonies. Dans la Commune de MAKEBUKO, ce sont les BASHINGANTAHE qui ont empêché les gens de s'entretenir. 5. De telles réunions ont lieu ici, si elles n'ont pas eu lieu, le calme ne serait pas revenu *FGD, Gitega Province, Commune Itaba, 12 April 2008; (1) peasant, male, Tutsi, former displaced, 85; (2) peasant, male, Tutsi, former displaced, 74; (3) peasant, male, Tutsi, former displaced, 37; (4) peasant, male, Tutsi, former displaced, 60; (5) peasant, male, Tutsi, former displaced, 37.*

Q. Les BASHINGANTAHE ont encore une tâche ? 5. Ils ont un rôle consultatif. Quand il y a un conflit, ces investis et les élus se consultent ensemble. Tous. On travaille ensemble.

Q. Est-ce que les BASHINGANTAHE peuvent jouer un rôle pour résoudre les problèmes du passé ? 6. Les BASHINGANTAHE peuvent y arriver. Pour les problèmes compliqués, on fait recours au Chef du site pour venir ici et donner des conseils. 1. Actuellement, il faut inviter les gens à vivre ensemble, mais pour les criminels, il faut d'autres institutions comme les Tribunaux. Il y a d'autres services qui sont chargés de cela. Mais, on ne les connaît pas. *FGD, Gitega Province, Commune Itaba, 31 March 2008; (1) peasant, male, Hutu, 60; (2) peasant, female, Hutu, 50; (3) peasant, female, Hutu, 70; (4) peasant, male, Hutu, 43; (5) peasant, male, Hutu, 70; (6) peasant, female, Hutu, hill administrator, 60*

Q. Ya-t-il des anciens BASHINGANTAHE ici ? Tous : Il n'y en a pas. 3. S'ils étaient ici, ils joueraient un rôle dans la réconciliation. 5. Ils pourront punir ceux qui voudront faire du mal aux autres. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Hutu, 28; (2) peasant, male, Hutu, 49; (3) peasant, female, Hutu, 28; (4) peasant, female, Hutu, 59; (5) peasant, female, Hutu, 56.*

Q. Alors, le mieux, c'est d'utiliser les BASHINGANTAHE ou quoi ? 1. Tout le monde connaît tout le monde. On les connaît mais ce sont les BASHINGANTAHE qui peuvent grouper les gens.

Q. Est-ce qu'ils sont respectés ou plutôt le Conseil de Colline ? Tous : C'est plutôt le Conseil Communal. Actuellement les BASHINGANTAHE ne jouent aucun rôle. Avant, les BASHINGANTAHE étaient des sages. Actuellement, ce sont les Chefs des Collines qui règlent les conflits. 4. Avant, il y avait le Chef de Colline et les BASHINGANTAHE. D'abord, c'était le Chef de Colline et après, si on n'avait pas le problème, on allait vers les BASHINGANTAHE. Maintenant, les BASHINGANTAHE ont dit que c'est fini avec eux. Ils l'ont senti eux-mêmes parce que les gens ne viennent plus chez eux. On n'a pas eu d'ordre officiel pour cela. Et les BASHINGANTAHE sont peu nombreux. *FGD, Kirundo Province, Commune Ntega, 26 March 2008; (1) peasant, male, Hutu, 28; (2) peasant, male, Hutu, 42; (3) peasant, male, Hutu, 52; (4) peasant, female, Hutu, 35; (5) peasant, male, Hutu, 36; (6) peasant, female, Hutu, 35; (7) peasant, female, Hutu, 21.*

Q. Est-ce que les BASHINGANTAHE peuvent jouer un rôle pour résoudre les problèmes du passé ? 5. Les BASHINGANTAHE peuvent mieux résoudre ces problèmes. Ce sont ceux qui connaissent ce qui s'est passé et ils sont calmes. Ils ont une certaine expertise dans ce domaine. 2. Nous avons confiance en ces gens. Nous sommes contents de la manière comment ils font les procès. Ils peuvent être supportés par les BASHINGANTAHE. 8. Le problème est que les gens ne parlent pas de ce qui s'est passé. C'est l'obstacle, il y a une méfiance mutuelle. 5. Ce qui manque s'est le déclenchement qui vient d'en haut et qui dit, il faut faire ceci et cela. Mais le pouvoir ne fait rien. Il n'y a aucune route qui est construite. Il n'y a pas de sécurité, c'est seulement à vous qui venez ici. *FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Hutu, 86; (2) peasant, male, Hutu, 57; (3) peasant, male, Hutu, 60; (4) peasant, male, Hutu, 70; (5) peasant, male, Hutu, 52; (6) member hill council, male, Hutu, 62; (7) peasant, female, Hutu, 54; (8) trader & Umushingantahe, male, 57; (9) mechanic & hill administrator, male, Hutu, 40.*

Box 18. The Ubushingatahe & the Bashingantahe (3)

Q. Est-ce que les BASHINGANTAHE peuvent jouer un rôle ? 2. Oui. Parce que si on n'a pas eu des BASHINGANTAHE en 1993, on pouvait avoir des tueries. Ils ont empêché les jeunes venant des autres Collines.

Q. Ils peuvent jouer quel rôle ? 1. Ils peuvent conseiller. Pour que les gens se réconcilient, qu'on accorde le pardon.

Q. Alors, c'est plutôt la sensibilisation, pas de jugements et de punitions ?

1. Non, seulement sensibilisation. 6. Ils peuvent seulement conseiller selon ça. Sinon, on doit envoyer vers l'échelon supérieur. *FGD, Kayanza Province, Commune Kabarore, 6 May 2008; (1) peasant, male, Hutu, 50; (2) peasant, male, Hutu, 42; (3) peasant, male, Hutu, 48; (4) peasant, male, Hutu, 37; (5) peasant, male, Hutu, 56; (6) peasant, male, Hutu, 55.*

Q. Quel serait le rôle des Bashingantahe ? 3. Avec l'avènement de ce pouvoir, on a voulu supprimer l'institution des Bashingantahe, mais par après, on l'a acceptée, parmi les Bashingantahe, il peut y avoir à la fois les juges, les conseillers et les témoins. 4. Si on essaie d'observer ce qui s'est passé, il y a des gens qui ont agi par force, donc parmi les Bashingantahe, il y a ceux qui peuvent dire la vérité et d'autres qui ne peuvent pas. Les gens ne sont pas les mêmes.

1. Je pense qu'avant d'être investi un Mushingantahe, il y a une phase d'observation, même dans ce tribunal, il faut sélectionner les meilleurs et laisser de côté les Bashingantahe qui se sont mal comportés et associer à ce tribunal ceux qui peuvent dire la vérité. *FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Tutsi, displaced, 44; (2) peasant, female, Tutsi, displaced, 50; (3) peasant, male, Tutsi, displaced, 50; (4) peasant, male, Tutsi, displaced, 39; (5) peasant, female, Tutsi, displaced, 28; (6) peasant, male, Tutsi, displaced, 37; (7) peasant, male, Tutsi, displaced, 40.*

Q. Comme le GACACA, les BASHINGANTAHE peuvent jouer un rôle pour résoudre les problèmes du passé ? Tous : Non, ils ne peuvent pas faire cela. Ils étaient là quand les choses sont arrivées, alors ils ne peuvent plus intervenir maintenant. *FGD, Kirundo Province, Commune Ntega, 26 March 2008; (1) peasant, male, Hutu, 58; (2) peasant, male, Hutu, 43; (3) peasant, male, Hutu, 49; (4) peasant, male, Hutu, 57; (5) peasant, male, Hutu, 80; (6) peasant, male, Hutu, 40.*

Q. Est-ce que les BASHINGANTAHE peuvent jouer un rôle pour traiter les problèmes du passé ?

3. Les BASHINGANTAHE ont aussi joué un rôle ici. Alors, « NTAWIKANDA IGISEBE » on ne peut pas presser sa plaie soi-même : pour dire qu'on ne peut pas se juger soi-même. La justice d'ici est corrompue. Si on n'a pas quelque chose à donner, on est oublié. 5. Si on fait quelque chose comme le GACACA ici, les riches qui ont les moyens ne seront pas condamnés. Tous : Les anciens BASHINGANTAHE, les vraies sont tués dans le passé. Les autres qui sont là maintenant ont dirigé les massacres.

Q. Pour vous, on peut seulement être dirigeant quand on a tué ? Tous : Oui. 4. Les vrais BASHINGANTAHE ont essayé d'arrêter les massacres, mais, ils étaient aussi tués. *FGD, Kirundo Province, Commune Ntega, 28 March 2008; (1) peasant, female, Tutsi, displaced, 36; (2) peasant, female, Tutsi, displaced, 84; (3) peasant, female, Tutsi, displaced, (4) peasant, male, Tutsi, displaced, 36; (5) peasant, male, Tutsi, displaced, 31; (6) peasant, female, Tutsi, displaced, 66; (7) peasant, male, Tutsi, displaced, 47; (8) peasant, female, Tutsi, displaced, 24.*

Box 18. *The Ubushingatahe & the Bashingantahe (4)*

Q. Il y en a des BASHINGANTAHE ? Tous : Oui.

Q. Ils peuvent jouer un rôle ? 2-3-4 : Non, ils ne peuvent pas. 3. Il y a la peur, il y a la guerre. Parmi les BASHINGANTAHE, il y a des Hutu et des Tutsi. Alors, les Hutu n'acceptent jamais qu'ils ont fait du mal aux Tutsi. Les Tutsi disent : «On sait ce qui s'est passé ici. C'était durant la journée ». 2. Ici, il y a la peur. Si on dit la vérité durant la journée, on vient te tuer durant la nuit. Même actuellement, on ne peut pas passer une nuit sans qu'il y ait quelqu'un qui est tué. 3. Ici, il y a encore le terrorisme. Les rapatriés disent qu'on va nous empoisonner. **Q. Alors, mais la peur, c'est par les BASHINGANTAHE ou par chaque instance ?** 3. Les BASHINGANTAHE peuvent faire cela, parce que les autorités supérieures peuvent les supporter. Maintenant, il y a des armes dans la forêt, des enfants, des gens d'ici qui sont dans la forêt. Si le CVR vient, la commission va parler avec des Tutsi et après avec des Hutu et après pour les mettre ensemble. Les Hutu vont dire ce qu'ils ont fait, les Tutsi vont dire qu'ils ont exagéré avec la vengeance. Les BASHINGANTAHE sont efficaces, mais il n'y a rien qui les protège. On peut les frapper comme ça. Alors ils cachent la vérité en se protégeant eux-mêmes *FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Tutsi, 39; (2) peasant, male, Tutsi, 72; (3) peasant, male, Tutsi, 52; (4) teacher, male, Tutsi, 40; (5) peasant, female, Tutsi, 44; (6) peasant, female, Tutsi, 67; (7) peasant, female, Tutsi, 40.*

Q. Quel genre de justice ? 5. La justice du niveau supérieur car ici, on ne peut pas trancher de tels procès. Je suis un MUSHINGANTAHE, mais je pense que nous ne pouvons pas faire ce genre de procès. Les Burundais sont compliqués, on ne peut pas trancher ce genre de procès sur la Colline. 6. Quelqu'un qui perdrait sur la Colline ne va pas accepter de payer et même s'il paye, ça ne marchera pas entre les deux parties. 1. La pierre va alors continuer à endommager les houes. Je pense qu'il faut pardonner mais après avoir connu la vérité car personne ne peut refuser le pardon. *FGD, Mwaro Province, Commune Bisoro, 1 May 2008; (1) peasant, female, Hutu, 60; (2) peasant, male, Hutu, 52; (3) peasant, male, Hutu, 67; (4) peasant, male, Hutu, 38; (5) peasant, male, Hutu, Umushingantahe, 51; (6) peasant, male, Hutu, 49.*

2. Ici, il ya des mariages interethniques, nous sommes bien ici, même lors de la guerre de 1972, les BASHINGANTAHE ont essayé de calmer la situation, nous avons appelé les jeunes Tutsi au calme.

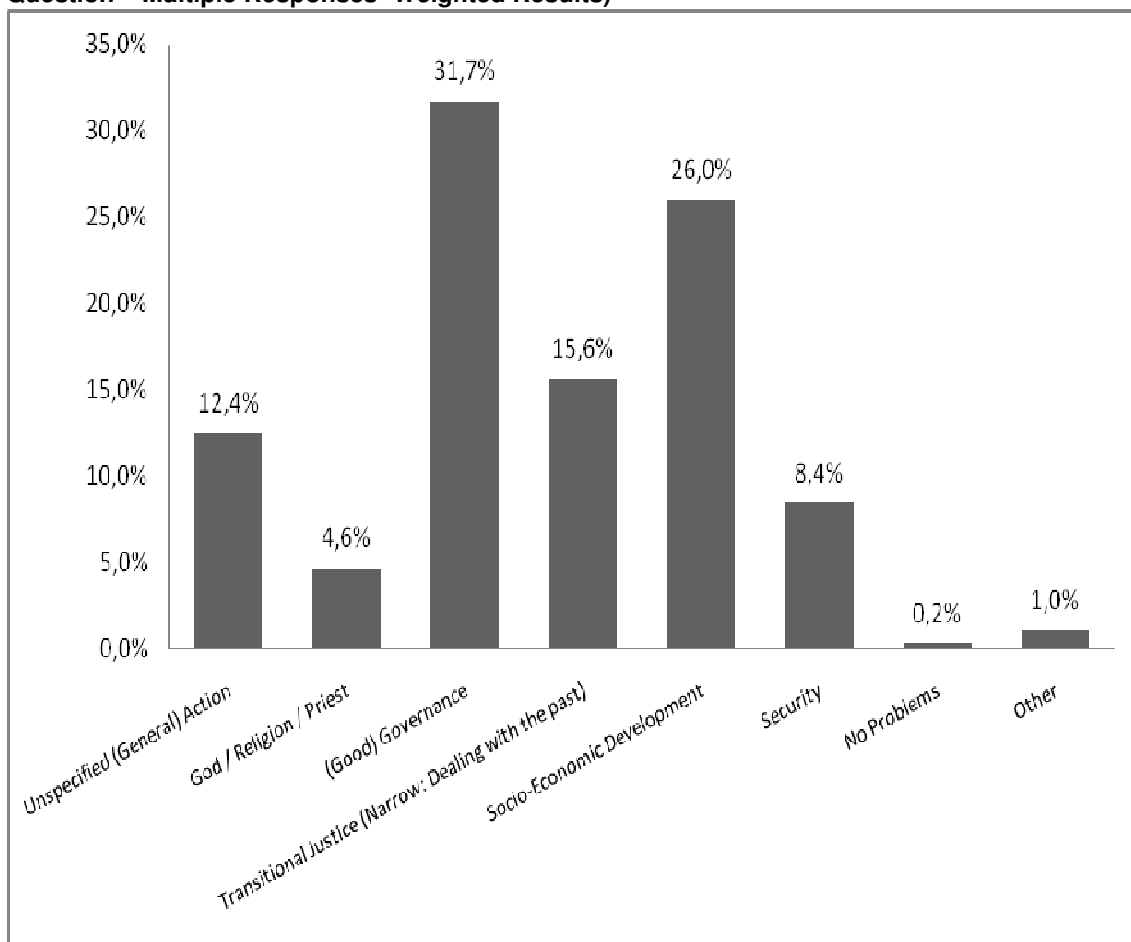
3. La vie sur la Colline de KIGANDA est habitée par des BASHINGANTAHE. Depuis 1972, 1993, les BASHINGANTAHE ont essayé d'œuvrer pour le bien des gens. Même si les jeunes tentent de faire ce que font les jeunes des autres régions, nous arrivons à les calmer. **Q. Vous êtes tous des BASHINGANTAHE ?** Tous : Oui. **Q. Combien sur la Colline ?** 3. Environ 100 sur la Colline. **Q. Ceux sont quelques uns qui viennent pour les procès ?** 3. Oui, parce que les gens ont d'autres occupations. **Q. Quel rôle des BASHINGANTAHE pour traiter les problèmes du passé ?** 1. Nous sommes surpris, nous devons nous concerter pour répondre à cette question. Il faut une réunion pour identifier ceux qui ont perdu les gens et les biens. 4. Ensemble avec les autres, nous pouvons voir ce que nous pouvons faire. 3. Ici nous sommes au nombre de 5, nous ne pouvons pas décider pour 100 personnes. 1. Parmi les BASHINGANTAHE, il y en a qui ont commis les crimes, ou qui ont perdu leurs biens, ils ne peuvent pas se juger eux-mêmes. Il faut une commission communale pour faire des investigations. **Q. Pourquoi faut-il cette commission ?** 3. On ne peut pas se juger, on est jugé par les autres. *FGD, Mwaro Province, Commune Bisoro, 16 April 2008; (1) peasant, male, Tutsi, Umushingantahe, 65; (2) peasant, male, Tutsi, Umushingantahe, 76; (3) peasant, male, Tutsi, Umushingantahe, 65; (4) peasant, male, Tutsi, Umushingantahe, 77; (5) peasant, male, Tutsi, Umushingantahe, 80.*

Q. Est-ce que les BASHINGANTAHE peuvent jouer un rôle pour traiter le passé ? 3. Non, nous ne pouvons pas. 6. Nous sommes ici pour calmer les gens. 3. Les gens qui font cela sont forts, ils ont des enfants bien placés, on ne peut pas les toucher. 1. Même si on nous donne une aide qui va passer par les enfants de ces gens, ça ne va pas arriver jusqu'à nous. *FGD, Mwaro Province, Commune Bisoro, 15 April 2008; (1) peasant, male, Hutu, 51; (2) peasant, male, Hutu, 60; (3) peasant, male, Hutu, Umushingantahe, 73; (4) peasant, female, Hutu, 67; (5) peasant, male, Hutu, Umushingantahe, 63; (6) peasant, male, Hutu, Umushingantahe, 43.*

11. LIVING TOGETHER AGAIN: OPENING SPACES OF “TOGETHERNESS”

This concluding section takes into account the findings we presented earlier. An attempt is made to identify the contours of the transitional space emerging from the narratives, popular understandings and existing practices of the ordinary peasants living in the hills. A concluding question of the survey instrument probed what institution, activity, event or person is the most important to increase the peaceful cohabitation and social cohesion in the communities of the respondents. Figure 32 presents the findings.

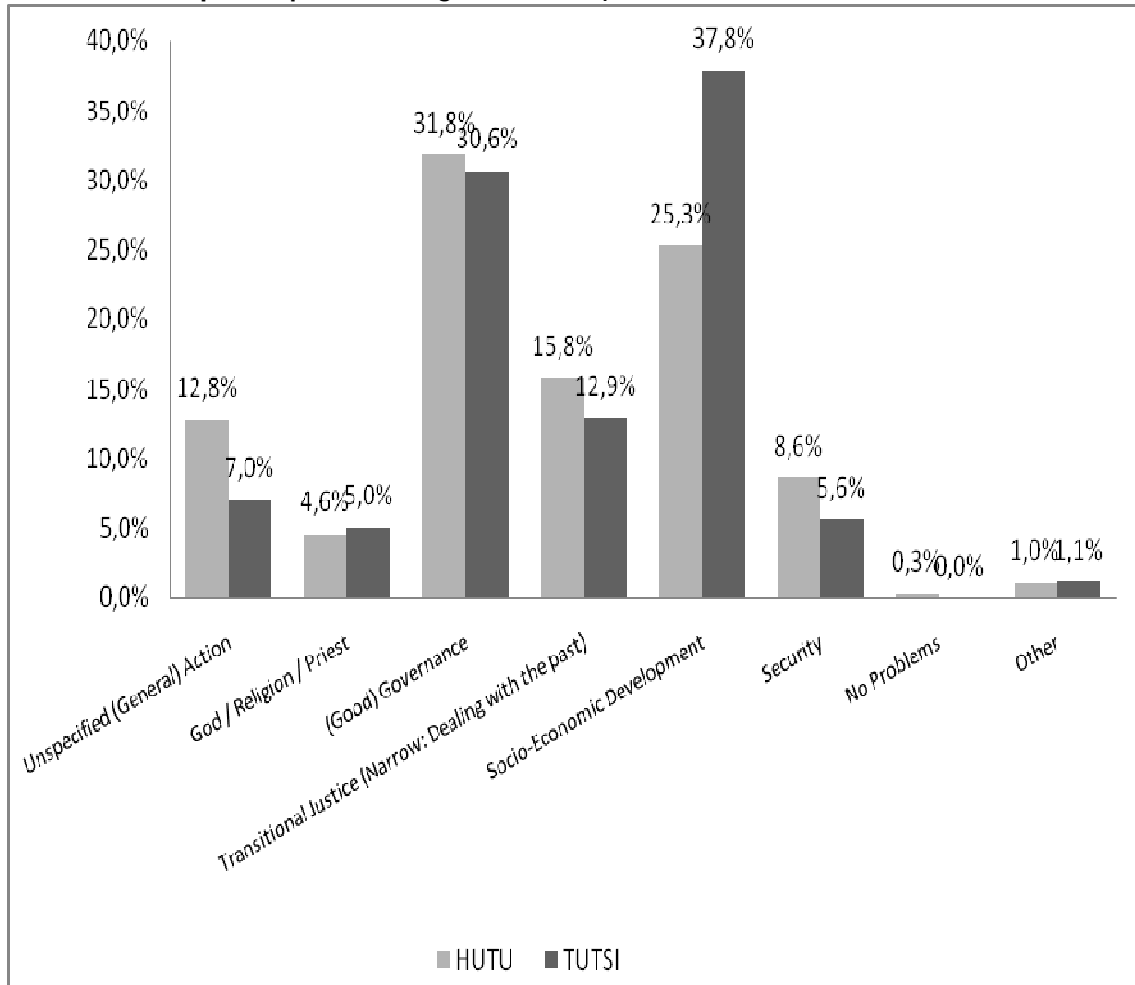
Figure 32 According to you, what institution / activity / event / person is the most important to increase peaceful cohabitation and social cohesion in your community? (Coded Open Question – Multiple Responses -Weighted Results)



Thirty-two percent of all respondents answer with statements that can be categorized under the label (good) governance. Socio-economic development is equally an element often referred to (26%). What is generally considered as transitional justice in the narrow sense of the word (truth, accountability, reparation, reconciliation) only follows third with 16% of the responses. Some people phrase their answer as the need to undertake an action but do not specify the type of action (12%).

Security (8%) and religion (5%) follow. Tutsi respondents put more emphasis on socio-economic development as can be seen in figure 33.

Figure 23 According to you, what institution / activity / event / person is the most important to increase peaceful cohabitation and social cohesion in your community? (Coded Open Question – Multiple Responses -Weighted Results)



It is important to take into account that ordinary Burundians seem to stress other objectives than the typical transitional justice objectives when they are asked to reflect on the need to prevent a recurrence of the violence of the past and the increase of social cohesion. It can be argued that transitional justice also operates in the domains of governance reform and socio-economic development. There are without any doubt linkages but this tendency to link transitional justice with many other issues risks to inflate transitional justice in such a way that everything becomes transitional justice and hence nothing is transitional justice. We have, therefore, limited ourselves to clearly demarcated objectives and specific mechanisms that can reach these objectives. We have stipulated these objectives and mechanisms in the introductory section. Also in the case of Burundi there are clearly identifiable mechanisms envisioned to deal with the past in general and to reach a specific range of objectives.

The findings presented in the figure above place the transitional justice process as we just qualified it in a broader perspective. It is in fact governance and development that should be an issue and only then transitional justice (as qualified above). Good governance and socio-economic development are, of course, container terms referring to many things. It is difficult to clearly identify what is being referred to here. One need to keep in mind that the findings presented in figure 33 are derived from answers to open-ended questions that were only coded afterwards. We constructed a code book with initially 67 possibilities for this open-ended question (see annex). We consistently aggregated the categories with eight final categories. Table 10 and 11 give an overview of what is referred to in terms of (good) governance and socio-economic development.

Table 10
(GOOD) GOVERNANCE
Egalité / Division (Gouvernance - Aide - Development) (National)
Egalité / Division (Gouvernance - Aide - Development) (Local)
Egalité / Division (Discours) (National)
Egalité / Division (Discours) (Local)
Egalité / Division (Ethnique) (General)
Retour des Habitants (Deplaces)
Retour des Habitants (Rapatriés)

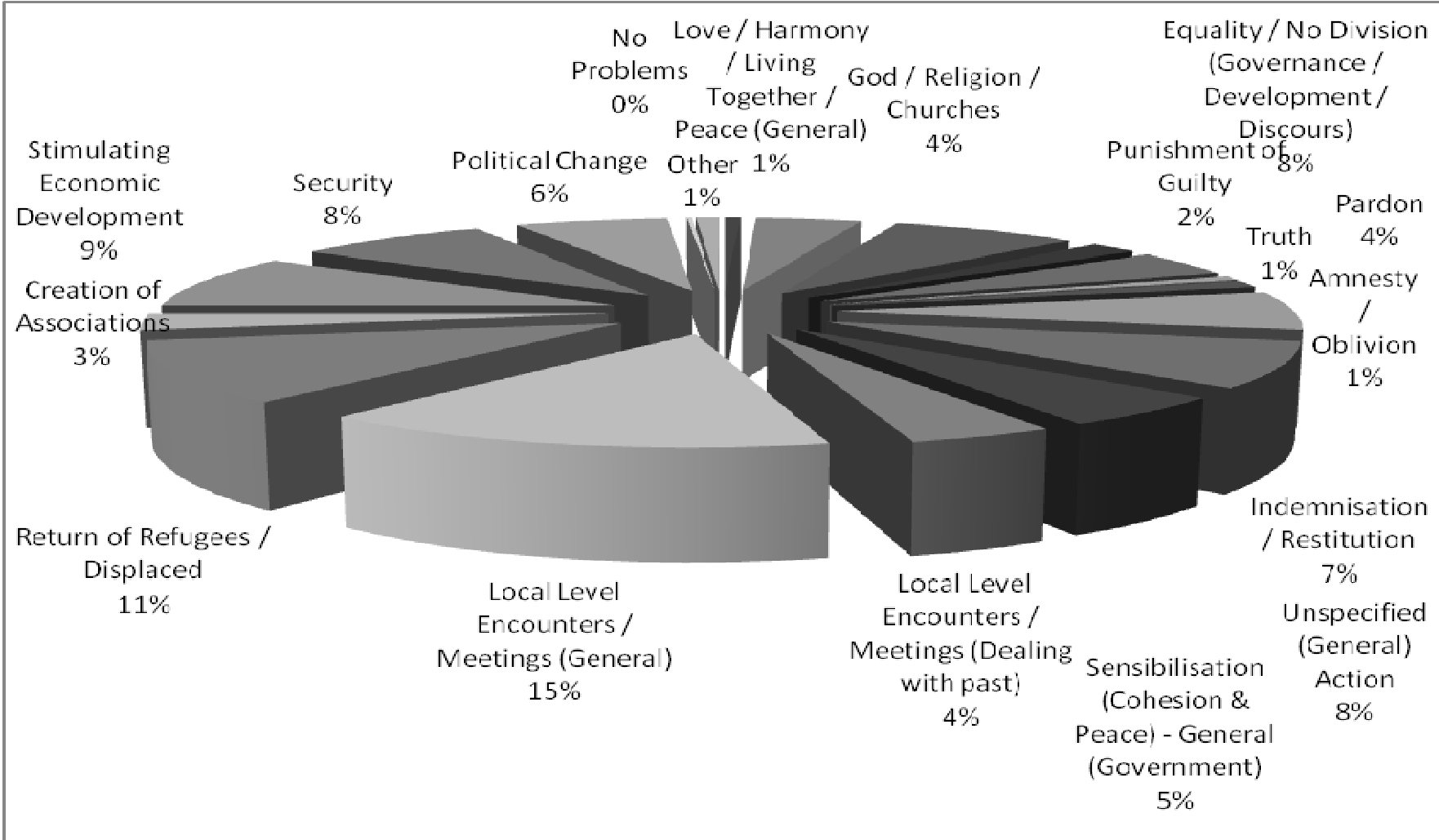
Retour des Habitants (Deplacés & Rapatriés)
Partage Du Pouvoir chez les autorités superieurs
Cooperation / Entente Entre les Politiciens
Visit des Politiciens dans la Population
Arret de la corruption
Impartialité dans la Justice / Respect de la loi
Stabilité Politique
Pas de Multipartisme
Elections des Nouveaux Dirigeants (National)
Elections des Nouveaux Dirigeants (Local)
Sensibilisation General (La Paix / La Cohabitation) (Gouvernement)

Table 11
SOCIO-ECONOMIC DEVELOPMENT
Reunions / Assemblées de Sensibilisation / Formation (Cohésion / Paix) (Général)
Reunions / Assemblées de Sensibilisation / Formation (Cohésion / Paix) (Gouvernement)
Reunions / Assemblées de Sensibilisation / Formation (Cohésion / Paix) (ONG)
Reunions / Assemblées de Rencontre / Dialogue / Parler (Cohésion / Paix) (Général)
Reunions / Assemblées de Rencontre / Dialogue / Parler (Cohésion / Paix) (Gouvernement)
Reunions / Assemblées de Rencontre / Dialogue / Parler (Cohésion / Paix) (ONG)
Fête / Ceremonies Traditionnelles (partage de la bière)

Activités / Réunions de Sport
Creation d'une comité des Sages
Creation des Associations (Général)
Creation des Associations (H et T)
Creation des Associations Pour Dialoguer (H et T)
Creation des Projets de Development (General)
Creation des Projets de Development (H et T)
Aide aux plus pauvres
Creation des Ecoles / Education
Construction des Maisons (Déplacés)
Construction des Maisons (Rapatriés)
Construction des Maisons (Rapatriés & Déplacés)
Villagisation ensemble (sans distinction ethnique)
Redistribution de la terre

Figure 34 gives a visual overview of the responses when aggregated into 19 options, a medium range aggregation in between the eight general categories and the initial 67 categories. What is clear is the relative importance attached to the organization of local level encounters, general meetings without specific focus on transitional justice issues, although the latter issue is also referred to in the context of encounters. The return of displaced and refugees to the community is also often cited. In sum, the strengthening of the social tissue, the aspect of being together, placing everything in its place as it used to be before everything fell apart, a revitalization of daily life and interactions are tacitly stressed. Box 19 gives an overview of a selection of responses where peasants phrase these issues in their own words. Dialogue, speech, reconciliation, festivities, ceremonies, reunions, regroupings are notions that often return. A following text box (20) summarizes quotes related to the notion of (good) governance equally often cited: peace, security, justice and equity, no favoritism and divisionism are recurring themes.

Figure 34 According to you, what institution / activity / event / person is the most important to increase peaceful cohabitation and social cohesion in your community? (Coded Open Question – Multiple Responses –Weighted Results)



Box 19. Coming Together = Being Together

Organiser des fêtes au niveau de la colline et les Hutu et les Tutsi peuvent dialoguer et renforcer la cohésion sociale.

Multiplication des réunions de sensibilisation de la population à la cohésion sociale

Il faudrait organiser beaucoup de rencontres réunissant les Burundais des collines

Les autorités au niveau provincial et communal doivent faire des réunions pour nous réconcilier.

Il faut se mettre ensemble pour parler de ce qui s'est passé en vue d'améliorer la cohabitation.

Organisation des associations communautaires pour réduire la pauvreté, ce serait un cadre de dialogue.

Il faut que l'administrateur rassemble les gens pour les sensibiliser à la cohésion sociale.

Organisation des activités de développement rassemblant toutes les ethnies.

Créations des associations où toutes les tenances se rassemblent et dialoguent.

Les dirigeants doivent intensifier des réunions pour réconcilier les gens.

Organisation des fêtes qui rassemblent Hutu et Tutsi autour de la bière.

Organisation des fêtes où les Hutu et les Tutsi puissent se rassembler et se dire la vérité.

L'administrateur devrait nous ramener sur nos collines natales et essayer de nous présenter publiquement devant nos anciens voisins et leur recommander de nous accueillir chaleureusement.

Le gouvernement devrait organiser des rencontres avec nos anciens voisins.

Les Hutu et les Tutsi doivent se regrouper dans les associations.

Le retour des déplacés et des réfugiés : il faut que le gouvernement s'investissent .

Participation dans les fêtes chez les Hutu par les Tutsi et vice-versa.

Organisation des activités génératrices de revenus dans lesquelles tous peuvent participer.

Il faut reconstruire pour les Tutsi pour qu'ils rentrent et vivent parmi les Hutu.

Il faut faire rentrer tout le monde, quand on est séparé on est divisé.

Il faut des réunions pour sensibiliser les gens. Et les citoyens, dans ces réunions, peuvent émettre leurs idées.

Box 20. Good Governance

Il faudrait que les politiciens des différents partis s'asseyent ensemble pour trouver des solutions durables aux problèmes burundais.

Il faut faire comprendre aux gens que la démocratie ne veut pas dire exclure les autres

Les représentants (les élus) du peuple doivent mettre en avant la paix et la sécurité pour servir de modèles.

Les autorités doivent réunir les gens de façon quotidienne pour la paix.

Le chef de colline qui doit chercher la paix pour ses gens.

Les autorités doivent renforcer les mesures de sécurité pour que tout le monde se sente à l'aise.

Il faut que la société civile enseigne à la population comment vivre ensemble dans la paix.

Les autorités supérieures qui doivent sensibiliser les déplacés et les Hutu à vivre ensemble.

Il faut des projets de lutte contre la pauvreté et c'est le gouvernement qui peut nous aider.

Les autorités doivent éviter la politique divisionniste.

La concertation entre la population et les autorités collinaires.

L'enregistrement sur les listes des bénéficiaires des aides de façon juste et équitable .

La responsabilité d'unir tous les Burundais incombe aux autorités actuelles.

Les autorités doivent éviter le favoritisme dans la distribution des aides aux habitants.

Il faudrait que tous les Burundais puissent comprendre qu'ils sont tous égaux.

Il faut que les autorités et surtout les gens instruits cessent de semer les divisions.

Les hautes autorités sont la source de la cohabitation pacifique et il faut qu'elles s'entendent et il y aura une cohabitation pacifique.

Le gouvernement doit faire de l'unité son mot d'ordre.

La stabilité politique dans le pays et l'entente au niveau politique.

L'entente au niveau des politiciens (partage du pouvoir).

C'est le président qui est capable d'augmenter la cohabitation pacifique.

Il faut que nos dirigeants servent de modèles et réunissent les gens pour discuter de la paix.

We have explained in the previous sections that our ordinary peasant interlocutors are tempted not to venture into a process dealing with the past, transitional justice as it is commonly defined and understood. They prefer not to dig up what once was and is rotting. They chose not to bring the stone that was buried to the surface again. This opinion is partly based on a sincere conviction, partly on the consequence of a widespread awareness that many obstacles are currently blocking a fruitful initiation of a process that deals with the past. As we have shown there is also a desire that the ones most responsible for the past crimes are held accountable. But there is a strong urge to facilitate reconciliation, communal-ritual activities of re-integration, honouring and dialogue as well as a strong conviction to pardon. These should especially take place at the local level between ordinary people.

The findings presented in this section came further to qualify these expectations of ordinary Burundians. In the first place the transitional justice process has been situated in a broader perspective. Issues of good governance and socio-economic development are considered to be more important than a transitional justice approach as understood in the narrow sense of the word. Secondly, there is on the vertical axis – the connection with the state and power – a desire to continue a transformation of the structures of power that underly the domains of the economy, security and justice. In sum social justice is as important as transitional justice narrowly defined. Horizontally there is the need to facilitate between ordinary people not only their cohabitation but also their coming together again. While cohabitation has a minimalistic connotation (it is no more than not killing each other), actually bringing together what has fallen apart or is torn asunder is a process that goes much deeper. There is an awareness that this is a very difficult process. It is a process that needs to be facilitated in the opinion of our peasant interlocutors. But they have a very specific understanding of how this can be done based on their view of the world, their customary practices and the “social imaginary” that dominates rural life.

The sharing of food and drinks, ceremonies of conviviality and the exchange of gifts are important signs of positive social relations. Mutual help in general and in case of distress or general collaboration between people, as well as greeting each other on pathways or neighbourly visits are considered to be signs of good social cohesion as well. These signs might seem evident or banal from the perspective of an outsider but what one labels as “reconciliation” is rooted in the ambiguities of local life. Dealing with the violence of the past and preventing a recurrence in the future is interwoven in the web of tightly knit face-to-face communities, difficult to understand from the perspective of an outsider used to different preconceived categories of what is taken for granted.

The cohabitation that started after the period of violence and war at the local level was initially marked by fear. Out of necessity life returned to a form of normality and cohabitation. Daily life in the hills of Burundi is highly pragmatic. During discussion groups the participants often referred to the ‘heart’ when talking about the events of the past and expressing the nature and level of trust and confidence they have in their neighbours, fellow villagers or members of the other ethnic group (see box 21). The heart is the force unifying the human being. Emotions, thoughts and will are interconnected and unified in the heart. Due to the violence experienced in their midst ‘the hearts have changed’. The heart has changed because of the crimes committed, the violence experienced or the dehumanising acts observed.

We have previously referred to the fact that the notion Ubushingantahe has a connection with the word umutima, heart or spirit. In a more general sense the change of heart thus also refers to

the fact that the values that once invigorated society have changed. Living conditions, the social universe and daily interactions have developed into a form of normality again after decades of crisis and upheaval but the outward appearance of normality reveals little about someone's heart.

Daily actions and interactions have become a way of dealing with the past either in a positive or negative sense: the crossing on the pathway to the fields, the offer and sharing of banana beer, a fair deal in the conflict with a neighbour, the invitation to a wedding or the helping hand when transporting a sick person to the hospital may be catalysts in restructuring relationships. Meanwhile accusations of witchcraft, threats or suspicions of poisoning, exclusion from participation in a decision-making procedure, the (interpretation of the) blink of an eye, the failure to invite someone to a ceremony, favouritism in the resolution of a quarrel are enough to increase distrust and reinforce existing prejudices. Exploring these practices is a means of inspecting the humanity of oneself and the other crystallized in the heart. It engages with perennial values torn apart by the crisis, the violence.

Dealing with the past from the perspective of an ordinary Burundian peasant, the large majority of the population, seems to mean the facilitation of "a change of the heart" when considering the interpersonal perspective. At the societal level it means a revitalization of the values of Burundian culture and at the macro-political level it means an inclusion and integration of all segments of society with powerholders operating in the service of the many instead of the few. Taking an inside (emic) perspective, it somehow means the revitalization of the set of values referred to by the notion Ubushingantahe., understood here in the sense of the perennial, almost universal values embedded in Burundian society. It does not necessarily refer to the Bashingantahe counsels. The latter are only temporary in nature and, as we have shown, therefore to a certain extent perverted by the influence of the power structures and social conditions that marked the subsequent time periods they lived through. As we have explained, most of the literature refers to the Ubushingantahe as an institution of social values. Manirikazi refers to the fact that these values might be the equivalent of the contemporary and western notion of "good governance"³⁷. Laely refers to the notion of the "heart" (umutima) when discussing the personal virtues needed as a prerequisite to become an invested Umushingantahe. The existing Bashingantahe as well as any ordinary Burundian will have to reintegrate these values in their daily practices.³⁸ This can not be decreed through legal texts, rehabilitation operations focusing on detached nation level counsels or policies imposing changes top-down through social engineering. It can only be facilitated by adopting a carefully designed approach.

It is evident that more general socio-economic and typical development related initiatives can facilitate these expectations. With a more strict focus on the transitional justice options for Burundi, the findings suggests the absolute need to take these popular expectations and objectives into account in the design and practice of the mechanisms envisioned to deal with the past in Burundi. The stipulation of the transitional justice objectives and the design of the mechanisms not only need to be informed by the expectations of ordinary Burundians, they also need to be impregnated by the wisdom of the peasantry in order to produce the desired outcomes. This is no plea for impunity or amnesty. A specifically designed commission – genre truth and reconciliation commission – complemented by an institution establishing some sort of accountability at some point in time – genre

³⁷ Manirikiza, Zénon (2007), "La Justice Transitionnelle pour la Paix Sociale. Le Système Bashingantahe au Burundi"

³⁸ Kohlhagen makes a similar point. Kohlhagen, Dominik (2008), *Le Tribunal Face au Terrain. Les Problèmes d'Exécution des Jugements au Mugamba dans une Perspective Juridique et Anthropologique*, Bujumbura, RCN Justice & Démocratie, p. P139

special tribunal - might be part of such a process, if taking place in conjunction with sufficient attention for non-judicial and grassroots initiatives. It also means important attention should be paid to timing and sequencing and issues of complementarity between approaches. We provided some recommendations in that regard in the introduction of this report.

And it means that mechanisms adopted and initiatives undertaken should not introduce logics that diametrically oppose the existing social dynamics and the popular expectations. The globally dominating transitional justice approaches but also the way they are envisioned for Burundi are overtly legalistic. The impact of the modernization of the Gacaca court system in Rwanda has in the meantime revealed the effect emerging when a logic is introduced that runs counter to existing practices and popular expectations.³⁹ Before the state-sanctioned installation of the Gacaca courts, popular practices and narratives show that the past was primarily tacitly explored without much discursive content. The Gacaca courts substantially altered this non-discursive process of cohabitation due to the introduction of a logic of prosecution in the midst of a peasant society. The forensic 'truth' had to be spoken in a process where (ethnic) groups approached each other in an antagonistic way: "us vs. them". As a consequence, prosecution and forensic 'truth'-telling (who, where, when, with whom) replaced non-discursive activities to deal with the past and became an important pre-requisite to re-establish social relationships and to evolve towards interpersonal reconciliation. Local dynamics - the power of the gun, the number, money or authority - came to pervert the procedures and thus also the outcomes.

What the Gacaca process in Rwanda facilitated for some disturbed or destroyed it for many. The arrival of Gacaca created an overall "crisis", a tension worsening social cohesion and attitudes (prejudices) towards the 'other group' – a crisis due to a clash between an imposed Western model with forensic 'truth'-telling as cornerstone on the one hand and different communication principles and popular practices informed by socio-cultural sensibilities on the other. It is, therefore, even more important in the case of Burundi to take the existing practices, popular expectations and socio-cultural sensibilities into account challenging the Western approaches taken for granted. As a Hutu peasant formulates it: "the truth will appear in the gestures, in the act of sharing".

³⁹ Waldorf, L. (2006), "Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice", *Temple Law Review*, Vol. 79, N°1. Brouneus, K. 2008, 'Truth-telling as talking cure? Insecurity and retraumatization in the Rwandan Gacaca courts', *Security Dialogue*, 39, 1: 55-76. Buckley-Zistel, S. 2005. "The truth heals?' *Gacaca* jurisdictions and the consolidation of peace in Rwanda', *Die Friedens-Warte*, 80, 1-2: 1-17. Buckley-Zistel, S. 2006. 'Remembering to forget. Chosen amnesia as a strategy for local coexistence in post-genocide Rwanda', *Africa*, 76, 2: 131-150. Burnet, J.E. 2008. 'The injustice of local justice: truth, reconciliation and revenge in Rwanda', *Genocide Studies and Prevention*, 3, 2: 173-193. Rettig, M. 2008. 'Gacaca: Truth, Justice and Reconciliation in Postconflict Rwanda?' *African Studies Review*, 51, 3: 25-50. Ingelaere, B. (2008). 'The gacaca courts in Rwanda', in L. Huyse & M. Salter, eds. *Traditional Justice and Reconciliation Mechanisms After Violent Conflict: learning from African experiences*. Stockholm: International IDEA, 25-60. Ingelaere, B. (2009), "Does the Truth Pass across the Fire without Burning? Locating the Short Circuit in Rwanda's Gacaca Courts", *Journal of Modern African Studies*, Vol. 47, N° 4.

Box 21. A Change of Heart

Q. Vous parlez entre vous de ce qui s'est passé en 1988 ? 1. On parle de ça mais on commence à rigoler parce qu'on se demande comment tuait un autre. 1. C'est venu du cœur des gens. 3. C'est le Satan qui est allé dans les cœurs des gens. C'est comme dans la Bible. *FGD, Kirundo Province, Commune Ntega, 26 March 2008; (1) peasant, male, Hutu, 45; (2) peasant, male, Hutu, 48; (3) peasant, male, Hutu, 40; (4) peasant, male, Hutu, 62; (5) peasant, male, Hutu, 42.*

5. Qu'est ce qu'on peut faire. Les gens qui reviennent de l'exil disent qu'ils ont été en exil à cause des Tutsi. Comment cette haine peut-elle disparaître dans les cœurs des gens? *FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Tutsi, 39; (2) peasant, male, Tutsi, 72; (3) peasant, male, Tutsi, 52; (4) teacher, male, Tutsi, 40; (5) peasant, female, Tutsi, 44; (6) peasant, female, Tutsi, 67; (7) peasant, female, Tutsi, 40.*

Q. Où organiser ce genre de rencontre ? 1. Ce problème est délicat, le criminel ne va pas aller devant la victime pour lui demander pardon. « IMITIMA Y'ABARUNDI NTIYOROSHE = les cœurs des Burundais ne sont pas tendres », il faut installer des commissions qui vont visiter les gens qui ont perdu les leurs pendant les différentes crises, les victimes vont dénoncer les criminels et la commission va mettre en confrontation les victimes et leurs bourreaux. Ici, la crise de 1972 a été « AGAHOMERAMUNWA = inqualifiable », mais les crimes étaient commis en pleine journée, ce n'était pas pendant la nuit, on connaît ceux qui ont commis des crimes. Si une telle commission est installée, on peut pardonner après l'aveu. *FGD, Mwaro Province, Commune Bisoro, 30 April 2008; (1) peasant, male, Hutu, Umushingantahe, 64; (2) peasant, male, Hutu, 43; (3) peasant, female, Hutu, 46; (4) peasant, female, Hutu, 51; (5) peasant, female, Hutu, 38; (6) peasant, female, Hutu, 56.*

1. Les gens ne vivent plus en entente, il y a eu une mésentente et l'économie en partie. 2. Les cœurs des gens ont changé, nous avons vu beaucoup d'événements. 5. Par exemple, pour nous qui étions jeunes, nous avons été traumatisés parce que nous avons vu. 2. Il y a des Tutsi qui sont traumatisés à cause de ce qu'ils ont vécu. *FGD, Gitega Province, Commune Itaba, 12 April 2008; (1) peasant, male, Hutu, 70; (2) peasant, male, Hutu, 40; (3) peasant, male, Hutu, 48; (4) peasant, male, Hutu, 67; (5) peasant, male, Hutu, 30.*

Q. Qui/comment organiser ce dialogue ? 8. Les problèmes se trouvent au niveau des autorités qui ne viennent pas pour sensibiliser. Autrement, les gens pouvaient vivre ensemble. Ici, c'est comme s'il n'y a pas de pouvoir, les parlementaires, le gouverneur, l'administrateur ne viennent pas. 7. Le pardon vient du cœur. Même celui pour qui on n'a pas tué les gens, il peut être mécontent. Le cœur des gens est Les rapatriés pensent que les Tutsi sont mauvais et les Tutsi pensent que les rapatriés sont mauvais. Il faut les sensibiliser. 8. Il y a un proverbe burundais « UMWERA UVUYE I BUKURU BUCA WAKWIRIYE HOSE » = LA CHARITE QUI VIENT D'EN HAUT SE REPAND PARTOUT. » 5. Si les autorités venaient, les gens vont faire ce qu'ils disent. Ils vont se parler etc.

Q. C'est-à-dire qu'actuellement, il y a encore la méfiance ? 7. Oui, ce n'est pas visible, mais on le remarque durant les paroles. Le problème des Burundais, c'est qu'on n'extériorise pas l'émotion. *FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Hutu, 86; (2) peasant, male, Hutu, 57; (3) peasant, male, Hutu, 60; (4) peasant, male, Hutu, 70; (5) peasant, male, Hutu, 52; (6) member hill council, male, Hutu, 62; (7) peasant, female, Hutu, 54; (8) trader & Umushingantahe, male, 57; (9) mechanic & hill administrator, male, Hutu, 40.*

12. BIBLIOGRAPHY

- Arriaza, Laura & Roht-Arriaza, N. 2008 "Social Reconstruction as a Local Process" *International Journal of Transition Justice*, Vol. 2, pp. 152-172.
- Bigirumwami, J. (1999) "Uses of the word Intahe and its corollaries in the Burundian language and culture" in . Ntahombaye, Phillipe & Ntabona, Adrien & Gahama, Joseph & Kagabo Liboire (eds.) (1999), *The Bashingantahe institution in Burundi. A Pluridisciplinary Study*, Bujumbura. p. 59-63.
- Brouneus, K. (2008) 'Truth-telling as talking cure? Insecurity and retraumatization in the Rwandan Gacaca courts', *Security Dialogue*, 39, 1: 55-76.
- Buckley-Zistel, S. (2005). "The truth heals?' *Gacaca* jurisdictions and the consolidation of peace in Rwanda', *Die Friedens-Warte*, 80, 1-2: 1-17.
- Buckley-Zistel, S. (2006) 'Remembering to forget. Chosen amnesia as a strategy for local coexistence in post-genocide Rwanda', *Africa*, 76, 2: 131-150.
- Burnet, J.E. (2008) 'The injustice of local justice: truth, reconciliation and revenge in Rwanda,' *Genocide Studies and Prevention*, 3, 2: 173-193.
- Chrétien, J.-P. (1997) *Le Défi de L'Ethnisme. Rwanda et Burundi: 1990-1996*. Paris, Editions Karthala.
- Chaire Unesco, *Justice en Période de Post-Conflicts*, Actes du Colloque International du 20-22 Septembre 2005.
- Chrétien, J.-P., Guichaoua, A. & Le Jeune, G., (1989) *La Crise D'Août 1988 au Burundi*, Editions AFERA, Karthala.
- Daley, P.O. (2008), *Gender and Genocide in Burundi. The Search for Spaces of Peace in the Great Lakes Region*, James Currey: Oxford.
- Dexter, T. & Ntahombaye, P., (2005) *The Role of Informal Justice Systems in Fostering the Rule of Law in Post-Conflict Situations. The Case of Burundi*, Geneva, Centre for Humanitarian Dialogue.
- Deslaurier, C. (2003), "Le "Bushingantahe" peut-il réconcilier le Burundi?", *Politique Africaine*, N°92, pp. 76-96.
- Gahama, J. & Thibon, J., (1994), *Les regions orientales du Burundi. Une périphérie à l'épreuve du développement*, Paris, Editions Karthala.
- Guichaoa, A., (1995) *Les crises politiques au Burundi et au Rwanda (1993-1994)*, Lille, Universite de Lille.

- Huyse, L., (2003) 'The Process of Reconciliation', in: Bloomfield, D. Barns, T. & Huyse L. (eds.) *Reconciliation after Violent Conflict. A Handbook.*, Stockholm: International IDEA.
- Huyse, L. & Salter, M. (eds.), (2008) *Traditional Justice and Reconciliation after Violent Conflict. Learning from African Experiences*, Stockholm, International Idea.
- Ingelaere, B. (2007). *Living the transition: a bottom-up perspective on Rwanda's political transition*. Antwerp: Institute of Development Policy and Management, discussion paper 2007: 6.
- Ingelaere, B. (2008) 'The gacaca courts in Rwanda', in L. Huyse & M. Salter, eds. *Traditional Justice and Reconciliation Mechanisms After Violent Conflict: learning from African experiences*. Stockholm: International Idea, 25-60.
- Ingelaere, B. (2010). 'Peasants, power and ethnicity: a bottom-up perspective on Rwanda's political transition', *African Affairs*, 109, 434: (forthcoming)
- Ingelaere, B. (2009), "Does the Truth Pass across the Fire without Burning? Locating the Short Circuit in Rwanda's Gacaca Courts", *Journal of Modern African Studies*, Vol. 47, N° 4.
- Kadende-Kaiser, Rose M. & Kaiser, Paul J. (1997) "Modern Folklore, Identity, and Political Change in Burundi", *African Studies Review*, Vol 40, N° 3, pp. 29-54.
- Kohlhagen, D. (2008), *Le Tribunal Face au Terrain. Les Problèmes d'Exécution des Jugements au Mugamba dans une Perspective Juridique et Anthropologique*, Bujumbura, RCN Justice & Démocratie.
- Laely, T. (1992), "Le Destin du Bushingantahe. Transformations d'une Structure Locale d'Autorité au Burundi" *Genève-Afrique*, Vol. 2, pp. 75-98.
- Laely, T. (1997), "Peasants, Local Communities, and Central Power in Burundi" *Journal of Modern African Studies*, Vol. 35, N° 4, pp. 695-716.
- Lemarchand, R. (2009), *The Dynamics of Violence in Central Africa*, Philadelphia: University of Pennsylvania Press.
- Lemarchand, R. (1994), *Burundi. Ethnocide as Discourse and Practice*, Cambridge, Cambridge University Press.
- Lundy, P. & McGovern, M. (2008) "Whose Justice? Rethinking Transitional Justice from the Bottom Up", *Journal of Law and Society*, Vol. 35, N° 2, pp. 265-292.
- Malkii, L. H., (1995) *Purity and Exile. Violence, Memory, and National Cosmology Among Hutu Refugees in Tanzania*, Chicago & London, The University of Chicago Press.

- Manirakiza, Z. (2007), “La Justice Transitionnelle pour la Paix Sociale. Le Système Bashingantahe au Burundi”
- McEvoy, K. & McGregor, L. (eds.) (2008) *Transitional Justice from Below. Grassroots Activism and the Struggle for Change*, Oxford, Hart Publishing.
- Naniwe-Kaburahe A. (2008) “The institution of Bashingantahe in Burundi” in: Huyse, L. & Salter, M. (eds.), (2008) *Traditional Justice and Reconciliation after Violent Conflict. Learning from African Experiences*, Stockholm, International Idea, pp. 149- 178.
- Ntahombaye, P. & Ntabona, A. & Gahama, J. & Kagabo L. (eds.) (1999), *The Bashingantahe institution in Burundi. A Pluridisciplinary Study*, Bujumbura.
- Oomen, B. (2007) “Transitional Justice and Its Legitimacy: The Case for A Local Perspective”, *Netherlands Quarterly of Human Rights*, Vol. 25, N° 1, pp. 141-148.
- Rettig, M. (2008). ‘Gacaca: Truth, Justice and Reconciliation in Postconflict Rwanda?’ *African Studies Review*, 51, 3: 25-50.
- Reyntjens, F. (1994) *L’Afrique des Grands Lacs en Crise. Rwanda, Burundi: 1988-1994*. Paris, Editions Karthala.
- Reyntjens, F. (2005) “Briefing: Burundi: A Peaceful Transition after a Decade of War?” *African Affairs*, Vol. 105/418.
- Sarkin, J. & Daly, E. (2004) “Too many questions, too few answers: reconciliation in transitional societies”, *Columbia Human Rights Law Review*, Vol. 35, p. 665.
- Samii, C. (2009), “Who wants to Forgive and Forget? Civilian Attitudes towards Post-Conflict Justice and Truth in Burundi.” Working Paper, New York: Columbia University.
- Theidon, K. 2006. ‘Justice in transition: the micropolitics of reconciliation in postwar Peru’, *Journal of Conflict Resolution* 50, 3: 433-57.
- Turner, S. (2007), “The Precarious Position of Politics in Popular Imagination: The Burundian Case”, *Journal of Eastern African Studies*, Vol. 1, N° 1, pp. 93-106.
- United Nations (2004) *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General*, United Nations Document S/2004/616.
- Uvin, P. (2009) *Life after Violence. A People’s Story of Burundi*, London & New York, Zed Books.
- Uvin, P. (2008) “Human Security in Burundi: The View from Below (by Youth)” *African Security Review*, Vol. 16, N°2, pp. 39-52

- Vandeginste, S. (2008) "Burundi: Entre le Modèle Consociatif et Sa Mise en Oeuvre", in: Marysse, S., Reyntjens, F. & Vandeginste, S. *L'Afrique des Grands Lacs. Annuaire 2007-2008*, Paris, L'Harmattan, pp. 55-76.
- Vandeginste, S. (2009) "Law as A Source and Instrument of Transitional Justice in Burundi", Phd. Thesis, Faculty of Law, University of Antwerp.
- Vandeginste, S. (2009), "Transitional Justice for Burundi: A Long and Winding Road" in Ambos, K., Large, J. & Wierda, M. (eds.), *Building a Future on Peace and Justice. Studies on Transitional Justice, Peace and Development*, Springer Publishing.
- Waldorf, L. (2006), "Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice", *Temple Law Review*, Vol. 79, N°1.
- Watt, N. (2008) *Burundi. Biography of a Small African Country*. London, Hurst & Company.

ANNEX 1: COMMUNITY HISTORIES

Box 22. 1972: RUMONGE

<i>TUTSI</i>	<i>HUTU</i>
<p>Q. Alors qu'est ce qui s'était passé en 1972 ?</p> <p>2. En 1972, on voulait tuer les Tutsi. J'avais un voisin qui a été tué par balle, ces enfants même ont été tués par des copains.</p> <p>Q. Ça a commencé comment ? C'était quoi l'origine ?</p> <p>3. Il y avait une réunion de la population à RUMONGE dirigé par le Ministre de 5. Ils ont tous torturé, on a coupé le médecin en disant : « Tu peux te soigner ». l'intérieur. A la fin de la réunion, tous ces gens là-bas étaient armés, la guerre a commencé là-bas à RUMONGE. Ils ont commencé à massacrer les Tutsi. Quand les autorités qui rentraient à BURURI arrivaient à MUTAMBARO, ils ont trouvé une barrière sur la route, l'Administrateur, les Juges et le Médecin étaient cachés par un arabe. Les paysans ont attaqué cette maison. Ils ont demandé de donner ces gens autrement il était tué. Il l'a fait et ils ont été tous tués, c'étaient des Tutsi.</p> <p>Q. Cette réunion, c'était pour quel objectif ?</p> <p>5. C'était une réunion de sécurité. Il y avait des rumeurs de guerre. Le Ministre disait : « Tu as des machettes, mais nous avons des fusils. »</p> <p>Q. Ces rumeurs venaient d'où ?</p> <p>3. Je pense qu'il y avait quelques personnes qui connaissaient le secret de cette guerre. Les paysans ne savaient rien. Il y avait un Administrateur de NYANZA-LAC du nom de Thomas. Au début de la crise, il a fui. Mais après, le gouvernement l'a cherché en exil. Le gouvernement a dit de libérer les biens de Thomas parce que Thomas avait révélé le</p>	<p>Q. Qu'est ce qui s'est passé ici en 1972 ?</p> <p>4. On a appelé les gens pour aller dans une réunion à RUMONGE. Et la guerre a commencé là-bas. Ils sont revenus en courant. On a tout abandonné. Ils sont allés en TANZANIE. Ils ont passé 30 ans. Mais ces terres sont occupées.</p> <p>Q. Quand est-ce qu'on avait cette réunion ?</p> <p>Tous : Le 29 avril. C'était avec des ministres venus de BUJUMBURA. C'était une réunion de sécurité.</p> <p>Q. Avant, il n'y avait rien de spécial ici ?</p> <p>7. Au cours de 1965, on a eu aussi des troubles. On avait recensé les gens qui avaient fait des études ou qui avaient de l'argent. Aussi sur la Colline ici. En 1968-1969, on est venu ici encore pour arrêter les gens. On arrêtait les étudiants et on les tuait dans la prison. Après ce désordre, il y avait un mauvais climat entre les ethnies. Alors en 1972, comme il y avait des gens qui étaient en exil et d'autres restés ici, alors le 29 avril, il y avait la guerre ici et à BUJUMBURA. Avant c'était calme ici.</p> <p>Q. En 1965, ça a été fait par qui ?</p> <p>6. Il y avait une jeep et le Commissaire militaire qui avait une liste est venue. 3. On avait aussi des habitants Tutsi, mais ils étaient peu nombreux. 5. Entre les gens ordinaires, il n'y avait pas de problèmes. 6. Les simples paysans n'étaient pas un obstacle pour la paix. C'étaient des problèmes entre les dirigeants.</p> <p>Q. Et 1972 est venu comme ça dans la</p>

secret de la guerre. C'était un Hutu, il a dit qu'il y avait quelque chose en train de se préparer.

Q. Alors qui était entrain de se préparer ?

3. On était entrain de préparer les massacres. Les Hutu se préparaient à tuer les Tutsi. La crise a commencé le 29 avril. On avait organisé des soirées partout pour que les gens puissent être surpris. 2. Ici, la réunion se faisait chez un certain BIYORE. C'étaient des réunions pour préparer les massacres des Tutsi.

Q. Mais la réunion du Ministre était pour calmer ou inciter la population ?

4. Pour calmer suite aux rumeurs. 3. Même le Ministre n'a pas pu rentrer, aussi la voiture de la radio a été brûlée. 4. Les gens étaient préparés, même si le Ministre n'était pas venu. 3. C'était préparé, même là où le Ministre n'a pas passé, à NYANZA-LAC, à VYAMBE, on a commencé alors.

Q. Qu'est ce qui s'est passé ici ?

2. Quand les gens sont revenus, ils ont commencé à creuser des fosses pour enterrer les Tutsi. 3. Ils ont érigé la barrière.

Q. C'étaient des gens d'ici, ou d'autres régions et pays ?

5. Les gens d'ici. 3. D'ici. 2. Ils ont pris un camion et ils ont mis des gens avec des flèches etc. Pour aller à Bujumbura. Ce camion a été arrêté par des militaires et brûlés.

Q. Qu'est ce qui s'est passé après ?

3. Les militaires sont venus en intervention et les gens ont pris la fuite. Ils ont dit aux gens de rester calme, mais les gens n'ont pas suivi les ordres. Ils ont même attaqué des véhicules militaires.

Q. Après le calme est revenu ?

3. Ils avaient commencé à attaquer le 29. Vers

réunion.

6. Il y avait des rumeurs. Il y avait un plan au niveau des hauts dirigeants pour diminuer le nombre des Hutu. 5. Avant cette crise, le petit paysan ne savait pas ce qui se passait. Mais les commerçants et les éduqués savaient de quoi il s'agissait. 5. Dans cette réunion, on disait qu'on avait entendu qu'on voulait s'entretuer et on disait qu'on devait laisser ces tueries. Quand on disait ça, c'est qu'ils avaient déjà planifié parce que les massacres ont commencé le soir même. De retour de RUMONGE, on a trouvé des barrières sur la route pour monter ici. 1-3 : Sur cette barrière, il y avait des gens d'ici mais aussi des autres venus d'autres régions. On ne pouvait pas les remarquer, ils étaient couverts de bananes. 5. Comme il y avait ce mauvais climat depuis 1965, ça vient de là. 6. C'était une sorte de récolte populaire.

7. En réalité, c'étaient des Hutu qui voulaient attaquer les Tutsi. Le 29 Avril, ce sont les Hutu qui ont attaqué. Le 30, les Tutsi ont organisé une contre-attaque. Le 1 mai, il y a eu une attaque des militaires du gouvernement appuyé par les troupes congolaises de MUBUTU qui voulaient éviter que les Hutu attaquent son pays. Les Congolais avaient des avions. Les gens qui ont attaqué le 29 n'étaient pas des Burundais. Ils ne parlaient pas le Kirundi, c'étaient des mercenaires.

Q. Mais il n'avait rien à faire avec 1965 ?

7. En 1965, il y avait des gens qui avaient fui le pays. Et en 1968-1969 aussi, ils sont venus avec ces mercenaires. 1-2-3 : Oui, c'est vrai.

Q. Alors le 3 mai, il y avait cette attaque des Congolais, qu'est ce qui s'est passé ?

6. Pas de distinction ethnique. Avec ces avions, on tuait tout le monde, Hutu et Tutsi. Pas de distinction. Heureusement, ils ont seulement passé une journée ici.

Q. Tous ces problèmes, est ce que c'était

le 10 mai, il y a eu une loi présidentielle que tout individu qui n'était pas revenu avant le 29 mai 1972 n'aura plus droit à sa maison et terre. Il y a quelques paysans qui sont revenus dans le pays. Des gens en TANZANIE, tout près de NYANZA-LAC ont continué à attaquer le pays. Les prêtres ont essayé de les convaincre d'arrêter, mais ils ont été tués.

Q. Est-ce qu'il y avait des Congolais impliqués ?

3. Il y avait des Congolais de l'ethnie BABEMBE qui vivaient ici qui ont aidé ces Hutu à massacrer les Tutsi.

Q. Vous connaissez les Mulelistes ?

3. Non, pas de Mulele ici. Mais ces gens d'ici quand ils attaquent, les autres disaient : « Mai-Mulele ». 2. Parce que les Mulele étaient entrain de se battre au Congo et les gens d'ici s'entendaient bien avec les Mulele.

Q. Mais à la fin, ce sont des gens d'ici qui ont commencé ?

2-4 : Oui, ce sont les gens d'ici. 4. C'était même ici que la guerre était féroce. Les grands combattants étaient originaires d'ici.

3. Ici, il y avait beaucoup de richesse. C'était une guerre nationale et les gens d'ici étaient les premiers à répondre. Ils disaient : « Nous sommes capables de répondre, nous avons beaucoup d'argent ». 3. Il y avait beaucoup de protestants ici. Eux étaient très efficaces. Les gens des autres églises n'étaient pas au courant. Ils ne boivent pas d'alcool. Ils peuvent garder un secret. On avait peur que ceux qui boivent de l'alcool peuvent livrer le secret.

FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Tutsi, 39; (2) peasant, male, Tutsi, 72; (3) peasant, male, Tutsi, 52; (4) teacher, male, Tutsi, 40; (5) peasant, female, Tutsi, 44; (6) peasant, female, Tutsi, 67; (7) peasant, female, Tutsi, 40.

aussi à cause de la richesse d'ici ?

6. Il y a une relation. Il y a une raison économique derrière. Ici, on tuait les Hutu et les Tutsi. Ici, c'était une région très riche, même à BUJUMBURA, on nous respectait.

Q. Avant 1972, on faisait quoi comme ?

5. Il y avait toutes les plantes, café, bananiers, palmiers, tous les fruits. On vendait la production pour gagner de l'argent.

Q. Alors après l'attaque des Congolais, les gens ont pris la fuite vers la TANZANIE ?

6. Comme il y avait ce plan d'exterminer les gens, les militaires ont continué à massacrer les gens. Il y avait des positions militaires et les gens ont pris la fuite. Tous : La guerre a commencé un samedi et beaucoup de gens ont pris la fuite la semaine suivante. 3-7 : Avec le régime de BAGAZA, beaucoup de gens sont revenus ici, les gens revenus durant BAGAZA ont pu regagner leur terre. 3. Mais après la mort de NDADAYE, ils ont encore perdu leur terre. Dans la courte période que NDADAYE était au pouvoir, il avait ordonné de redonner la terre aux propriétaires. Mais ils ont repris après. 5. Je ne suis pas mécontente de ces gens parce que c'est l'Etat qui a donné. L'Etat est fautif.

FGD, Bururi Province, Commune Rumonge, 23 April 2008; (1) peasant, male, Hutu, 86; (2) peasant, male, Hutu, 57; (3) peasant, male, Hutu, 60; (4) peasant, male, Hutu, 70; (5) peasant, male, Hutu, 52; (6) member hill council, male, Hutu, 62; (7) peasant, female, Hutu, 54; (8) trader & Umushingantahe, male, 57; (9) mechanic & hill administrator, male, Hutu, 40.

Box 23. 1988: NTEGA

<i>TUTSI</i>	<i>HUTU</i>
<p>Q. Qu'est ce qui s'est passé ici ?</p> <p>5. En 1988, on a eu des troubles ici. Les Hutu ont commencé à tuer les Tutsi. Depuis cette période, beaucoup de gens ne sont pas rentrés chez eux. En 1993, ceux qui étaient rentrés ont été chassés de nouveau.</p> <p>Q. Tu as dit que les Hutu ont commencé à tuer les Tutsi. Qu'est ce qui s'est passé exactement ?</p> <p>4. Le 15 Août 1988, la guerre a commencé. Mais depuis le 13 Août, il y avait un militaire de MWENDO, il était venu en vacances. Quand il rentrait chez lui, il a été attaqué et tué à la machette dans la vallée, mais il n'est pas mort. Il s'est caché dans la brousse et était gravement blessé. C'était le 13. Le 14, le lendemain, à MONGI, on a tué une femme et sa fille qui étaient à la maison parce que les garçons avaient fui. Le 15, un lundi, ils ont attaqué le propriétaire de cette maison, comme il était riche, ils voulaient aussi piller. Ce jour, dans les deux Communes, on a commencé à brûler toutes les maisons des Tutsi.</p> <p>Q. Pourquoi est- ce qu'on avait attaqué cette dame ?</p> <p>4. On ne sait pas pourquoi. Mais les garçons avaient pris fuite. Il y avait un certain temps que ces gens parlaient de ce qui allait se passer. Un certain RUCANA, commerçant dirigeait des réunions pour inciter les Hutu. 7. Pour inciter les Hutu à tuer. Il y avait aussi d'autres groupes avec des agronomes et des enseignants.</p> <p>Q. Pourquoi est-ce qu'on attaquait les</p>	<p>Q. Comment était la vie ici durant les années 1980 ?</p> <p>4. Dans les années 80, la situation était mauvaise. Depuis les années 1970, les HUTU étaient persécutés, pas de droit pour parler pour les Hutu, les autorités se succédaient mais aucun Hutu parmi les hautes autorités. Dans ces années on a eu beaucoup de mort surtout des Hutus parce que le Tutsi dirigeaient. 5. Actuellement il y a la justice et tout le monde peut s'exprimer librement. En 1988, les Tutsi ont été très malins ils ont dit aux Hutu d'aller se mettre quelque part pour assurer la sécurité et on prenait quelques uns pour les tuer.</p> <p>Q. Ça a commencé quand?</p> <p>1. Le 15 août 1988. C'était bien préparé. 3. Il y avait de la bière et viande pour fêter réparer par Reverien HARUSHINGORO surnommé « BUGABOBWIGABA= pour dire qu'il faisait ce qu'il voulait dans toute la commune ». 1. Il était commerçant au centre de NTEGA, originaire de MANIZA. Il se comportait comme « NKAYICA = une vache enragée ». Il ne parlait à personne et personne ne pouvait lui parler. 2. Très tôt le matin du 15 août, Reverien a tué quelqu'un avec un fusil. Alors toute la commune est allée voir le monsieur qui tuait. Ce sont les Hutu évidemment, quand les gens sont arrivés là-bas, les gens ont commencé à tirer à travers la fenêtre. Les gens ont commencé à lancer des pierres jusqu' à 17 heures. Après la maison a été brûlée et il est mort à l'intérieur. 3. Avant cette date, il montait des signes qu'il allait préparer quelque chose. Il y avait un autre commerçant Hutu en concurrence avec lui du nom BUCANA. Ce Reverien avait envie de récupérer</p>

commerçants ?

4. Sur la Colline de MWENDO, il y avait beaucoup de Tutsi. Ensemble avec les Hutu de MARANGARA, on venait piller chez les commerçants. 7. Et l'agronome a distribué l'essence pour brûler les maisons. 6. Ils sont venus ici. On a essayé de ...la porte, on a mis l'essence sur les tôles. Reverien a quitté la maison et on a transporté vers une autre maison avec les enfants pour être tué. Ici, c'était le magasin. Il a été brûlé dans la maison d'habitation. 1. Comme il avait une maison solide, beaucoup de Tutsi a pris la fuite vers là-bas pour prendre refuge. Et ils ont tué les gens là-bas aussi. 6. Après, la guerre a affecté toute la Colline. Les gens mourraient sur leurs collines. 1. Les ménages des Tutsi étaient dispersés. On attaquait dans de différents endroits. 6. ils avaient des chiens pour attaquer. 7. L'intervention est venue tard parce que la police était tuée. On avait pris fuite et les ponts étaient coupés. 7. J'étais militaire. Je suis venu ici et je voyais que ça n'allait pas ici. Alors, je voulais transféré ma famille à KIRUNDO mais mon père a dit qu'il y avait pas de problème. Alors après, j'ai pris fuite. Quand j'étais en vacances, j'étais dans le 6ème bataillon commando.

Q. Ça a duré combien de jours ?

4. Les militaires sont venus mardi. Mais les ponts étaient détruits et les arbres étaient coupés sur la route. Ça prenait du temps pour réparer. 6. A NTEGA, ils sont venus une semaine après. Mais dans les autres Collines, ça a duré une semaine. 1. On a dû utiliser des hélicoptères pour chasser les gens. 3. Quand on voyait les militaires, les gens cachés sont sortis et les Hutu les ont tué en prenant fuite vers le RWANDA. 3. Quand les militaires sont venus, les Hutu pensaient que c'étaient les leurs. Le Colonel a dit qu'il faut arrêter de tuer et ils ont commencé à tirer sur eux avec des flèches. Les paysans Hutu pensaient que les militaires rwandais pourraient venir au secours. 7. Alors quand ils attendaient les coups de fusils, ils pensaient qu'ils sont venus

les biens. C'est à partir de ces deux que la division entre les groupes ethniques est venue. Avant le 15, personne ne passait la nuit à l'intérieur de la maison parce qu'il avait des groupuscules qui s'organisaient pour exterminer les Hutus. 1. On ne voulait pas rester à la maison parce que on savait ce qui c'était passé avec les Hutus en 1972. Tous : On était ici en 1972. 4. En 1972, tout Hutu qui avait une belle aison était arrêté en disant qu'on collaborait avec l'ennemi. En 1988, les Hutu disaient qu'ils avaient assez et la guerre avait explosé comme ça.

Q. Qui a organisé en 1972 ?

1. Tous les militaires ici en 1972 étaient des Tutsis. 3. Depuis longtemps le pouvoir était dans les mains des Tutsis. Le conseiller et les adjoints étaient des Tutsis. Ils écrivaient des rapports et on identifiait les gens on les tuait. Les enseignants étaient tués devant les élèves et on disait que c'était des malfaiteurs qui avaient pillé les biens de l'Etat. 1. On tuait les gens à VUMBI. On les mettait dans la voiture pour être tués là-bà.

Q. Qu'est-ce qui c'est passé après, en 1988 ?

4. En 1988, le plan de 1972 continuait encore. Quand les Hutu se développaient en construisant une belle maison ils étaient accusés d'avoir pillé l'Etat. Alors en 1988 les Hutu étaient devenus intelligent « BARI BAMAZE GUCA AKENGE » 1. « IGITI KIGUKOZE MUJISHO KABIRI KIBA GISHAKA KURIMENA = Si une branche d'arbre te touche dans l'œil deux fois, elle cherche à le briser ». 3. À partir de là, la guerre ethnique a éclaté ici. Dès le moment qu'il a tué la première personne le matin, on a commencé à attaquer les gens sur les collines et on est allé chez lui. BUCANA a fuit le 15 mais les Tutsi l'ont poursuivi en moto jusqu'à Bujumbura.

Q. Comment était la situation sur la colline le 15 août ?

3. « NTAWUTERA ICUMU MWICUMI = on ne

pour Ce sont les gens de 1972 qui sont venus faire la sensibilisation ici venant du RWANDA. Alors comme ça ils pensaient que le RWANDA allait4. Depuis 1987, on entendait qu'il y avait des burundais venu du RWANDA pour sensibiliser.3. Il y avait [4 noms] qui faisaient des réunions chez [...]. BUCANA avait une voiture, c'est lui qui circuler pour faire venir les gens. Ce sont eux qui ont circulé le 15 pour dire aux Hutu de commencer. C'étaient des burundais qui vivaient ici. Les gens venus du RWANDA allaient chez eux pour sensibiliser. 4. Après la mort des Tutsi, on a écrit sur les maisons PALIPEHUTU UBU = (Inconnu maintenant).4-7 : Les militaires ont mis des positions.

[...]

Q. Vous pensez que les Hutu ont perdu aussi ?

Tous : Eh? 4. Beaucoup ont fui vers le RWANDA. Ceux qui sont restés ici ont pillé les biens d'autres. 7. Non, pas de Hutu morts.

4. Oui, il y en a. En 1988, on a eu des morts.

1. En 1994, on a eu des morts. 4. En 1994, les Tutsi étaient à BUSONI ou à KIRUNDO. Le gouverneur originaire d'ici nous a mis dans des véhicules pour revenir ici. On nous a installé dans des sites ici. On a commencé à avoir des aides. On a un groupe de jeunes qui ont tué un comptable de la Commune qui était Tutsi. Les Tutsi d'ici se sont vengés pour tuer les Hutu aussi. 1. Le cabaret où était le comptable appartenait au IPJ, un On a lancé la grenade qui a tué le comptable et blessé l'agronome. 4. En 1993 et 1988, on n'a pas eu des Hutu morts.

(Silence) 4. Quand les militaires sont venus en 1988, les militaires ont tué les paysans qui avaient des lances et des flèches. 5. Quand l'avion venait, on tirait avec des flèches en feu. 4-7 : Même, on essayait d'attaquer des blessés avec des flèches et des petites houes.

Q. Alors, les militaires se sont défendus ?

7. Les militaires ont tiré dans la foule pour

jette pas une lance dans une dizaine ». On attaquait les Tutsi aussi, mais on ne pouvait pas tous les tuer.

Q. Ils sont morts ?

Tous : Oui il y en a beaucoup qui ont été tué.

Q. Par qui ?

3. Par des Hutu. Si un Tutsi tombait dans un groupe de Hutu, il était tué. 6. Par après, des hélicoptères sont venus de Bujumbura et ils tuaient, aussi des militaires sont venus et ils demandaient s'il y avait un Tutsi parmi eux. On disait d'aller à la commune pour eux, on mettait les Hutu dans une salle et on lançait une grenade.

Q. Quand est-ce que les militaires et hélicoptère sont venus ?

1. Le deuxième jour, le 17 vers 14h.

1. Nous, on était caché partout dans la brousse, on est allé se réfugier au Rwanda.

6. Il y avait un journaliste à la radio, un MUTAMA Athanase qui disait d'aller et fuir partout surtout dans les brousses et les bananiers, de ne pas laisser personne derrière car « UWUSHAKA KWICA INDA AHERA KUMUGI = celui qui veut tuer un pou commence par son œuf », tout le monde a compris qu'on était menacé et on est allé au Rwanda. Maintenant, on ne peut plus fuir vers le Rwanda, on va fuir vers brigade l'armée est maintenant mélangé. Les Tutsi peuvent aller à la brigade, comme nous aussi. Nous avons des enfants dans la police et l'armée.

[...]

1. A 1988, les Tutsi voulaient exterminer les Hutu. Quand les Hutu ont vu qu'ils allaient être attaqués, on a attaqué le premier. Mais quand ils ont vu qu'on ne pouvait pas tenir ils ont pris fuite. C'est un Tutsi, Reverien qui a tiré sur les gens. Il avait l'habitude de tirer sur les gens et de piller les magasins.

Tous : Au mois d'Août vers 22h, il a

protéger les maisons où étaient cachés les femmes.4-7 : Non, on n’a pas eu beaucoup de morts 3. Pour pouvoir sauver un garçon, on devait le présenter comme une fille. C’est comme ça que je faisais. Les Hutu avaient dit qu’il fallait seulement les femmes et filles. Une femme enceinte était coupée pour voir s’il y avait un homme. 7. Les Hutu qui avaient épousé des femmes Tutsi devaient tuer leurs femmes et enfants.

FGD, Kirundo Province, Commune Ntega, 28 March 2008; (1) peasant, female, Tutsi, displaced, 36; (2) peasant, female, Tutsi, displaced, 84; (3) peasant, female, Tutsi, displaced, (4) peasant, male, Tutsi, displaced, 36; (5) peasant, male, Tutsi, displaced, 31; (6) peasant, female, Tutsi, displaced, 66; (7) peasant, male, Tutsi, displaced, 47; (8) peasant, female, Tutsi, displaced, 24.

commencé à tirer sur les gens.2. Les Hutu ont dit : Depuis 1972 ils ont l’habitude de nous tuer, maintenant c’est fini. Les Hutu ont commencé en tuant les gens avec des machettes. Mais l’armée est venue et on a pris fuite. (2 – 5) : Apres les coups de fusils, les Hutu et Tutsi ont commencé à s’entretuer.

FGD, Kirundo Province, Commune Ntega, 26 March 2008; (1) peasant, male, Hutu, 58; (2) peasant, male, Hutu, 43; (3) peasant, male, Hutu, 49; (4) peasant, male, Hutu, 57; (5) peasant, male, Hutu, 80; (6) peasant, male, Hutu, 40.

Box 24. 1993: BUGENDANA

TUTSI	HUTU
<p>Q. Qu’est-ce qui s’est passé en 1993, pourquoi êtes-vous ici ?</p> <p>[...]</p> <p>1. Après la mort de NDADAYE, les Hutu ont commencé à massacrer les Tutsi.</p> <p>4. Même les Hutu qui n’étaient pas pour étaient tués. 1. Le jour de la mort de NDADAYE, les Hutu ont commencé à tuer les Tutsi. 3. Il y a eu plus d’une semaine de massacre, même ceux qui fuyaient, on les poursuivait. 1. Dans certaines Communes cela a duré plus de deux semaines. Les massacres se sont arrêtés après l’arrivée des militaires. Les militaires n’étaient pas nombreux, ils ont commencé par protéger ceux qui étaient dans les sites, mais ceux qui étaient dans les endroits reculés ont été secourus après trois semaines. Les Hutu ont essayé de combattre les militaires en leur lançant des pierres, ils</p>	<p>Q . Est-ce que vous étiez tous sur la colline en 93 ?</p> <p>3 “Oui, nous étions tous ici, mais à la fin, nous avons d^^u nous réfugier</p> <p>Q. Est-ce que vous vous souvenez le moment ou le président élu a été tué ?</p> <p>4 c’était en 1993, le 21/10/.</p> <p>Q. Comment avez-vous appris la nouvelle ?</p> <p>4 Ce jour- là, de nombreux étaient à la maison, nous nous croyions en sécurité. Nous avons entendu que le président a été tué. Baku bise umwungeri ubushyo burasanzara Nous nous sommes dit que nous aussi nous allions être tués. 3 Urugi ruvuye ku muryango, imbeho ica yinjira</p>

attaquaient même les blindés. Les Tutsi eux ont fui vers GITEGA, MASHITSI et ISA. C'est l'Administrateur, les Chefs de Colline et les moniteurs agricoles qui faisaient la sensibilisation.5. L'administrateur donnait l'ordre aux Chefs de Colline car ce sont eux qui savaient où habitaient les Tutsi.

1. Après la victoire de NDADAYE, tout le pouvoir a été pris par les Hutu du RODEBU.
4. Si l'Administrateur n'avait pas incité les gens

à tuer les autres, les paysans n'allaient pas s'entretuer car c'est sur la colline qu'on a tué même les femmes et les enfants, alors que sur d'autres Collines, on ne tuait que des hommes et des garçons âgés. 6. Ça a été un ordre car les Hutu n'étaient pas tous mauvais, ils ont tué à cause de l'ordre. 4. On a même tué les Hutu qui essayaient de protéger les Tutsi. On a continué à tuer les Tutsi qui quittaient le site.

1. Les juges et les enseignants ont joué un rôle important dans les massacres. Il y avait un comité sur chaque Colline qui organisait des massacres. A la victoire de NDADAYE, nous avons constaté qu'il allait y avoir des massacres car on a installé ces comités qui ont organisé des massacres, c'était en fait le comité du FRODEBU. Nous sommes revenus dans ce site en 1995. Avant, on nous a dit d'aller à MUSHIHA où étaient les réfugiés rwandais, nous avons refusé en disant que nous devons rentrer dans nos Communes. A ce moment là, c'était un peu calme, on pouvait quitter MASHITSI pour venir ici.6. Par après, ça a changé. Les Hutu nous rendaient visite, les relations avec eux étaient bonnes

FGD, Gitega Province, Commune Bugendana, 19 March 2008; (1) peasant, male, Tutsi, displaced, Umushingantahe, 58; (2) peasant, male, Tutsi, displaced, 48; (3) peasant, male, Tutsi, displaced, 74; (4) teacher, male, Tutsi, displaced, 54; (5) peasant, male, Tutsi, displaced, 35; (6) peasant, male, Tutsi, displaced, 54.

Q. Qu'est-ce que les gens ont fait après avoir entendu cette nouvelle.

2 Nous avons fui, car les militaires sont venus avec des blindés. 4. Le blindé est venu le jour suivant. Les paysans ont barré les routes pour empêcher les véhicules des militaires à entrer pour pouvoir fuir. Le jour de la mort du président nous avons barré la route.

Q. Qu'est-ce les Tutsi ont fait après la mort du président Hutu ?

4. Sans mentir (*Tudahendanye*), après avoir entendu la nouvelle, les Tutsi avaient dans leurs têtes qu'ils allaient tuer les Hutu. Eux aussi. Ce qui nous a révélé leur plan, c'est que le lendemain le 22-23/10/93, les militaires sont venus pour faire fuir les Tutsi vers GITEGA (MASHITSI).

Q. Qu'est - ce qui s'est passé avec les Tutsi ? Qu'est - ce que vous avez fait aux Tutsi ?

4. Nous avons été pris par le chagrin, et nous avons commencé à nous entretuer. 5. Celui qui avait plus de force que l'autre le tuait. 4. Les Hutu ont tué les Tutsi pendant trois jours, mais les Tutsi ont continué à tuer les Hutu.

Q. Qu'est -ce qui s'est passé après le départ des Tutsi dans les collines ?

4. Nous étions comme des orphelins après avoir enlever les barrières, la récompense a été de nous tuer. Celui qui enlevait les arbres était tué. 2. on ne peut pas savoir exactement le nombre de jours que cela a duré

Q. Quand est-ce que le calme est revenu ?

4. Il n'y avait jamais de calme, les Tutsi ont continué, à nous tuer, 93, 94, 94,97, ils ont continué, ceux qui avaient la force ont fui vers la TANZANIE.

FGD, Gitega Province, Commune Bugendana, 19 March 2008; (1) peasant, male, Hutu, 67; (2) peasant, male, Hutu, 54; (3) peasant, male, Hutu, 54; (4) peasant, male, Hutu, 65; (5) peasant, male, Hutu, 49; (6) peasant, male, Hutu, 50; (7) peasant, male, Hutu, 47.

Box 25. 1993: ITABA

TUTSI	HUTU
<p>Q. Qu'est ce qui s'est passé sur la Colline de KAGOMA ?</p> <p>1. Chez nous, nous avons connu la crise de 1993. Nous avons fui à GITEGA, nous y avons passé deux années. Moi, j'ai vécu deux ans à GITEGA. 7. A KAGOMA, on a eu des massacres. Les gens ont commencé à s'entretuer. Les gens ont pris la fuite. Les biens des gens tués, ont été pillés, mais on ne sait pas par qui. Une ethnie a pris fuite à cause d'une autre ethnie. 6. C'était en Octobre, le 25, le 21 Octobre. 1. C'est le début de la guerre. 5. Au début, nous ne savons rien. Mais par après, nous avons entendu que le Président de la République était entre les mains des gens chargés de la sécurité. A cette date, il y avait des rumeurs que quand on osait tuer le Président qu'il y aura quelque chose. Le jour après, c'était vendredi. On a commencé à brûler les maisons des Tutsi.</p>	<p>Q. Qu'est ce qui s'est passé ici en 1993 ?</p> <p>[...]</p> <p>5. En 1972, , il n'y avait pas grand-chose ici parce qu'on cherchait des gens qui avaient fait des études. Les gens qui avaient fait des études à Bujumbura. Ici, il n'y avait personne qui a été tuée. Tous : Rien ne s'est passé ici.</p> <p>5. En 1993, les Hutu et les Tutsi ont commencé à s'entretuer. 6. C'était au mois d'octobre, le 20. 1. Le jour après avoir entendu que le président était tué, on a commencé à tuer. 3. Le jour qu'on avait entendu la mort du Président, les Hutu ont commencé à brûler les maisons des Tutsi. 5. C'étaient des Hutu qui habitaient sur la Colline ici.</p>
<p>Q. Qui a fait cela ?</p> <p>1. Les Hutu et ils tuaient aussi.</p>	<p>Q. Il y avait combien de ménages de Tutsi ?</p> <p>(Discussion sur le nombre) Tous : Environ 50.</p>
<p>Q. Les habitants de la Colline ?</p> <p>Tous : Oui, oui. 5. C'étaient nos voisins, quelques jours après, les militaires sont venus ici. Mais les militaires sont venus après que la plupart a été tuée.</p>	<p>Q. C'était spontané ou est-ce qu'il y avait quelqu'un qui a pris le devant ?</p> <p>5. Personne n'a donné l'ordre. On a vu les maisons brûlées sur les autres Collines. On a dit : « Nous sommes les derniers, on va commencer aussi » ?</p>
<p>Q. Ils sont venus quand ?</p> <p>4-5. Après environ deux semaines</p>	<p>Q. Où étaient les Tutsi ?</p> <p>5. Les uns ont été tués par des hommes, des civils, d'autres ont pris la fuite.</p>
<p>Q. Les tueries et brûler les maisons, ça a duré combien de jours ?</p> <p>1. Environ deux semaines. 5. On a commencé a avoir le calme quand les militaires étaient là.</p>	<p>Q. Ça a duré combien de temps</p> <p>5. Ça a duré une journée.</p> <p>Q. Après, c'était le calme ?</p> <p>5. C'était fini après une journée. 2. Au mois de</p>

<p>Les gens de là-bas ont même poursuivi les habitants de la Colline. 5. On avait tous fui vers des endroits différents.</p> <p>Q. Il y avait combien de familles Tutsi ?</p> <p>5. Plus de 100 ménages. Il y a des familles qui ont totalement disparu.</p> <p>Q. On a eu combien de mort ?</p> <p>6. J'ai perdu 18 personnes moi-même. 4. Si on a eu du temps, on peut faire le calcul, on ne peut même pas estimer. Il y a des nouveaux nés tués aussi.</p> <p>Q. Quand est-ce que vous êtes revenus ?</p> <p>5-6. Le site n'existait pas ici, mais il y avait des gens à la paroisse. 4-6. La plupart est venue 1994-1995.</p> <p>Q. Comment était la situation ?</p> <p>Bon, après quand la population est rentrée avec les armes, les militaires ont attaqué la Colline pour récupérer les armes.</p> <p>Q. C'est seulement à ce moment qu'on a attaqué la Colline ?</p> <p>Tous : Non. 5. Les militaires n'ont pas attaqué la Colline à ce moment. Mais, l'Evêque a dit : «D'ici deux semaines vous allez rentrer chez vous ». (<i>Explications très incompréhensible</i>).7. Au cours de cette période, il y avait un peu de calme.</p> <p>Q. Quand vous êtes venus ici, comment était la situation ici ?</p> <p>1. Quand nous sommes arrivés ici, la sécurité était assurée par des militaires.</p> <p>Q. Vous alliez aussi sur la Colline ?</p> <p>5. Pendant cette période, il n'y avait personne qui allait sur la Colline. 3. Nous avons passé une année ici sans pouvoir aller sur la Colline. Tous : Vers fin 1995, on pouvait aller sur la Colline. 4. Les gens de là-bas vivaient chez eux,</p>	<p>novembre, les militaires sont venus et ils ont commencé à se venger sur les Hutu.</p> <p>1. Une semaine après, les militaires sont venus avec 9 blindés et trois hélicoptères.</p> <p>2-3. Ils ont commencé à tirer sur les gens</p> <p>3-5. Il n'y avait plus de chasse aux Tutsi à ce moment.</p> <p>Q. Combien de Tutsi ont été tué ?</p> <p>Les Tutsi ne sont pas morts sur la Colline, on les a amenés vers la Colline et ils sont morts en cours de route.</p> <p>Q. Qui était Administrateur ?</p> <p>5. Il était tout nouveau. Il venait d'être élu. Tous : On ne sait pas de quel parti.</p> <p>Q. Qu'est ce qu'il a fait durant ces jours ?</p> <p>6. Un certain Jean. Il était Conseiller depuis longtemps Avant les élections, mais il a été remplacé par un certain Edouard durant les élections. Jean a été élu mais il a pris la fuite et il était remplacé par Edouard. Il a pris la fuite parce que les soldats avaient tiré sur lui. .</p> <p>Q. Qu'est ce que Jean faisait durant la période qu'on chassait les Tutsi ?</p> <p>Tous : Rien. Il voulait empêcher mais il n'avait plus de pouvoir. 3. C'était grave. Quand on essaie de cacher un Tutsi, on était menacé. Moi, j'ai caché deux enfants. Un est à l'Université maintenant. Je n'avais pas de relations mais c'étaient des voisins. 5-6. Il n'y avait pas de problèmes entre les ethnies.5. Tout est venu à cause de la mort de NDADAYE.5-6. Les gens qui ont tué ne sont pas spéciaux. 5. Surtout des jeunes mariés</p> <p>Q. Pourquoi les jeunes mariés ?</p> <p>5. Moi aussi, j'ai été surpris. On ne sait pas d'où c'est venu. J'ai vu un groupe de jeunes gens, je les ai appelés pour demander</p>
---	---

d'autres vivaient en TANZANIE.

Q. Est-ce qu'il y en a qui sont morts ?

5. Quelques uns sont morts quand ils sont venus combattre les militaires.

FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Tutsi, displaced, 44; (2) peasant, female, Tutsi, displaced, 50; (3) peasant, male, Tutsi, displaced, 50; (4) peasant, male, Tutsi, displaced, 39; (5) peasant, female, Tutsi, displaced, 28; (6) peasant, male, Tutsi, displaced, 37; (7) peasant, male, Tutsi, displaced, 40.

pourquoi ils avaient des journaux ? Ils ont dit que je ne savais pas ce qui s'est passé, et j'ai dit : « Non, je ne le sais pas ». Ils ont commencé à brûler les maisons vers 19heures. 6. Ils ont passé toute la nuit, brûlant les maisons. Le lendemain, c'était fini. On voyait les maisons brûlées et la fumée partout.

FGD, Gitega Province, Commune Itaba, 31 March 2008; (1) peasant, male, Hutu, 60; (2) peasant, female, Hutu, 50; (3) peasant, female, Hutu, 70; (4) peasant, male, Hutu, 43; (5) peasant, male, Hutu, 70; (6) peasant, female, Hutu, hill administrator, 60

Box 26. 1996: BUGENDANA MASSACRE

<i>TUTSI</i>	<i>HUTU</i>
<p>Q. Qu'est- ce qui s'est passé au camp.En 1996, ils sont venus nous exterminer ici dans le site. 1. Moi, j'étais rentré chez moi, j'ai même passé six mois dans mon ancienne parcelle. Tout a changé avec l'arrivée des rebelles. 4. Les rebelles étaient les plus forts lors des événements de 1993, ils ont alors voulu parachever ce qu'ils avaient commencé en 1996. 1. Il y avait TIBANTUNGANYA comme président à ce moment- là, la rébellion était forte. Ils sont venus de la Commune GIHOGAZI, ils ont sensibilisé les Hutu d'ici pour nous attaquer, on ne pouvait pas fuir. 6. Lors des massacres de 1996, les paysans étaient les plus farouches, avec des gardiens, des couteaux, des machettes,.....c'était le 21 Juillet 1996. Le massacre a duré environ 4h, de 5h00 à 9h30.</p> <p>1. Ici il y avait seulement sept militaires, ils ont été attaqués, nous avons été sauvés par des renforts venus de GITEGA. A leur arrivée, les rebelles et les paysans Hutu se sont sauvés, ils ont pris la fuite. Après cette attaque, il y a eu un autre meurtre en 1997 quand les rebelles ont surpris treize personnes qui étaient dans leurs champs. La guerre était entre les militaires et les rebelles, mais les rebelles tuaient les Tutsi. Les militaires eux ne tuaient pas les paysans Hutu car les Hutu collaboraient avec les militaires en leur montrant où étaient les rebelles.</p> <p><i>FGD, Gitega Province, Commune Bugendana, 19 March 2008; (1) peasant, male, Tutsi, displaced, Umushingantahe, 58; (2) peasant, male, Tutsi, displaced, 48; (3) peasant, male, Tutsi, displaced, 74; (4) teacher, male, Tutsi, displaced, 54; (5) peasant, male, Tutsi, displaced, 35; (6) peasant, male, Tutsi, displaced, 54.</i></p>	<p>Q. Qu'est- ce qui s'est passé au camp.</p> <p>4. Nous, nous ne pouvons pas répondre à cette question. Nous étions cachés dans la brousse. Nous avons seulement entendu des coups de feu.7. Au plus fort de la guerre, tous les gens d'ici ont fui. Nous, nous avons cessé de tuer. Mais les Tutsi continuaient à tuer, alors pour se venger, il y a des gens qui ont pris la décision de se venger. Ce qui a soulevé cette vengeance, ce sont environ 40 cadavres qu'on a trouvés aux environs de GITEGA. Les rebelles se sont dit alors, il est temps de leur montrer que nous aussi nous pouvons tuer les Tutsi. 4. Nous ne rappelons plus l'année, car quand on est démuné, on ne compte plus les années, mais c'était environ 2 ans après que les Tutsi soient revenus de MASHITSI.</p> <p>Q. Comment les rebelles s'organisaient-ils ? Avaient – ils des contacts avec la population ?</p> <p>4. Non, on ne pouvait pas les voir. Ils se cachaient des militaires et des civils. Les militaires nous ont dit de leur signaler la présence des rebelles.</p> <p><i>FGD, Gitega Province, Commune Bugendana, 19 March 2008; (1) peasant, male, Hutu, 67; (2) peasant, male, Hutu, 54; (3) peasant, male, Hutu, 54; (4) peasant, male, Hutu, 65; (5) peasant, male, Hutu, 49; (6) peasant, male, Hutu, 50; (7) peasant, male, Hutu, 47.</i></p>

Box 27. 2002: ITABA MASSACRE

TUTSI	HUTU
<p>Q. Vous avez connu la guerre ici ?</p> <p>Tous : oh, oh, oui, oui. 2. Ici, c'est la région la plus touchée. 5. C'est la période quand l'armée et les rebelles se battaient ici. 6. C'est depuis 1998 que c'est devenu grave.</p> <p>Q. Les rebelles étaient ici ?</p> <p>7. On ne sait pas d'où ils venaient. Mais, ils étaient là. Ce sont de gens originaires d'ici.</p> <p>Q. Qu'est ce qu'ils faisaient ?</p> <p>On demandait de l'argent, on pillait des vaches et parfois ils tuaient.</p> <p>Q. Qu'est ce qui s'est passé après ?</p> <p>5. A un moment donné, les rebelles et les militaires se sont affrontés sur la Colline de KAGOMA et KAYONGA et on a connu beaucoup de morts. C'était en 2002. 1. 2002 entre septembre et octobre.</p> <p>Q. Qu'est ce qui s'est passé à ce moment ?</p> <p>3. On ne peut pas savoir. On était ici comme d'habitude, on a entendu des coups de feu et on a dit que les gens de KAYONGA et KAGOMA étaient morts.</p> <p>Q. Comment ?</p> <p>3. Comme était le champ de bataille, les militaires et les rebelles se sont battus là-bas.</p> <p>Q. Les rebelles étaient là-bas ?</p> <p>7. Les rebelles et les civils étaient mélangés sur les Collines. 1-7. On ne sait pas vraiment ce qui</p>	<p>[...]</p> <p>6. Il y a eu la guerre ici. Aussi une année durant trois mois, on n'a pas pu sortir à cause des batailles. Depuis qu'on a tué le prêtre en 2000, la guerre était grave ici. Mais en 2002, c'était catastrophique.</p> <p>Q. C'était comment ?</p> <p>1. C'est au cours de cette année qu'on a eu beaucoup de morts ici. On ne sait pas comment les militaires ont pu encercler la Colline. 6. Très tôt le matin. Les militaires originaires de cette Colline avaient pris position sur la montagne et commençaient à tirer pour donner des Aux gens qui habitaient sur le site.1. Ils ont encerclé les deux Collines de façon qu'on ne pouvait pas fuir vers d'autres Collines. On faisait deux colonnes venant des deux côtés.6. Ils ont commencé à tirer par groupe les gens. Quand les gens étaient rassemblés ils les tuaient ensemble. Tous : les gens étaient encerclés et groupés dans les maisons et on les tuait sur place. 6. On ne les a pas enterrés. On demolait la maison et c'était fini. 5. Ce sont les paysans qui détruisaient les maisons à cause de la mauvaise odeur.</p> <p>Q. Les maisons sont encore là ?</p> <p>6. On peut les voir, mais par après, on a enterré les corps . C'est en 2002 qu'on a fait cela.1. C'étaient des maisons en briques Maintenant ce sont les champs.6. Ceux qui sont tombés dans la vallée, on peut remarquer leurs tombes.</p> <p>Q. Ça a duré combien de temps ?</p> <p>6. C'était le 22 Septembre 2002. C'était</p>

s'est passé. 4. On entendait des coups de feu de la guerre.

Q. Il y avait beaucoup de morts ?

1. Oui, sur les deux Collines.

Q. Mais les gens du site étaient ici ?

Tous : Oui, tout le monde était ici. On ne pouvait pas aller là-bas.

Q. Quand est-ce que le calme est revenu ?

5. C'est après les élections de 2005 quand Monsieur NKURUNZIZA a gagné les élections. C'est à ce moment qu'on a commencé à dormir.

FGD, Gitega Province, Commune Itaba, 26 February 2009; (1) peasant, male, Tutsi, displaced, 44; (2) peasant, female, Tutsi, displaced, 50; (3) peasant, male, Tutsi, displaced, 50; (4) peasant, male, Tutsi, displaced, 39; (5) peasant, female, Tutsi, displaced, 28; (6) peasant, male, Tutsi, displaced, 37; (7) peasant, male, Tutsi, displaced, 40.

ensemble avec les jeunes gens qui habitent sur le site. 1. Il y avait un groupe de tueurs et un groupe de pillards. Ceux qui pillaient étaient des gens du site. Ils pillaient les choses dans les maisons et le bétail. 6. Rien ne restait. Après avoir pillé tout, on brûlait la maison.

Q. On connaît les gens du site ?

Tous : Non. Ils avaient pris la fuite. 1. Avant de venir ici, les militaires sont passés au site. En rentrant, ils étaient accompagnés des civils.

Q. Vous étiez où ?

2. Caché partout. A un certain moment, on commençait à brûler la brousse aussi. On a traversé la rivière pour aller dans l'autre Colline.

Q. Pourquoi a-t-on fait cela sur les deux Collines ici ?

Tous : Nous avons été trahi. Ce sont les politiciens qui le savent. On disait qu'on faisait la chose aux rebelles, mais il n'y en avait pas. 5. Pendant les événements, on était dans une maison comme ici et si on n'était pas alerté, on était tous tué

FGD, Gitega Province, Commune Itaba, 31 March 2008; (1) peasant, male, Hutu, 60; (2) peasant, female, Hutu, 50; (3) peasant, female, Hutu, 70; (4) peasant, male, Hutu, 43; (5) peasant, male, Hutu, 70; (6) peasant, female, Hutu, hill administrator, 60

ANNEX 2 : CODE BOOK

OBJECTIVES JUSTICE, TRUTH, COMPENSATION, RECONCILIATION

1) POLITICS, POLITICIANS, REGIME, GOVERNMENT, POWER

Guilty have/are still in Power (General)
 Guilty have/are still in Power - Cannot Judge Themselves
 Guilty have/are still in Power - Victims are afraid
 Guilty have/are still in Power - Fear to Speak Out
 Guilty have/are still in Power - No incentive Initiate Clarification of Past Government / State / Politicians Uncapable // No Good Governance
 No Willingness (General)
 No Political Will (General)
 No Political Will (Local Authorities)
 No Political Will To Clarify the Past / Address Past Crimes
 No Initiation By High-Level Authorities (Political Will)
 No Sensitization By High-Level Authorities
 No Example By High-Level Authorities
 No Dialogue / Cooperation Between Politicians / High-Level Authorities
 Necessity to Initiate Political Reconciliation First
 Pardon is Imposed by Administration / Regime / Politicians
 Policization of Past (Crimes)
 No Agreement on TJ-Policy (General)
 No Agreement on TJ-Policy (Hutu vs. Tutsi)
 No Agreement on TJ-Policy (Political Level)
 Too Sensitive (Political Issue)
 Not the Right Moment Yet (Political Constellation)
 Discrimination in State Actions / Divisions Enhanced by Politicians
 No Judicial Independence (Influence of Executive)

2) SOCIAL, ECONOMIC, CULTURAL, INSTITUTIONAL ENVIRONMENT

Corruption
 Trauma / Wounds of War - Violence
 Ethnic Hatred
 Rancor / Hatred (Hearts) (General)
 Local Conflicts
 Local Land Conflicts
 Loss of Property
 Discrimination in Society (General) (Rich vs. Poor - Elite vs. Peasants)
 Discrimination (Ethnic)
 Discrimination (Regional)
 Divisions in Population / 'Spirit' of Divisionism
 People are not Living Together (Physically)
 Lacking Social Cohesion / Values / 'Love' / 'Entente' / Trust

Lacking Unity
 Negative Solidarity / Ethnic
 Negative Solidarity / Protectionisme (Family - Friends)
 Continuing Insecurity / No Peace (War / Banditry / Violence)
 Rumours / Tracts / Dividing 'Speech'
 Unwilling by Others to Live Together Again
 Absence of Common Dialogue
 No Culture of Truth (Witnesses / Population)
 Poverty
 No Humanitarian Assistance
 Institutional Instability

3) JUSTICE SYSTEM / INSTITUTIONS

Justice System is Partial (General)
 Justice System is Partial (Clientelism)
 Justice System is Partial (Ethnic)
 Justice System is Partial (Tutsi Dominance)
 Justice System is Partial (Hutu Dominance)
 Past Impunity (Jurisprudence of Impunity)
 General Absence of Rule of Law
 Poor Education of Judges
 Judges have played a role
 Weak Justice System (No Enforcement of Decisions / Delay in Decisions)
 Misuse / Manipulation / Disrespect of Bashingantahe

4) NATURE OF THE VIOLENCE

Everyone is Guilty / Too Many Perpatrators
 History of Violence is Too Long
 Too Many Crimes
 Crimes Are Too Complex
 Losses Are Too Big

5) FEAR OF CONSEQUENCES

Fear of Consequences (General)
 Fear of Consequences (War)
 Fear of Consequences (Local Level Social Cohesion)
 Fear of Consequences (Hatred / Vengeance)
 Fear of Consequences (Negative Impact on Process of Pardon & Reconciliation)
 Fear of Consequences (Settling Accounts)
 Fear of Consequences (Targeting by Accused)

Fear of Consequence (Targeting by Politicians)
 Fear of Consequences (Never Ending Accusations)
 Fear for Punishment / Obligation for Restitution / Sanctions
 Fear to Testify / Denounce Others (General)
 Fear to Testify / Speak Truth to Power (Politicians) / Administration
 Fear of (Liberated) 'Political Prisoners'
 Fear to Live Together Again

6) PRACTICAL OBSTACLES TO REACH TRANSITIONAL JUSTICE OBJECTIVES

No Willingness to Live Together Again (Physically)
 No Willingness to Participate In this Action (General Population)
 Guilty Don't want to Participate in this Action (General Population)
 Absence of Witnesses
 Absence of Knowledge about Crimes & Losses / Absence of Truth / False Testimonies
 Absence of Alledged Perpetrators (Refugees - Soldiers) / People Disappeared
 Perpetrators Unknown

7) OTHER TRANSITIONAL JUSTICE ACTION/OBJECTIVE IS NECESSARY

This Action Has No Capacity to Foster Reconciliation
 This Action Leads to Nothing
 Punishment / Establishing Accountability Has No Capacity to Foster Reconciliation
 Need To Leave the Past Behind / Forgetting
 Need to Pardon
 Need to Establish Accountability

Need of a Special Judicial Environment (Laws / Tribunal)
 Need of a Special Social Environment (Spaces of Dialogue / Framework /
 Commission)
 Need of Indemnisation For Victims
 Need To Clarify Big Historical Events (Murder Ndadaye, ...)
 Real Causes are Unknown
 Need of International Assistance in This Matter

8) NO PROBLEM

No Obstacle
 No Problem Between Ordinary People
 Confidence / Cohesion Returned - No TJ-Action Necessary

9) NO IDEA

No Idea

10) OTHER

Other
 Good Example of Rwanda
 Bad Example of Rwanda

11) NO RESPONSE

No Response

Importance Living Together Peacefully / Co-Habitation 1

1. UNSPECIFIED / GENERAL ACTION

Amour / Harmonie / Vivre ensemble / Paix (très général)
 Action des Habitants Locales Mêmes (Voisinage / Entreaide)
 Action International Community
 Action Présidentielle
 Action Gouvernement / Administration (General) National
 Action Gouvernement / Administration (General) Local
 Action Undertaken by Abashingantahe

2. GOD / RELIGION / CHURCHES

3. TRANSITIONAL JUSTICE (NARROW: Dealing with the Past)

Punition des Coupables
 Pardon
 Pardon et Amnestie
 Vérité Sur le Passé
 Vérité et Pardon
 Oublie / Amnestie
 Indemnisation
 Solution pour Occupation des Maisons / Restitution de la terre & Biens
 Reunions / Assemblées de Rencontre / Resoudre le Passé (Général)
 Reunions / Assemblées de Rencontre / Resoudre le Passé (Gouvernement)
 Reunions / Assemblées de Rencontre / Resoudre le Passé (ONG)

4. (GOOD) GOVERNANCE

Egalité / Division (Gouvernance - Aide - Development) (National)
 Egalité / Division (Gouvernance - Aide - Development) (Local)
 Egalité / Division (Discours) (National)
 Egalité / Division (Discours) (Local)
 Egalité / Division (Ethnique) (General)
 Impartialité dans la Justice / Respect de la loi
 Retour des Habitants (Deplacés)
 Retour des Habitants (Rapatriés)
 Retour des Habitants (Deplacés & Rapatriés)
 Partage Du Pouvoir chez les autorités superieurs
 Cooperation / Entente Entre les Politiciens
 Visit des Politiciens dans la Population
 Arret de la corruption

Stabilité Politique
 Pas de Multipartisme
 Elections des Nouveaux Dirigeants (National)

Elections des Nouveaux Dirigeants (Local)
 Sensibilisation General (La Paix / La Cohabitation) (Gouvernement)

5. SOCIO-ECONOMIC DEVELOPMENT

Reunions / Assemblées de Sensibilisation / Formation (Cohésion / Paix) (Général)
 Reunions / Assemblées de Sensibilisation / Formation (Cohésion / Paix)
 (Gouvernement)
 Reunions / Assemblées de Sensibilisation / Formation (Cohésion / Paix) (ONG)
 Reunions / Assemblées de Rencontre / Dialogue / Parler (Cohésion / Paix) (Général)
 Reunions / Assemblées de Rencontre / Dialogue / Parler (Cohésion / Paix)
 (Gouvernement)
 Reunions / Assemblées de Rencontre / Dialogue / Parler (Cohésion / Paix) (ONG)
 Fête / Ceremonies Traditionnelles (partage de la bière)
 Activités / Réunions de Sport
 Creation d'une comité des Sages
 Creation des Associations (Général)
 Creation des Associations (H et T)
 Creation des Associations Pour Dialoguer (H et T)
 Creation des Projets de Development (General)
 Creation des Projets de Development (H et T)
 Aide aux plus pauvres
 Creation des Ecoles / Education
 Construction des Maisons (Déplacés)
 Construction des Maisons (Rapatriés)
 Construction des Maisons (Rapatriés & Déplacés)
 Villagisation ensemble (sans distinction ethnique)
 Redistribution de la terre

6. SECURITY

Resoudre Conflit Locaux
 Combattre les Rumeurs
 Renforcer la Sécurité
 Désarmement des Civils
 Fin de la Guerre
 Negociation / Pact avec les rebelles

7. NO PROBLEMS

8. OTHER

Other
 Mariage Mixtes

Importance Living Together Peacefully / Co-Habitation 1

1. Love / Harmony / Living Together / Peace (General)

Amour / Harmonie / Vivre ensemble / Paix (très général)

2. GOD / RELIGION / CHURCHES

Dieu / Religion / Eglises

3. Equality / No Division (Governance / Development / Discours)

Egalité / Division (Gouvernance - Aide - Development) (National)

Egalité / Division (Gouvernance - Aide - Development) (Local)

Egalité / Division (Discours) (National)

Egalité / Division (Discours) (Local)

Egalité / Division (Ethnique) (General)

Impartialité dans la Justice / Respect de la loi

4. Punishment of Guilty

Punition des Coupables

5. Pardon

Pardon

Pardon et Amnestie

6. Truth

Vérité Sur le Passé

Vérité et Pardon

7. Amnestie / Oblivion

Oublie / Amnestie

8. Indemnisation / Restitution

Indemnisation

Solution pour Occupation des Maisons / Restitution de la terre & Biens

9. Unspecified (General) Action

Action des Habitants Locales Mêmes (Voisinage / Entreaide)

Action International Community

Action Présidentielle

Action Gouvernement / Administration (General) National

Action Gouvernement / Administration (General) Local

Action Undertaken by Abashingantahe

10. Sensibilisation (Cohesion & Peace) - General (Government)

Sensibilisation General (La Paix / La Cohabitation) (Gouvernement)

11. Organization of Local Level Encounters / Meetings (Dealing with the past)

Reunions / Assemblées de Rencontre / Resoudre le Passé (Général)

Reunions / Assemblées de Rencontre / Resoudre le Passé (Gouvernement)

Reunions / Assemblées de Rencontre / Resoudre le Passé (ONG)

12. Organization of Local Level Encounters / Meetings (General)

Reunions / Assemblées de Sensibilisation / Formation (Cohésion / Paix) (Général)

Reunions / Assemblées de Sensibilisation / Formation (Cohésion / Paix) (Gouvernement)

Reunions / Assemblées de Sensibilisation / Formation (Cohésion / Paix) (ONG)

Reunions / Assemblées de Rencontre / Dialogue / Parler (Cohésion / Paix) (Général)

Reunions / Assemblées de Rencontre / Dialogue / Parler (Cohésion / Paix) (Gouvernement)

Reunions / Assemblées de Rencontre / Dialogue / Parler (Cohésion / Paix) (ONG)

Fête / Ceremonies Traditionnelles (partage de la bière)

Activités / Réunions de Sport

Villagisation ensemble (sans distinction ethnique)

13. RETURN OF REFUGEES / DISPLACED

Retour des Habitants (Deplaces)

Retour des Habitants (Rapatriés)

Retour des Habitants (Deplacés & Rapatriés)

14. CREATION OF ASSOCIATIONS

Creation d'une comité des Sages
Creation des Associations (Général)
Creation des Associations (H et T)
Creation des Associations Pour Dialoguer (H et T)

15. STIMULATING ECONOMIC DEVELOPMENT

Creation des Projets de Development (General)
Creation des Projets de Development (H et T)
Aide aux plus pauvres
Creation des Ecoles / Education
Construction des Maisons (Déplacés)
Construction des Maisons (Rapatriés)
Construction des Maisons (Rapatriés & Déplacés)
Redistribution de la terre

16. SECURITY

Resoudre Conflit Locaux
Combattre les Rumeurs
Renforcer la Sécurité
Désarmement des Civils
Fin de la Guerre
Negociation / Pact avec les rebelles

17. POLITICAL CHANGE

Partage Du Pouvoir chez les autorités superieurs
Cooperation / Entente Entre les Politiciens
Visit des Politiciens dans la Population
Arret de la corruption
Stabilité Politique
Pas de Multipartisme
Elections des Nouveaux Dirigeants (National)
Elections des Nouveaux Dirigeants (Local)

18. NO PROBLEMS

19. OTHER

Other
Mariage Mixtes



University
of Antwerp



INSTITUTE OF DEVELOPMENT
POLICY AND MANAGEMENT