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**ADVISORY SERVICES AND TECHNICAL COOPERATION  
IN THE FIELD OF HUMAN RIGHTS**

**Report of the independent expert on the human rights situation  
in Burundi, Akich Okola**

## Summary

In its resolution 2005/75, the Commission on Human Rights requested the independent expert to continue to study the situation of human rights in Burundi and requested him to submit an interim report to the General Assembly at its sixtieth session and a report to the Commission at its sixty-second session. The findings of his third mission in July 2005 were the basis of his report (A/60/354) to the General Assembly. The independent expert undertook his fourth mission to Burundi from 4 to 15 October 2005. The present report is based on that last mission and covers the period from 15 August to 15 December 2005.

During his mission the independent expert met with senior State officials and senior officials from national institutions, national and international non-governmental organizations, diplomatic missions, United Nations agencies and international organizations, including the Deputy Special Representative of the Secretary-General and Special Representative of the African Union in Burundi. He also undertook a follow-up mission to Gitega where he visited the prison and the Mushasha primary school, and met with local officials.

The present report addresses in section I the political and security situation in Burundi. The independent expert welcomes the exemplary and successful completion of the election process. However, despite relative stability, the overall security situation remains very fragile. The main victims of the continuing violence are civilians. Section II deals with the situation of civil and political rights in Burundi and violations of rights such as the right to life, liberty, security and inviolability of the person, freedom of movement and people's freedom to choose their residence, and the rights of women, children and the Batwa minority. The independent expert then analyses the situation with regard to economic, social and cultural rights, especially the rights to health and education, addresses the situation in the judicial and penitentiary sectors and with respect to strengthening of the rule of law, as well as activities relating to the promotion of human rights. Section III contains the independent expert's observations and recommendations.

The independent expert commends the Burundian people and institutions that contributed to the successful completion of the electoral process. The support of the international community, in particular the United Nations Operation in Burundi (ONUB), has been vital in this respect. The independent expert found a general atmosphere of hope for a better future accompanied by high expectations for the new Government.

In spite of some improvement in the general situation and positive developments in the political process, there has recently been a deterioration of the human rights situation, which the independent expert deplores. The continuation of the armed conflict and the refusal by the Forces nationales de libération (FNL) to sit at the negotiating table have resulted in several killings, arbitrary arrests and detentions, and other serious human rights violations whose main victims are civilians. The independent expert addresses an urgent appeal to FNL to stop all hostilities and come to the negotiating table with the newly elected Government.

The subregional context remains volatile. A massive return of Burundian refugees from the United Republic of Tanzania seems imminent. Little progress has been achieved in the justice sector and in combating impunity. The independent expert strongly urges the Government to implement urgent measures to strengthen the judicial system, fight impunity and

bring all perpetrators of human rights violations to justice. Concerned at reports of arbitrary detention by government officials, in particular intelligence agents, he calls on the Government to ensure respect of international human rights and humanitarian law. The independent expert is also deeply troubled by the continuing sexual violence in Burundi and reiterates his call on the Government to take swift and concrete measures to combat this phenomenon.

The independent expert recommends prompt action on issues relating to prisoners provided for by the various international and national commissions that have dealt with these issues. He encourages the Burundian authorities to press ahead with the establishment of the institutions provided for by the Arusha Agreement, especially those relating to human rights, in particular the establishment of transitional justice mechanisms and an independent national human rights institution.

The independent expert recommends that the international community support Burundi in its development priorities as formulated in the Government's development plan. The independent expert commends and supports the efforts of United Nations agencies in Burundi, in particular the Office of the High Commissioner for Human Rights - Burundi and ONUB, and the international community, as well as civil society, to ensure better protection and promotion of human rights, and encourages them to strengthen their coordination and cooperation in this field.

**CONTENTS**

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1 - 5	5
I. GENERAL SITUATION .....	6 - 17	6
II. HUMAN RIGHTS SITUATION .....	18 - 67	8
A. Civil and political rights .....	19 - 60	9
B. Economic, social and cultural rights .....	61 - 67	17
C. The justice system and the rule of law .....	68 - 74	18
D. Promotion of human rights .....	75 - 76	20
III. OBSERVATIONS AND RECOMMENDATIONS .....	77 - 90	21

## Introduction

1. In its resolution 2005/75, the Commission on Human Rights requested the independent expert to continue to study the situation of human rights in Burundi and requested him to submit an interim report to the General Assembly at its sixtieth session and a report to the Commission at its sixty-second session.
2. The independent expert's third mission to Burundi, from 2 to 10 July 2005, coincided with the legislative elections held on 4 July 2005. The findings of that mission were the basis of his report (A/60/354) to the General Assembly. The independent expert undertook his fourth mission to Burundi from 4 to 15 October 2005. The present report is based on that mission and covers the period from 15 August to 15 December 2005.
3. During his mission the independent expert met with the first Vice-President of the Republic of Burundi; the first Vice-President of the Senate; the first Vice-President of the National Assembly; the Minister of Justice; the Minister of Good Governance, General Inspection of the State and Local Administration; the Minister of Defence and Former Combatants; senior officials from the Ministry of National Solidarity, Human Rights and Gender; the Ministry of External Relations and International Cooperation; the Ministry of the Interior and Public Security; the Ministry of Finance; the Ministry of Development Planning and National Reconstruction; the President of the Appeal Court of Bujumbura and the Prosecutor General of the Republic of Burundi; the President of the National Independent Electoral Commission; the Principal Deputy Special Representative of the Secretary-General in Burundi and the Director of the Human Rights Division of the United Nations Operation in Burundi (ONUB); representatives of civil society and the clergy; representatives of the diplomatic community; the Special Representative of the African Union in Burundi; representatives of the European Commission; representatives of the United Nations Country Team (UNCT), including the Resident Coordinator a.i., the Representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Representative a.i. of the United Nations Children's Fund (UNICEF). He also undertook a follow-up mission to Gitega where he visited the prison and the Mushasha primary school, and met with the Governor of Gitega Province and the Archbishop of Gitega.
4. The independent expert would like to extend his special thanks to the Burundian authorities for facilitating his mission, to OHCHR and ONUB for their assistance in the organization of his mission and for providing him with information on the human rights situation in the country, as well as to all his interlocutors for their availability and willingness to exchange views on the human rights situation in Burundi and their contribution to the success of the mission.
5. The present report will address the general situation in Burundi with a special focus on the evolution of the political and human rights situations. The independent expert also presents to the Commission his observations and recommendations.

## I. GENERAL SITUATION

6. The independent expert's mission took place in a period of hope and high expectations among the people of Burundi, just a few weeks after the new Government had commenced its work.

7. The democratic process which started with the referendum on a new constitution in February 2005 continued with commune elections in April and legislative elections for the National Assembly and Senate, in June and July respectively, and was successfully completed by presidential elections on 26 August and *colline* elections on 23 September 2005.

8. Burundi's new president, Pierre Nkurunziza, who was until his election leader of the *Conseil national pour la défense de la démocratie - Forces pour la défense de la démocratie* (CNDD-FDD) and member of the Transitional Government, appointed a new Cabinet on 1 September 2005 with most ministers coming into Government for the first time. The Cabinet, in accordance with the new Constitution, provides for a 60:40 ratio of Hutus to Tutsis. A welcome development is the presence of 7 women, including the Minister of Justice and the Minister of External Relations and International Cooperation, among the 20 members of the Cabinet. This is in conformity with the constitutional requirement that 30 per cent of appointed officials at all levels of Government must be women. Twelve ministers come from CNDD-FDD, three from the *Front pour la démocratie au Burundi* (FRODEBU), one from the *Parti de l'unité pour le progrès national* (UPRONA), one from Inkinko, one from the *Mouvement pour la réhabilitation du citoyen* (MRC) and one from the *Parti pour le redressement national* (PARENA). The Minister of National Defence and Former Combatants, a former army chief of staff, is not a member of a political party.

9. In September 2005, the situation in Burundi was also the focus of debate in several international forums, including the General Assembly and the Security Council. A Summit on Burundi, co-chaired by the Secretary-General and the President of Uganda, took place in New York on 13 September. The Summit took a decision, welcomed by the Security Council on 22 September (see S/PRST/2005/43), to establish a forum of Burundi's partners which should work with the Government of Burundi in consolidating peace and national reconciliation, supporting reforms being undertaken by the Government and in enhancing donor coordination. On 16 September, Burundi was included in the Tripartite Joint Commission (TJC), renamed the Tripartite Plus Joint Commission, which is facilitated by the United States of America and comprises the Democratic Republic of the Congo, Rwanda and Uganda. The objective of TJC is, inter alia, to ensure disarmament and repatriation or reintegration of all militias on the member States' territories. Moreover, some donors, such as the World Bank and Belgium, decided to increase their financial support to Burundi.

10. A multidisciplinary United Nations assessment mission visited Burundi from 16 to 23 October 2005 in order to evaluate the overall situation on the ground and the role the United Nations could play in support of the democratic process in the country. Further to that mission, the Secretary-General in his report to the Security Council (S/2005/728) said that while the United Nations was prepared to continue to provide assistance to the Government, the regional and international stakeholders, as well as international donors, must remain committed to Burundi in the next critical period, including by increasing their bilateral and multilateral assistance. He also indicated that, at the request of the Government, most of the activities of ONUB were expected to be completed by the end of 2006.

11. A mission of the Security Council visited Bujumbura on 8 and 9 November as part of the Council's sixth visit to the Great Lakes Region since 2000. The mission underscored the continuing commitment of the international community, and the United Nations in particular, to assist the Burundian authorities in consolidating the achievements of the peace process. For its part, the Government of Burundi noted that reconstruction, development, good governance, human rights and the return of refugees were its key priorities and that the United Nations should focus primarily on providing reconstruction and development assistance.

12. During the period under review, the security situation throughout the country remained generally stable. However, clashes between the *Parti pour la libération du peuple hutu - Forces nationales de libération* (FNL), led by Agathon Rwasa, and the *Forces nationales de défense* (FND) continued in the provinces of Bujumbura rural and Bubanza, and even expanded to the western provinces of Burundi. On 5 October, the Government asked FNL to engage in negotiations by 31 October or face "serious consequences". After the deadline had expired without any progress being made, the Minister of Communication said that the Government would "empower its security forces, the defence forces, and even the population to curb the FNL activism". Meanwhile, it seems that there is a split within FNL between Agathon Rwasa and members of the movement who would rather negotiate with the Government. On 11 October, a spokesperson for the dissidents announced that Mr. Rwasa had been expelled from the movement's leadership and a new leader had been appointed at a meeting held on 8 October in Bujumbura rural. Negotiations with FNL are now at a stalemate, despite the fact that the Government appointed an 8-member negotiating team and FNL announced an 80-member team to conduct the negotiations.

13. Despite this relative stability, the overall security situation remains very fragile. Ambushes, targeted assassinations, sexual violence, looting, armed robbery and killings continue to be reported throughout the country. The main victims of the continuing violence are civilians. The alleged perpetrators are members of FNL, former *guardiens de la paix* but also members of FND in those areas where FNL is active. A new phenomenon has been reported - killings of demobilized ex-combatants, allegedly by FNL. Lynching and personal revenge crimes are also reported in certain localities.

14. Following protests by former combatants and *guardiens de la paix*, the Government reshuffled the National Commission for Demobilization, Reintegration and Reinsertion and appointed new members who will review eligibility and implement the second phase of demobilization. The disarmament, demobilization and reintegration (DDR) process is funded by the World Bank. The first caseload was demobilized from the army and the rebel groups on a voluntary basis, followed by those currently identified within the army. The candidates spend 10 days in a demobilization centre where they follow a resocialization programme, including information on the DDR process, civic education, peaceful cohabitation and economic opportunities. Upon leaving the transit centre, the demobilized are given nine months' salary, and in the course of the following nine months, they receive three months' salary each trimester. In addition, within the reintegration phase, the demobilized are entitled to assistance amounting to 600,000 Burundi francs for a project of their choice, which might be income generation or professional training. The problems encountered so far include complaints by the beneficiaries that the programme and its implementation were designed without their having been consulted; demands for the 600,000 Burundi francs to be disbursed in cash; the scanty economic

opportunities available to Burundians in general, and the demobilized in particular; and implementation problems at the local level. The success of the DDR process seems highly dependent on the overall situation in the country, which is still unstable: a large number of small arms in the possession of civilians and the demobilized, armed banditry and social insecurity. Delays in the implementation could lead to loss of confidence in the process by the partners, and subsequently to breaches of the agreements.

15. The security situation in the region, particularly in the eastern part of the Democratic Republic of the Congo, also remains extremely volatile. The deterioration of the situation along Burundi's borders would certainly have a negative impact on stability in the country. There are reports of armed groups, including FNL, who continue illegally to cross the border between Burundi and the Democratic Republic of the Congo. In addition, trafficking of small arms and natural resources continues to be reported. The influx of Rwandan asylum-seekers beginning in April 2005, claiming to flee the *gacaca* courts, is still unresolved and remains a potential source of friction in the northern provinces of Burundi. In November, there were approximately 3,800 asylum-seekers classified as illegal in a joint communiqué issued by Burundian and Rwandan officials. They were located at two informal sites in the provinces of Ngozi and Kirundo awaiting relocation to a transit site 30 km from the Rwandan border.

16. The economic and social situation remains extremely difficult - Burundi is ranked 169 out of 177 countries in the 2005 Human Development Index and 68 per cent of the population live below the poverty line. The purchasing power of the population is steadily deteriorating, resulting in successive strikes by civil servants. For instance, the University of Bujumbura was closed for the whole of August due to a strike by professors and students. The Government, with the assistance of the World Bank, is expected to finalize a full poverty reduction strategy paper by the end of this year. Corruption and economic crimes are common in a context of general poverty, which bears the seeds for social conflict.

17. In addition to achieving security and alleviating poverty, other challenges facing the Government include striking a balance between accountability for past crimes and the quest for peace; combating impunity and returning to democratic ideals; protection of women, children and other vulnerable groups; reintegration of refugees and internally displaced persons (IDPs); discrimination and intolerance; harmonization of laws and access to justice; as well as building the capacity of national institutions dealing with human rights.

## II. HUMAN RIGHTS SITUATION

18. The human rights situation is closely related to progress in the peace process and the subregional context. The successful completion of the electoral process had a positive impact on the overall human rights situation. The Government has also stated that respect for human rights will be one of its main priorities. However, the continuing armed conflict, the weak judiciary and the perceived climate of impunity are among the main causes of continuing human rights violations, with the civilian population being the main victim.



## **A. Civil and political rights**

19. In spite of continuous efforts by many national and international actors, particularly OHCHR and ONUB, human rights violations are still numerous, in particular violations of the right to life, looting, extortion, torture, arbitrary arrest and detention, and sexual and gender-based violence.

20. The independent expert was informed that human rights violations had decreased in August. However, the adoption of a hard-line policy by the new Government towards FNL resulted in a deterioration of the human rights situation since September, with violations committed by both parties.

21. OHCHR and the Human Rights Division (HRD) of ONUB have reinforced their coordination and cooperation through a cooperation agreement and a joint action plan. In addition to continued monitoring, the action plan focuses on promotional activities and strengthening of national capacity to protect human rights, both at the community and national levels. HRD, OHCHR and UNDP and the Ministry for Human Rights have already initiated discussions with regard to the establishment of a national independent human rights commission.

### **1. Violations of the right to life**

22. As mentioned above, the alleged perpetrators are the security forces, members of FNL and unidentified persons. In total, more than 550 violations of the right to life, including as a result of “mob justice”, were reported by ONUB human rights observers during the period under review. While only 8 violations of the right to life by security forces were reported in August, the figure rose to 49 from September to November. Targeted killings by FNL of civilians also increased from 13 reported in August to 63 in the following three months.

23. ONUB marked the first anniversary of the massacre of Congolese refugees at Gatumba, perpetrated on 13 August 2004, with a press release urging the Government to make the findings of its investigation into the massacre public and bring those responsible to justice. So far, despite the indication from the Burundian Minister of Justice that the national investigation into the Gatumba massacre had been completed, no report has been issued by the Government and the authors of the attack remain free.

#### **(a) Violations attributed to agents of the State**

24. The independent expert was informed of two cases of possible summary execution of civilians in Bujumbura rural. Investigations were initiated into one of these cases but no arrests have been made to date. In the first case, soldiers reportedly shot dead a man in Nyabiraba commune, Bujumbura rural, on 18 August. In the second, on 22 August, a male nurse was shot dead close to a medical clinic in Mubimbi commune. On 29 August, FDN soldiers searching for FNL combatants killed a 9-year-old boy when they opened fire on houses in Musigati commune, Bubanza Province. An FDN soldier who shot dead a civilian who had been selling illegally brewed beer on 30 August in Rugazi commune, Bubanza Province, was arrested by soldiers from a nearby position.

25. In the beginning of September, four cases of apparent summary execution of civilians by FDN soldiers reportedly took place in Bujumbura mairie (Gihosha zone), Bujumbura rural (Nyabiraba commune) and Bubanza (Musigati commune). In one case, where a soldier shot dead a demobilized CNDD-FDD combatant, an investigation was initiated and the alleged perpetrator detained for questioning. In Isale commune, five injured FNL combatants were reportedly summarily executed by FDN from Mirango position, who found them sheltering in a house. The owners of the house were seriously beaten by the soldiers.

26. On 1 and 2 October, nine more cases of apparent summary execution of civilians, alleged FNL combatants and collaborators, by FDN soldiers reportedly took place in Kanyosha commune, Bujumbura rural. In Muhuta commune, Bujumbura rural, FDN were reported to have killed a man by cutting his throat on 6 October. FDN soldiers are reportedly also implicated in four cases of violation of the right to life in Kanyosha, Nyabiraba and Muhuta communes of Bujumbura rural reported between 7 and 9 October. An additional nine cases were reported in Bujumbura rural and Muyinga provinces; some of the victims were killed after being arrested and others in retaliation for an FNL ambush against FDN.

27. The independent expert continued to receive reports of the use of excessive force by FDN personnel during November. Allegations of violations by FDN personnel included summary executions of nine individuals in five separate incidents in Bubanza and Bujumbura rural provinces, as well as six violations of the right to life in Bujumbura rural, Bubanza and Muramvya provinces, including three apparent summary executions.

**(b) Violations attributed to armed groups**

28. Incidents of intimidation, extortion and physical violence against civilians attributed to FNL continued to be reported with frequency in Bujumbura rural, Bubanza and Cibitoke provinces. Several incidents of murder, assault and looting were reported during the period under review. The presence of suspected FNL in Bujumbura rural, Bubanza, Cibitoke and Kayanza provinces continued to cause insecurity for the general population and fear among demobilized CNDD-FDD combatants, who are increasingly being targeted by FNL.

29. In the period between 27 August and 5 September, five civilians, apparently accused of collaboration with FDN, were killed in Isale, Mubimbi, Nyabiraba and Bugarama communes of Bujumbura rural. In Bubanza province, a demobilized CNDD-FDD combatant was killed by alleged FNL forces who reportedly left a note that they intended to kill all demobilized CNDD-FDD combatants. In most cases the bodies of the victims were mutilated. Some reports indicate that FNL may, in some cases, have been paid to kill individuals involved in personal disputes. Four other incidents of murder attributed to FNL were reported on 22 September and 27 September in Cibitoke and Kayanza provinces.

30. In October, violence attributed to FNL included the killing of at least 19 people in separate incidents in Bujumbura rural, Bubanza, Cibitoke and Kayanza provinces. In six cases, the victims were beheaded in brutal attacks and the bodies of three victims displayed in public with the mutilated heads alongside. Some victims were accused of collaboration with FDN. Hardly any cases were reported to the authorities for fear of reprisals, and the identities of the victims were in all cases difficult to determine by human rights observers. On 23 October a

group of armed men in military uniform, believed to be FNL, reportedly robbed and killed the former President of the *Commission elettorale communale indépendante* in Martyazo zone, Mubimbi commune. On 25 October, two Twa suspected of collaborating with FDN were abducted from their respective homes in Kiyenzi zone of Kanyosha commune, and decapitated a few metres away. On 29 October administrative authorities in Muhuta commune, Bujumbura rural, reported that the decapitated heads of two men were discovered by an FDN patrol - one of the victims was identified as a communal tax collector and CNDD-FDD member; the other had not been identified. The body of another demobilized former CNDD-FDD combatant taken from his home in Isale commune on the night of 29 October by men believed to be FNL was found decapitated.

31. In November, the apparent policy of targeted killings of civilians attributed to FNL elements resulted in the killing of at least 17 civilians in Bujumbura rural and Bubanza provinces. Most of the victims were either CNDD-FDD members or demobilized CNDD-FDD combatants accused of collaboration with FDN. Another 10 civilians were killed in Bujumbura mairie, Bujumbura rural, Bubanza and Cibitoke provinces.

**(c) “Mob justice”**

32. The independent expert was informed of 96 cases of violation of the right to life as a result of “mob justice”; most of the cases - 72 - occurred in Muyinga, Cankuzo and Karuzi provinces. In August, at least nine deaths were reported following accusations of sorcery, poisoning and theft. Four people accused of theft and sorcery were killed in two separate incidents on 8 and 13 September in Cankuzo and Ngozi provinces. In Gitega, two men suspected of theft were also reportedly lynched by the population. Few arrests are made in these cases. In some instances, administrative authorities detained the victims in holding cells for their protection. The victims are in most cases from vulnerable groups such as widows, elderly people living alone or people originating from another locality. Alleged rainmakers have also been targeted due to the delay of the rainy season.

33. In Karuzi province, where the problem was especially acute, HRD held a sensitization session on “mob justice” attended by some 500 residents, including a traditional healer. Human rights observers reported a decrease in those cases in the province following the sensitization campaign.

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

**(a) Violations attributed to agents of the State**

34. Arbitrary arrest and detention cases reported during the period under review numbered more than 860, the majority in Bujumbura rural, Cibitoke and Bubanza provinces, but also in Makamba, Bururi and Rutana provinces. ONUB human rights observers noted a very significant rise in Bujumbura rural in November, mainly as a result of the Government’s intensified pursuit of FNL members and sympathizers. In other provinces, some of the cases concerned individuals suspected of FNL membership or collaboration, while others were detained for debt or minor offences within the competence of civilian jurisdictions. In many cases, detention was due to lack of legal knowledge and detainees were held beyond the legal limits due to lack of equipment, human resources and transport.

35. Since mid-September, FDN, police and agents of the *Documentation nationale* (DN), the intelligence service, have been carrying out mass arrests of persons suspected of assisting or supporting FNL. The precise number of arrests is difficult to verify, but according to reports from ONUB, the number of people arrested by FDN rose from 11 in August to 62 and 73 in September and October respectively. Since the beginning of November FDN is reported to have arbitrarily arrested more than 300 persons. In addition to arrests by FDN, there have been numerous arrests by police and DN agents. As of mid-October, 100-150 persons accused of links with FNL had reportedly been detained at the *cachots* of the *Police de sécurité intérieure* (PSI) at Kigobe in Bujumbura. Persons detained at PSI were held incommunicado until ONUB was granted access on 22 November. Some 75 per cent of the 103 detainees had been held longer than the statutory limit of 14 days and 23 claimed to have been tortured. Sources suggest that an additional 40 persons may be held by DN. In some areas, temporary displacement of the population resulted from the brutal and arbitrary nature of these arrests. Several cases in which civilians were beaten up were also reported in Kabezi and Isale communes of Bujumbura rural, and widespread looting in Kanyosha.

36. In November, FDN soldiers also continued to carry out mass arrests of suspected FNL members and collaborators. The arrest of more than 100 individuals was reported in at least 12 separate cases between 11 and 16 November. A few were released, but most were detained at military positions in Bujumbura rural, Bubanza and Cibitoke provinces, from where some were transferred to police detention. Some of those arrested were reportedly tortured. The detainees were either held at FDN positions or transferred directly to PSI in Bujumbura.

37. While the Government has the right to arrest individuals who threaten State security, most of these arrests were carried out without respect for the law or the rights of the individuals concerned. Arrests should not be carried out without warrants, except in cases of flagrant *délit*, or by soldiers or intelligence agents. The families of arrested persons must be informed where they are and why they have been arrested, and the arrested persons have the right, under national law, to be charged within 14 days with a recognized offence, or released.

38. The independent expert was informed of 14 cases of torture, 35 cases of assault, beating or wounding, and 18 cases of looting. Most incidents of torture were reported in Gitega and Muyinga provinces, mainly during interrogation and at military positions; just a few cases were reported in *cachots*. The majority of cases in which civilians were beaten occurred in Bujumbura rural during operations by FDN. Violation of the right to property also took place mainly in that province.

#### **(b) Violations attributed to armed groups**

39. The presence of FNL rebels, confrontations with FDN and the pursuit of FNL by FDN continue to result in abuses of the civilian population. Twenty-two cases of looting by FNL combatants or identified armed men, often in military or police uniforms, were reported, including in Bujumbura mairie and the provinces of Bujumbura rural, Bubanza, Cibitoke and Muramvya. Some residents had been leaving their homes at night for fear of attack by FNL.

40. The independent expert was informed of at least 18 violations of the right to security and inviolability of the person committed by alleged FNL members. In Murata commune, Kayanza

province, FNL reportedly stole livestock and burnt two houses during the night of 16 October. FNL combatants reportedly cut off the ear of a boy in the Benga zone of Isale commune, apparently for passing on information to the authorities.

41. In November, several incidents of looting by FNL were also reported in Bujumbura rural, Cibitoke and Bubanza provinces. In Musigati commune, Bubanza, widespread looting was reported indicating the continued presence of FNL in the region. There were other reports of forced tax collection by civilians on behalf of FNL, abductions, looting and destruction of property by FNL. Eighteen cases of abduction by FNL were reported during the period in review. Moreover, most of the alleged victims were abducted prior to being killed.

**(c) Sexual violence**

42. The independent expert was informed of 218 cases of sexual violence during the period under review. Only in a few cases were the perpetrators arrested. Most perpetrators were civilians, though the military and armed groups were also implicated in some cases. The majority of the victims were minors, some as young as 2 years old. Often the victims were raped by people known to them - neighbours, domestic workers and relatives. In some cases, very young children were raped by HIV-infected people who believed that they could be cured of the condition in that way. Few women report rape cases due to cultural reticence or fear of stigmatization, though as a result of intensified sensitization more victims were reported to have come forward in the last few months. Out of court or amicable settlement of rape cases by Bashingantahe (council of elders) or administrative authorities is the rule. Traditional elders also encourage practices such as marriage between a rapist and his victim.

43. In August, cases of rape included three victims aged 4, 8 and 17, in Makamba and Muramvya provinces. The 4-year-old victim was reportedly gang-raped by five men, none of whom was arrested. The mother refused to file a complaint against the attackers, whom she knew, in order to avoid trouble between their families. In another case, warrants were issued in two cases of rape where the victims were minors, aged 4 and 12, on 21 July and 7 August, respectively, in Mpanda commune, Bubanza province. Nine rape cases were also reported in Muyinga, Rutana, Makamba, Bujumbura rural, Bururi and Gitega provinces. Eight of the victims were minors, and only two were reported to have received medical attention. Four of the perpetrators remain under arrest, while in two cases the perpetrators were released shortly after arrest. A Muyinga-based NGO dealing with sexual violence registered 24 rape cases in August, 13 of which involved minors, an increase in comparison with previous months. The increase may be the result of greater awareness of the assistance provided to rape victims by the NGO, rather than an actual increase in cases.

44. In September, reports of rape included 10 cases in Muyinga, Cankuzo, Bujumbura rural, Bubanza, Gitega, Makamba and Mwaro provinces. Most of the victims were minors, the youngest aged 2. The victims received medical assistance in seven cases and eight of the perpetrators were arrested. Another five cases of rape of three minors and two adults were reported in Makamba, Gitega and Muramvya provinces. Three of the perpetrators were arrested. Six rape cases were reported in Ngozi, Muramvya, Karuzi and Makamba provinces between 17 and 24 September. Two of the victims were minors, including a 13-year-old boy. One perpetrator was arrested, while the rest are still at large. In the last week of September, eight

new cases of rape were reported in Bujumbura rural, Karuzi, Mwaro, Bubanza, Kayanza and Ngozi provinces. In six cases the victims were minors, the youngest 3 years old. Four of the victims received medical attention. Only two of the perpetrators have been arrested - the police were not aware of most of the cases.

45. The situation did not improve in October. Seven rape cases were reported in Gitega, Ruyigi, Kirundo, Cibitoke and Ngozi provinces, the victims aged between 3 and 19. The alleged perpetrators were arrested in only three cases. A woman who was reportedly raped on 2 October said that a Bashingantahe settled the rape case and she accepted a payment from the perpetrator in exchange for not registering a complaint. Five rape cases were reported in Ngozi, Kayanza, Kirundo and Cibitoke provinces, the majority involving minors. The perpetrators were arrested in three cases and only two victims received immediate medical care. Fifteen rape cases were reported in six provinces, including the gang-rape of a young woman in Cibitoke province. Nine of the victims were minors. The perpetrators were arrested in seven cases and six victims received medical assistance.

46. In November, 11 rape cases were reported in Makamba, Ngozi, Kayanza, Cankuzo, Mwaro and Bujumbura rural provinces, in which 7 of the victims were minors. At least nine victims received medical attention. The alleged perpetrators were arrested in three cases, including an FDN soldier who reportedly raped a 12-year-old minor on 12 November in Kabezi commune, Bujumbura rural.

47. HRD is planning to carry out sensitization and education campaigns in order to address this worrying phenomenon. A sensitization session on sexual violence and education of the girl child was organized in Ntega commune, Kirundo province, on 15 September, and was attended by some 60 people. HRD also continues to follow up on the judicial process in sexual violence cases. For instance, the *Tribunal de grande instance* of Ngozi dedicated the period from 19 to 22 September exclusively to rape cases; 32 cases involving 45 suspects were listed for hearing, but only 8 were deliberated.

### **3. Violations of the right to freedom of movement and freedom to choose one's residence**

48. According to a United Nations report,<sup>1</sup> the return of refugees and IDPs to their zones of origin continued without interruption during 2005. The pace of refugee return slowed considerably in the last quarter of 2004 and in the first months of 2005, mostly due to refugees' concerns relating to security conditions and the electoral process in the country. Nevertheless, the return started accelerating in mid-2005 at a weekly rate of 4,500 persons, and dramatically increased in August and September. Of the estimated total of 431,010 Burundian refugees living in camps and settlements in the United Republic of Tanzania, 270,944 returned to Burundi in the period 2002-September 2005. In the first 10 months of 2005, more than 60,000 refugees were repatriated to Burundi from Tanzania, Rwanda and the Democratic Republic of the Congo by UNHCR.

49. If conditions remain favourable, UNHCR expects a massive return of refugees at the end of 2005 or the beginning of 2006. The number of remaining refugees is estimated to be about 200,000. The Government's decision to provide free primary education could also

encourage returnees. At the swearing-in ceremony of President Nkurunziza, the President of Tanzania expressed the wish to see the Burundian refugees return to Burundi. However, some unresolved issues, namely land, which causes conflict even among residents, could fuel additional problems between returnees and residents. UNHCR is calling for urgent measures to avoid a social crisis resulting from the expected massive repatriation. Neither UNHCR nor the Government has the capacity for such large numbers of returnees. Moreover, recent UNHCR estimates indicate that 70 per cent of returning refugees do not have houses, or are returning to find their houses destroyed. Similar needs have been observed for returning IDP families.

50. The number of IDPs living in sites for the displaced has also decreased, from 145,000 in 170 sites in 2004 to 117,000 IDPs in 160 sites countrywide in 2005. The return flow has been continuous since early 2004, especially in the southern provinces. Most of the displaced still live in sites concentrated in the central and northern provinces, where IDPs' willingness to return home is still conditioned by concerns relating to security, stability and inter-ethnic relationships in their zones of origin.

51. Though temporary displacement of populations due to the armed conflict has decreased in comparison with past years, the independent expert was informed of several incidents of residents being temporarily displaced, in particular in the Bujumbura rural, Bubanza and Cibitoke provinces. Confrontations between FDN and FNL between 22 and 24 August in the Gitaza zone of Muhuta commune, Bujumbura rural, led to the temporary displacement of residents from Nyange and Mubone zones. During the same period, residents of Gasenyi sector, Mutimbuzi commune, Bujumbura rural, were reported to be sleeping away from their homes for fear of retaliation by FDN, following an ambush in which two FDN soldiers were killed. Confrontations between FDN and FNL and search operations by FDN led to the displacement of some 400 families from Isale commune, Bujumbura rural, on 24 August, and the displacement of some 700 families from Musigati commune, Bubanza Province, on 29 August.

#### **4. Rights of women**

52. The independent expert welcomes the steps taken by the Government to achieve gender balance at all levels, and in particular at the decision-making level. In addition to the seven women who are ministers in the new Cabinet, the second Vice-President of Burundi, the Chairperson of the National Assembly and the two Deputy Chairpersons of the Senate are women.

53. As mentioned in previous reports, an issue of particular concern is the continuing sexual violence against women. Despite the improvement of the general security situation, more than 200 cases of sexual violence were reported during the period under review. Most of these crimes remain unpunished or, when prosecuted, are not treated by the authorities with the seriousness they deserve.

54. The independent expert deplores the failure to submit to the Parliament the draft family and inheritance law that was under consideration by the previous Government. Discussions on this draft have been ongoing for several years and its submission is long overdue.

## **5. Child rights**

55. The situation of children in Burundi remains extremely worrying. Children are affected not only by the continuing conflict but also by the deteriorating economic situation and by HIV/AIDS. Some estimates indicate that there are between 160,000 and 250,000 AIDS orphans and more than 3,000 street children.

56. As indicated in previous reports, war and poverty also affect the right to education - the net enrolment was only 56 per cent until last year. The recent free education initiative of President Nkurunziza led to the enrolment of 550,000 children for the school year 2005/06, reportedly 300,000 more than the previous year. However, the initiative faces many challenges such as lack of absorption capacity by the schools; ensuring the financial sustainability of the programme in view of the need for additional assistance for the Burundian population who live in generalized poverty; reintegration of the 3,000 demobilized child soldiers; as well as proper planning, bearing demographic projections in mind. When he visited the Mushasha primary school in Gitega, the independent expert saw that there was no equipment or school materials, and was told that additional teachers and school personnel were also needed.

57. UNICEF has played an active role in supporting the Government's "back to school programme", which has targeted 500,000 children since 2004. Its assistance consists in providing school furniture, books, blackboards and school uniforms. UNICEF and UNHCR have also collaborated regarding rehabilitation of schools. A new "back to school programme" had to be launched targeting some 250,000 vulnerable and returnee children. UNICEF plans to rehabilitate 500 schools, train 3,000 teachers and provide temporary tent schools.

58. Burundi has ratified the Convention on the Rights of the Child and has signed but not yet ratified the Optional Protocol on the involvement of children in armed conflict. However, there is a need for specific national legislation which would guarantee child rights.

## **6. Rights of the Batwa minority**

59. The Batwa minority remains marginalized within the Burundian society. The Batwa community has been granted three seats in the new National Assembly and the Senate, in accordance with the Arusha Agreement. However, after often being ignored by successive Governments, they now expect concrete assistance and increased attention from the new Government, in particular regarding land issues. As the Batwa do not own land, they live under permanent fear of being relocated - the independent expert was informed that many of them have even been chased from the few plots they had been granted by previous Governments. No special earmarked funding is foreseen for Batwa children's education, and it is highly likely that they would not benefit from the new free primary schooling initiative as most of them cannot afford clothes, food or other basic necessities.

60. HRD conducted two human rights seminars with a total of 350 participants from the Batwa communities of Ruyigi commune, Ruyigi province, and Itaba commune, Gitega province. The Batwa raised numerous problems related to discrimination and exclusion by other ethnic groups, particularly in access to education and land. In response to one instance cited, where the



Batwa claimed they were threatened with expulsion from land that had been allocated to them by the administration in 1998, human rights observers met with both parties to the dispute and presented the case to the local member of Parliament, herself of Batwa ethnicity.

## **B. Economic, social and cultural rights**

61. The 2005 Human Development Index ranks Burundi 169 out of 177 countries, while the Human Poverty Index, which measures human poverty in developing countries, ranks it 80 among 103 countries. Life expectancy at birth is just over 40 years, which represents a drop of roughly 10 years since 1993.

62. The primary education sector also faces important problems, mostly related to insufficient or poorly maintained infrastructure and acute shortages of teachers. The Consolidated Appeal Process for Burundi 2006 indicates that approximately 550,000 children between 7 and 12 years of age do not attend school. While the decision of the newly elected Government to abolish primary school fees is both welcome and necessary, in the short to medium term it will place further strain on an already overstretched educational infrastructure. The primary schools are facing enormous logistical problems. The roughly 100 per cent increase in enrolment in grade 1 for the 2005/06 school year resulted in teachers having to look after more than 150 children in one class. The Minister of Education and Culture estimated that some 2,400 extra teachers and 2,400 new classrooms would be needed. According to the President, by 2008, the Government hopes to add 350 new schools to Burundi's educational infrastructure. An estimated total of US\$ 50 million in in-kind and cash contributions have already been pledged for the period 2005-2007 by France, the European Commission, Belgium, the United Kingdom, the World Bank, UNESCO, UNICEF, UNHCR and UNDP.

63. In the area of health care,<sup>2</sup> the major concerns remain the limited access to services, the poor quality of service delivery and the Government's reduced capacities for monitoring and early warning. The response to epidemic cycles of malaria, cholera and meningitis depended heavily on the operational resources of United Nations agencies and NGOs working in the sector. The inter-agency health access and essential package programme ECP (External Cooperation and Partnerships), which started in 10 provinces in 2004, expanded to cover a total of 312 health centres in 16 provinces in 2005. Approximately 1,122,000 people, including returning refugees and IDPs, have benefited from programme activities. ECP comprises a combination of essential drugs and equipment, and basic mother and child health-care service provision and training, including HIV/AIDS prevention and reproductive health activities. The programme also includes health screening and referral services for returning refugees at transit centres and quarterly cross-border information exchange with health partners working in refugee camps in Tanzania. In September 2005, 62 per cent of the health centres covered by the programme had reached full ECP implementation, while 34 per cent of remaining centres were in the process of ECP completion.

64. The number of HIV/AIDS test and treatment centres expanded from 89 in 2002 to 115 in 2004, which in turn has led to a rise in the number of tested people from 30,412 in 2002 to 71,730 in 2004. Efforts to decentralize counselling and testing services, antiretroviral (ARV) treatment facilities and mother-to-child prevention have also expanded. A national law protecting the rights of HIV-positive individuals has been passed and is ready for

implementation. Intensive screening of blood donors and testing of donated blood have reduced the risk of transmission through transfusion. However, shortages of ARV treatment posed widespread constraints for treatment facilities in 2005, while universal precautions and affordable treatment of sexually transmitted infections need to be further developed.

65. In addition to the reduced delivery capacities of basic health and education services, the most important needs in supporting population reinsertion relate to access to land and housing. Long-standing issues relating to land property, land scarcity, and the lack of economic alternatives to agricultural activities are important bottlenecks in the economic reinsertion of returning refugees, the majority of whom are of rural origin. Although land issues in Burundi will require the development of long-term policies and programmes (including the review of land adjudication procedures by the justice system), the recovery of local economies and agricultural production, as well as the reconstruction of basic community services in the short to medium term are the key priorities in the coming period, bearing in mind that disparities and inequities were important factors triggering the civil conflict more than a decade ago.

66. The international community has been willing to assist Burundi, and has pledged funds in Paris, Geneva and Brussels. However, the disbursement of these funds has been delayed for various reasons, mainly waiting for democratic institutions to be put in place. Meanwhile, emergency programmes, namely humanitarian aid, have been and continue to be funded by the international partners of Burundi. The independent expert was informed that the Government is working on a development plan, to be completed by the end of 2005, which would allow more coherence and coordination of foreign aid and assistance.

67. In August, Burundi became the twenty-eighth country to qualify for the World Bank and International Monetary Fund Enhanced Heavily Indebted Poor Countries initiative, and can expect its debts to be remitted. The money from the debt cancellation would serve in social sectors like education, health, public works, and HIV/AIDS prevention and control. The African Development Bank Group also announced that Burundi had met the conditions needed to qualify for over US\$ 226 million in debt relief. In December, the World Bank pledged an additional \$170 million over the next two years, in addition to the \$350 million it had already allocated for reconstruction and development in Burundi. Belgium's Minister for Development Cooperation pledged to increase his country's financial aid to Burundi, inter alia to fight poverty and in the health sector. Germany has allocated to Burundi about \$20 million to improve water and sanitation in various parts of the country. France has also expressed its intention to fund some programmes through the World Bank. The European Commission remains the biggest donor for Burundi, and it carries out a multi-pronged programme, envisaging a possible 20 per cent increase in its assistance to Burundi. There is awareness that further cooperation opportunities in the areas of education, health, agriculture and others should be explored with non-traditional development partners such as countries from the region.

### **C. The justice system and the rule of law**

68. As mentioned in previous reports, some of the legislative reforms provided for in the Arusha Agreement have been implemented, but as a whole implementation has been delayed and has had a limited impact. The independent expert did not observe any significant progress on the issue of impunity. Measures aimed at prosecuting perpetrators of human violations remain weak

and insufficient. This situation persists despite regular reports submitted to the authorities by human rights observers and the assistance provided by various partners, including ONUB and the European Commission.

69. The lack of financial, material and logistical resources such as paper, furniture, office equipment and means of transportation undermines the efforts deployed within the judicial system. It results in arbitrary detentions as well as lengthy detentions and pretrial detentions. It also creates among the detainees the perception of partiality. The President of the Court of Appeal of Bujumbura informed the independent expert that there were currently only a few pretrial detainees in Burundi prisons: the inmates had been either tried and sentenced, had been released or had benefited from provisional immunity measures. However, human rights observers have reported that almost 90 per cent of the inmates of Muyinga prison were in pretrial detention, among them an 80-year-old man without a legal dossier held since September 1998 in connection with the events of 1993. Prisons remain overcrowded, with more than 7,000 detainees occupying space for a maximum capacity of 3,750 inmates.

70. The issue of “political” prisoners, raised by the independent expert during his previous missions to the country, has still not been resolved. Delays have led to successive strikes in the prisons of Mpimba in Bujumbura as well as in Ngozi and Muyinga prisons. The independent expert stressed once again the urgency of finding a swift and fair solution to this issue during his follow-up visit to the prison of Gitega. He was assured during his meetings with several senior members of the Government and the judiciary, including the first Vice-President, the Minister of Justice and the Prosecutor General, that urgent political measures would be taken in the near future, and that once the political prisoners were clearly identified, they would be released. The President of the Republic has asked the Minister of Justice to carry out a census of the prison population in general in order to find out who would qualify for such release; prisoners accused of armed banditry or in connection with the assassinations of President Ndadaye and Dr. Kassy Manlan, former representative of WHO in Burundi, would not be considered for release within this framework. On 15 November, a newly appointed 21-member commission started the work of identifying political prisoners throughout the country. The commissioners, who are mostly magistrates and lawyers, have three months to complete their work and have to submit a report once a month. Local human rights groups say that more than half of the 7,000 prisoners being held in Burundi claim they are political prisoners.

71. The other issue that the independent expert raised during all his meetings with members of the Government and civil society was the issue of transitional justice mechanisms to be established in Burundi, namely a truth and reconciliation commission and a special chamber within the Burundian justice system. The independent expert was informed that a commission had been set up to collaborate with the United Nations on this issue and that appropriate laws would soon be enacted. The Government understands the urgency of the matter, and will develop an agreed position and action. Most of the interlocutors expressed the view that the justice to be rendered by the transitional justice mechanisms should aim at reconciliation and not revenge. A special chamber would not only guarantee fair judgements and build confidence, but would also contribute to revitalizing the Burundi judiciary. The success of those mechanisms would require an adequate composition, sufficient resources and good collaboration among Burundians as a whole. Preparatory steps should include sensitization and consultation

campaigns targeting all the parties in order to make sure that they met the expectations of the people of Burundi. Moreover, in order to ensure good local capacity, the special status granted to magistrates in 2001 should be implemented.

72. Visits to detention facilities, in particular police *cachots*, have revealed several irregularities and human rights violations. Many arrests are illegal and irregular, and detentions last beyond the statutory period, which police blame on lack of transportation. Detainees live in extremely poor conditions and a deplorable state of sanitation. The detention registers are often not up to date. Some detainees have reported abuse and ill-treatment at the time of arrest and human rights observers have observed injuries consistent with such allegations. Cases were reported of detainees, including minors, being held without food or handcuffed for prolonged periods of time, sometimes for several weeks. In some *cachots* women and minors were detained with adult male detainees. In addition, there are cases of human rights observers being denied access to police *cachots*.

73. As mentioned above, in the last few months, arbitrary arrests by DN intelligence officers have increased dramatically. Hundreds of people suspected of links with FNL were arrested without warrants, held beyond the legal limit without charge and incommunicado, and some were tortured. For instance, as of 28 October, police sources said that 100 persons, including women and minors, were detained at the security police headquarters in Bujumbura, though 30 were reportedly released after a few days of detention. Ngozi police confirmed that they were holding 35 persons, some of whom had been transferred from Kayanza and Kirundo, including Tanzanian and Rwandan nationals. At least 15 persons were detained by Makamba police. Nine persons accused of affiliation with FNL were arrested in Vumbi commune, Kirundo. In addition, 25 people were detained at police headquarters in Rutana, 11 in Bururi and 6 in Gitega.

74. OHCHR continued the implementation of its Legal Assistance Programme (LAP) assisting detainees and victims of the events of 1993 before the *tribunaux de grande instance*, the appeal courts and the Supreme Court. An evaluation meeting chaired by the President of the Supreme Court concluded that despite some progress following the decision of the former Minister of Justice aimed at accelerating the judicial proceedings, delays continued to be experienced due to failures of witnesses and lawyers to appear, the inexperience of some judges and insufficient funding. During August, no cases were considered due to the judicial holidays. In September, the *Tribunal de grande instance* of Cancuzo did not review any cases under LAP, the Bujumbura mairie Tribunal completed all LAP cases and the Tribunal of Muyinga was unable to review cases because of a strike by the detainees. The LAP cases remain quite numerous - the Appeal Court of Ngozi has 376 cases, Gitega 77 and Bujumbura 103. In total, the 16 LAP national lawyers assisted 192 parties in 114 cases.

#### **D. Promotion of human rights**

75. OHCHR and HRD conducted numerous human rights promotion activities during the period under review. OHCHR conducted two regional workshops for women leaders of grass-roots communities; 96 women from 8 provinces attended the workshops, whose main topic was mechanisms to combat sexual violence. OHCHR continue to produce short fictional programmes on the condition of women for radio and television.

76. HRD conducted several human rights seminars on child and women's rights. It also carried out sensitization campaigns on mob justice, international human rights standards, sexual violence, IDPs and election-related issues. For instance, in Muramvya province, it organized a sensitization session for women on the exercise of their civil and political rights in preparation for the *colline* elections. Some 800 women and 100 men participated. A human rights awareness session for IDPs of Bukirasazi commune, Gitega province, was attended by some 600 men, women and children. Sensitization sessions on human rights were also conducted in Bweru commune, Muyinga province; Makebuko commune, Gitega province; Nyabihanga commune, Mwaro province; Giheta commune, Gitega province; Buhinyuza commune, Muyinga province; Bugenyuzi commune, Karuzi province; Rugombo commune, Cibitoke province; Butezi commune, Ruyigi province; and several other communes and provinces. Each of these human rights sessions was attended by hundreds of ordinary men and women as well as by local officials.

### III. OBSERVATIONS AND RECOMMENDATIONS

77. **The independent expert would like to reiterate and complement some of the observations formulated in his reports to the Commission on Human Rights (E/CN.4/2005/118) and to the General Assembly (A/60/354), as well as to make new recommendations to the parties in conflict, the Burundian authorities and the international community.**

78. **The independent expert expresses his appreciation for the exemplary and successful completion of the election process. He commends the Burundian people and institutions, in particular the National Independent Electoral Commission, that contributed to this success. The support of the international community, in particular ONUB, has been vital in this respect.**

79. **During his mission the independent expert noted a general atmosphere of hope for a better future accompanied by high expectations of the new Government. People expect peace, but also a better life, more economic opportunities and genuine measures against corruption. Lack of success by the Government in these endeavours could lead to political and security instability.**

80. **In spite of some improvement in the general situation and positive developments in the political process, the human rights situation has recently deteriorated, a situation which the independent expert deplors. The continuation of the armed conflict and the refusal by FNL to sit at the negotiating table have resulted in several killings, arbitrary arrests and detentions and other serious human rights violations, whose main victims are civilians.**

81. **The independent expert is deeply troubled by the continuing sexual violence in Burundi and reiterates his call on the Government to take swift and concrete measures to combat this phenomenon. In this respect, he believes that a visit to Burundi by the Special Rapporteur on violence against women is highly desirable.**

82. Little progress has been achieved in the justice sector and in combating impunity. The issue of political prisoners is still unresolved, though the Government has expressed its determination to deal with it in the shortest possible time. The time-frame for the establishment of transitional justice mechanisms has not yet been set.

83. The subregional context remains volatile. Cross-border movements of armed groups have been observed between Burundi and the eastern part of the Democratic Republic of the Congo. Asylum-seekers from Rwanda who had fled to Burundi were repatriated. A massive influx of Burundian returnees from Tanzania seems imminent. In this regard, the independent expert reiterates his support for the organization of an international conference on peace, security, democracy and development in the Great Lakes Region, as advocated by the Security Council and the Secretary-General.

84. The independent expert addresses an urgent appeal to FNL to stop all hostilities and come to the negotiating table with the newly elected Government. He also appeals to both FDN and FNL to respect the rights of the civilian population, especially the right to life, liberty, security and inviolability of the person, as well as to discontinue hostilities.

85. Concerned at reports of arbitrary detention by government officials, in particular intelligence agents, as well as reports of torture and ill-treatment, the independent expert calls on the Government to ensure respect of international human rights and humanitarian law. He also calls for unhindered access of human rights observers to all prisons and detention facilities so that they may monitor whether government agents are complying with human rights standards.

86. The independent expert encourages the Burundian authorities to press ahead with the establishment of the institutions provided for by the Arusha Agreement, especially those relating to human rights, in particular the establishment of transitional justice mechanisms and an independent national human rights institution.

87. He strongly urges the Government to implement urgent measures to strengthen the judicial system, fight impunity and bring all perpetrators of human rights violations to justice. In this respect, he urges the Government to release immediately the findings of the national inquiry on the Gatumba massacre.

88. The independent expert recommends prompt action on issues relating to prisoners as provided for by the various international and national commissions that have dealt with these issues.

89. The independent expert urges the international community to support Burundi in its development priorities as formulated in the Government's development plan. He reiterates his call on the international community to release the funds pledged at the Paris, Geneva and Brussels conferences, and requests that it support programmes encouraging respect for and the promotion of human rights and to secure lasting peace.

90. **The independent expert commends and supports the efforts of United Nations agencies in Burundi, in particular OHCHR and ONUB, the international community, as well as civil society to ensure better protection and promotion of human rights, and encourage them to strengthen their coordination and cooperation in this field.**

#### Notes

<sup>1</sup> Consolidated Appeal Process (CAP) for Burundi 2006.

<sup>2</sup> Ibid.

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