

Report on the
field visit of
the Coordinator of the OENZ
Ilona Auer-Frege
to Burundi

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Situation after the elections

Still about 100 of the political prisoners of oppositional parties, who have been arrested in their hundreds before the elections stay in jail, many of them have not faced trial since.

Agathon Rwasa, who escaped to the South Kivu before the elections, has been able to mobilize approx. 500 - 700 troops for his new military FNL movement.

Since then regular violent attacks have hit targets like police stations or offices of civil servants in the northern regions. In September 2010 a first attack of this group occurred on a small town in the north west of Burundi. As some FNL party members were found killed the other day, a series of attacks and counter-violence against the insurgents continues. Human Rights groups claim that more than 100 civilians and members of the armed group have been killed in this low intensity conflict between the national armed forces and terrorists. But still it is not clear if these attacks are carried out by FNL members or by a new rebel group or even by several different actors.

Rumours claim that Agathon Rwasa, the leader of the FNL, has drawn his group back and is now only operating in the DRC. He is said to have established close links to the exiled Rwandan Generals Kayumba Nyamwasa and Patrick Karegya, the strongest opponents of Rwandan president Paul Kagame.

Opposition leaders like Alexis Sinuhije and Leonard Nyangoma are still in Exile in Europe, where they fled to escape arrests before the 2010 elections. Still they seem to have strong links and influence on their former political parties or parts of the armed forces that are now integrated in the national army.

Democratic dilemma

After their decision not to participate in the 2010 presidential and parliamentary elections, the opposition parties face their exclusion from the government and legislative processes. Their boycott causes a dilemma for the still weak democratic structures in Burundi: If President Nkurunziza does not voluntarily offer the opposition parties some posts in the government, they are at risk of losing all their remaining power, but also their financial and organisational capacities might diminish due to a lack of funding and recognition. This would weaken or even destroy these political parties, and even further strengthen the ruling CNDD-FDD, allowing even less competition at the next elections in 2015. The exclusion of the oppositional forces, even if chosen by themselves, weakens the in any case still unstable new democracy. The ruling CNDD-FDD can exert its power almost unquestioned, while criticism or competition of ideas is confined to the non-parliamentary sphere. Thus the value of oppositional input into the democratic dialogue cannot be appreciated and mechanisms of compromise, power-sharing and debate are not trained and improved. Even though democratically elected, the Burundian government is working like a one party state, due to the absence of oppositional forces in the daily political practice. Therefore many international representatives, the UN and donors are urging President Nkurunziza to accept representatives of the opposition in his cabinet, while he is still hesitant to do so.

On the other hand, a post-electoral model of power sharing without the consent of the electorate also weakens the value of the new democracy. If President Nkurunziza, backed by the international community, starts to reshape the political landscape in the government or even in parliament according to his ideas and needs, but not according to election results, Pandora's Box might be opened, and the way back to the respect for fair and free elections with strictly accepted results might be impossible.

The government has introduced an open space for political debate outside the parliament, the so called “forum politique”, where all political parties are invited to participate and discuss current affairs. But as Melchiade Nzopfabarushu, a leading member of the CNDD-FDD and police colonel, was elected to be the chairman, many opposition parties refuse to accept this forum.

Still, to keep the multi-party system alive and to give the oppositional forces the chance to survive until the next presidential elections in 2015, it is important to offer them at least some basic governmental participation and support. If they lose their administrative structures and the support of their party members, there is a high risk that big parts of society might fall back into patterns of violent fighting for power.

Transitional Justice

Currently the Burundian parliament is about to install a National Truth and Reconciliation Commission (Commission Nationale pour la Vérité, la Réconciliation et le Pardon) which aims to analyse and report the severe human rights violations since the Burundian independence by collecting testimonies of witnesses and researching documents. This commission wants to cooperate with NGOs, local initiatives and the churches, to offer support and recognition to the victims of violence in the times of civil war, and to offer an open space for society to discuss the root causes of violence and find ways to reconciliation.

Human rights groups and the UN also demand a second branch of the Commission to install a new national or even international criminal tribunal, responsible for the legal prosecution of all responsible organizers and executors of war crimes and crimes against humanity. So far, the government seems to be hesitant to open legal procedures against political forces, given the fact that many of the leading members of the CNDD-FDD might become suspect of trials themselves. Therefore, it is unlikely that this commission will produce more than a collection of facts. It will stimulate a public debate about reconciliation but still guarantee a de facto amnesty for all suspected war criminals.

Human Rights groups, the UN and several international partners have also demanded to establish an independent National Human Rights Commission. The parliament has already passed a law and is in March 2011 trying to elect a group of seven independent representatives (Commissaries) for the commission. Civil society groups, but also the parliament and government have handed in suggestions, from which first 21, later the final seven candidates will be selected by the national assembly. For the human rights groups in Burundi the composition of these seven Commissaries is essential to guarantee the functionality and independence of that commission. Still it is not clear which degree of governmental recognition the members of the commission will have, and whether they have the right to conduct also research into cases from before 2010, or if they will only be allowed to raise complaint on current human rights violations. In any case, the national human rights commission will report regularly to the UN Human Rights Council, to the Burundian Parliament and to the civil society.

Integration of refugees

The national commission for land rights (Commission Foncière) is slowly but steadily solving the pending conflicts of land distribution to the over 200.000 refugees who have been repatriated in the recent three years. As almost all of them found their former properties

taken over by new owners or could not connect to former villages of residence at all, a high number of land conflicts have to be settled, and also many families needed to be allocated new pieces of arable land, or find access to other sources of income generation. With the support of UNHCR and international donors, many families have found durable solutions, but local inhabitants still report that they were forced to share their land with newcomers who were not always welcome. In general, the reintegration process is showing many success stories, but stays conflictive and demands a lot of support from local communities who were already before burdened with poverty.

In south-eastern regions, where big oil-palm plantations have been raised by members of the army and families close to the government, the redistribution of land to returning families still causes more severe problems.

Situation of human rights defenders and media

Compared to the oppression of journalists and human rights groups in Rwanda and in the DRC, civil society enjoys more freedom in Burundi. Nevertheless, the journalist Jean Marie Kavumbagu of NETPRESS and other human rights defenders are currently imprisoned after criticising the government, and others report to be threatened. The journalist and politician Alexis Sinduhije still stays in exile due to threats against his security. The democratic space and liberty of expression is not clearly defined. While some media and NGOs like the organisation against torture and inhuman prison conditions APRODH can publish rather strong statements and demands, other individuals seem to encounter threats and assaults more often. The court case of Ernest Manirumva, vice president of the anti-corruption NGO OLUCOME who was killed in April 2009, allegedly by members of the national secret service, is still not finished. The suspected responsible for the murder, Brig. General and CNDD-FDD member Adolph Nshimirimana has not yet been arrested.