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

**Report on the human rights situation in Burundi submitted by the
Special Rapporteur, Mrs. Marie-Thérèse A. Keita Bocoum, in
accordance with Commission resolution 2000/20**

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Summary

The present document is the third report submitted by Ms. Marie-Thérèse A. Keita Bocoum, Special Rapporteur on the human rights situation in Burundi, whose mandate was extended by the Commission on Human Rights in its resolution 2000/20 of 18 April 2000. In accordance with that resolution, the Special Rapporteur submitted an interim report to the General Assembly at its fifty-fifth session (A/55/358) following her second mission to Burundi from 27 June to 7 July 2000. This report, which covers the period from 1 August 2000 to 31 January 2001, relates to the general situation in Burundi, in particular to the questions of human rights and developments in the rule of law. It is based on the Special Rapporteur's mission to Burundi from 18 to 26 January 2001.

As on her previous missions, the Special Rapporteur met with the highest-political, military, judicial, civil and religious authorities, representatives of the diplomatic corps and heads of United Nations bodies. In the provinces of Gitega and Bubanza, she visited a prison, a nutrition centre and displaced persons' camps and spoke with administrative, judicial, military and religious authorities. The Special Rapporteur also held meetings with the Representative of the Secretary-General in Bujumbura and with the Special Representative of the Secretary-General for the Great Lakes region in Nairobi.

Based on the information gathered, the Special Rapporteur addresses in Part I of this report the political, economic and social situation, in particular developments in the peace process since the signing of the Arusha Agreement on Peace and Reconciliation in Burundi on 28 August 2000.

Part II deals with the particular situation of human rights, especially violations resulting from the armed conflict such as violations of the rights to life, personal freedom and security, freedom of movement and freedom to choose one's residence, summary executions and the situation of displaced persons. The Special Rapporteur also discusses violations of freedom of opinion and expression and freedom of religion and addresses the issues of respect for the rights of the Twa minority, the rights of persons deprived of their liberty and the rights of women and children. Finally, she analyses the situation with regard to economic, social and cultural rights.

Part III addresses developments in the justice system and the strengthening of the rule of law, and, more particularly, the administration of justice and the promotion of human rights.

Parts IV and V consist of observations and recommendations based on the analysis of these situations. The Special Rapporteur notes that without a ceasefire, human rights will continue to be violated by the parties to the conflict; that the protection and promotion of human rights during the transition period is essential; that there is a gap between the people's hopes for a lasting peace and those of a political class involved in power struggles; that the suffering of the population, especially the vulnerable groups, is constantly on the rise due to abuses committed by the military and armed groups; that the commitment made by the international community at the Paris Conference raised many hopes; that the report of the International Commission of Inquiry into the events of 1993 remains a concern for certain actors on the political scene; finally, that national human rights structures have been established.

In addition to the recommendations made in her latest reports, the Special Rapporteur makes further recommendations to the parties to the conflict, to the Burundian authorities and to the international community. She appeals to the parties to the conflict to respect the fundamental rights of civilians, in particular women and children, and asks all armed groups to sit down at the negotiating table in order to put a stop to the hostilities. She commends the authorities for their commitments to the peace process and the steps they have taken to ensure the observance and promotion of human rights, and urges them to pursue those efforts. She encourages them to report all violations, including those committed by military personnel, and to facilitate access for humanitarian organizations to the stricken populations. She also asks the authorities to support policies benefiting women and to help enhance the role played by women in social and political life. She strongly criticizes illegal detentions, in particular those committed by the military. In the social and economic sphere, the Special Rapporteur expresses the hope that projects for job creation and development of traditional health care will be supported. The Special Rapporteur recommends that the international community give its support to the Arusha peace process and encourages the international community to implement the commitments it made in Paris. She asks that it establish an effective policy to combat the proliferation of weapons in the Great Lakes region. It would also be advisable for donors to support policies aimed at promotion of human rights, strengthening of the rule of law and economic and social development in Burundi.

Introduction

1. The present document is submitted to the Commission on Human Rights by Ms. Marie-Thérèse A. Keita Bocoum, Special Rapporteur, pursuant to resolution 2000/20 of 18 April 2000. It supplements the interim report she submitted to the Third Committee of the United Nations General Assembly, in October 2000, after her second mission to Burundi (27 June to 7 July 2000). It covers the period from 1 August 2000 to 31 January 2001 and concerns the general situation in Burundi, in particular the question of human rights, the status of women, the rights of the child and developments in the rule of law. It is based on the Special Rapporteur's mission to Burundi from 18 to 26 January 2001.
2. As on her previous missions, the Special Rapporteur met with the highest political, military, judicial, civil and religious authorities, including the President and the First and Second Vice-Presidents of Burundi as well as the President of the National Assembly. She also had talks with the Ministers for Foreign Affairs and Cooperation; Justice; Finance; Health; Planning; Development and Reconstruction and Reintegration and Resettlement of Displaced and Repatriated Persons. In addition, the Special Rapporteur met with leading political figures who are not members of the Government, including the former President of Burundi and representatives of political parties of all persuasions. The Special Rapporteur met with the President of the Constitutional Court, the Attorney-General, the prosecutor and President of the Court of Appeal of the Province of Gitega; the President of the Bar Association and a number of international lawyers. She met with provincial authorities and officials from national and international associations active in the field of human rights, development and the advancement of women. She also had very fruitful talks with representatives of the diplomatic corps, the European Union and the United Nations system.
3. In the interior of the country, in the provinces of Gitega and Bubanza, the Special Rapporteur visited a prison, a nutrition centre and a displaced persons' camp. She also spoke with the Representative of the Secretary-General of the United Nations for Burundi, in Bujumbura, and with the Special Representative for the Great Lakes region in Nairobi.
4. The Special Rapporteur thanks the President of the Republic and all the persons that she met who provided her with information about the human rights situation in Burundi. She expresses her appreciation to the Government of Burundi, the heads of United Nations agencies and in particular the Director of the Office of the United Nations High Commissioner for Human Rights in Burundi (OHCHR-B) and his entire team for their availability and assistance throughout her mission.
5. Based on the information obtained, the Special Rapporteur addresses in Part I of the report the political, economic and social situation, with emphasis on developments in the peace process since the signing of the Arusha Agreement on Peace and Reconciliation in Burundi on 28 August 2000. Parts II and III deal with the human rights situation, in particular violations linked to the armed conflict and the displacement of persons; violations of the rights to life, freedom of expression and personal freedom and security; the rights of persons deprived of their liberty; the rights of women; economic, social and cultural rights; finally, the administration of justice, the strengthening of the rule of law and the promotion of human rights. Parts IV and V relate to observations and recommendations based on these findings.

I. GENERAL SITUATION

6. The Special Rapporteur's mission took place a few months after the signing of the Arusha Peace Agreement slightly more than one month after the donors' conference held in Paris, chaired by the Facilitator, Nelson Mandela, and only a few days after the assassination of President Laurent Désiré Kabila, whose country, the Democratic Republic of the Congo (RDC), is deeply involved in the Great Lakes crisis. All these events have had a considerable influence on the general situation in Burundi.

A. Political situation

7. Before the signing of the Arusha Peace Agreement, the situation in Burundi was extremely tense owing to lack of participation in the negotiations by the two main armed factions - the Forces nationales pour la libération (FNL) and the Forces pour la défense de la démocratie (FDD) - and the opposition of certain radical parties, which have joined together under the Framework Agreement. In September, fighting between the Burundian armed forces and the rebel groups continued to extend to other provinces formerly regarded as calm, such as Gitega in the centre and Cankuzo and Ruyigi in the east.

8. On 30 September 2000, the Facilitator, Nelson Mandela, speaking before the Security Council, held the rebel groups responsible for the killings which had taken place after the two main rebel movements, FNL and FDD, refused to sign a power-sharing agreement. The Council, "deeply concerned" at the continuation of the violence in Burundi, condemned the use of force in resolving the conflict disrupting the country and reiterated its call on all parties to cease hostilities and to participate fully in the peace process. Throughout November clashes between the Burundian armed forces and the rebel groups continued, in particular in the provinces of Bujumbura-rural, Makamba and Rutana, with looting of civilian property.

9. Part of the population of the northern provinces heavily hit by drought and famine emigrated towards the neighbouring countries of Rwanda and Tanzania. During the period under review, according to official sources, thousands of persons from communes in the province of Rutana, on the Tanzanian border in the south-east, were forced to move to the centre of the province due to attacks by rebel groups.

10. Southern Burundi, especially the provinces of Makamba, Bururi and Rutana, remains the most troubled region. The rebels have carried out several attacks which have led to considerable displacement of persons. There has also been heavy fighting in the province of Bujumbura-rural principally Tenga, Mutimbuzi commune, where the rebels have set up a base and bloody clashes with government forces are taking place.

11. In December 2000, the Burundi League for Human Rights reported continuing violence by rebels and government forces in the provinces of Gitega, Cankuzo, Rutana, Makamba and Bujumbura-rural. "The right to life remains the right most regularly violated despite the signing of the Arusha Peace Agreement on 28 August 2000 in Tanzania, which the Burundian people had expected to bring about an improvement in their security." According to the League the consequences of this violence have been poverty, forced population displacements, famine and a continual rise in prices. The League is particularly critical of the Government, which has not

honoured its commitment to take action against misdirection of funds, dishonest management, corruption, etc. It cautions the participants in the peace process “against the danger of granting amnesty for the crimes against humanity and genocidal crimes which have been and are being committed in Burundi”. The League also calls for the establishment of an international criminal court for Burundi.

12. Since the Special Rapporteur’s last visit, in early July 2000, there has been a slight drop in incidents in the northern and north-eastern provinces, where there have been no active rebel movements since 1996. The improvement in security is due to cooperation between the army, the administration and the people. It is also the result of stricter control at the northern borders and the Rwandan refugees’ departure for their country. The incidents which have occurred in these provinces are, rather, due to banditry, a result of extreme poverty aggravated by the unfortunate cycle of drought and excessively heavy rains, which adversely affects production, especially of food crops (beans).

13. In the south and south-east, security is endangered by cross-border movements due to slacker controls at the Tanzanian borders. In addition, at night the rebels reign supreme in these regions, while during the day the same regions are under the control of the military. The situation in Bujumbura city is relatively calm due to a large and permanent military presence, but the situation is still sensitive in most of the major urban centres.

14. The tension throughout the country is also due to the increase in the human and material resources of both the army and the rebels. In October and November 2000, the armed group FNL attempted to establish a presence in the Bujumbura-rural region, around Tenga, probably seeking to destabilize the capital. Heavy weapon attacks by the regular army forced them to disperse and break up into small groups, thus limiting the rebel presence in this area. Rebels remaining in the region have infiltrated the population and continued to carry out guerrilla action in an effort to spread fear throughout the capital. The precarious security situation is due to the fact that the Arusha Agreement was not followed by a ceasefire.

15. During her visit, the Special Rapporteur noted with satisfaction that the forced regroupment camps in the province of Bujumbura-rural and the rest of the country had been permanently dismantled. However, because of the prevailing insecurity in certain provinces, sites for displaced persons continue to exist.

16. Concerning the political situation, the signatories to the Peace Agreement continue to disagree on who shall lead the transition. Pro-Tutsi parties supporting the candidature of Colonel Epitace Bayaganakandi criticize the Government for blocking discussion on this issue, in both Arusha and Burundi.

17. The assassination of President Laurent Désiré Kabila may have an influence on the political situation in Burundi, in particular the course of the negotiations for a ceasefire with the groups that have established themselves in the Democratic Republic of the Congo. At the time of his death, talks between the Presidents of Burundi and the Democratic Republic of the Congo, which had begun in Abuja, Nigeria, on 24 December 2000, had been joined by Jean-Bosco Ndayikengurukiye, head of the armed group FDD, and the President of Gabon in Libreville on 9 January 2001, and negotiations between the Ministers of Defence of the Democratic Republic

of the Congo and Burundi in Nairobi (on 10 and 11 January) had, it appears, resulted in a consensus on principles for disengagement. Another meeting between Kabila and Buyoya had been planned in Yaoundé. All these meetings had signalled the possibility that the conflict would be brought to an end. The political situation in the Democratic Republic of the Congo has produced a climate of uncertainty and a wait-and-see approach in the subregion concerning the future of the negotiations, proving that the subregion is an integral part of the search for a durable solution in Burundi.

18. As she was finishing her report, the Special Rapporteur learned that violent clashes begun by the rebels had taken place on 24 February in Kinama, a primarily Hutu neighbourhood in northern Bujumbura. The FNL's goal in initiating the clashes had been to gain control of the capital and force the Government to negotiate. The fighting has caused the displacement of approximately 20,000 persons from the neighbourhoods of Kinama, Cibitoke and Kamenge. During the same period, attacks by FDD rebels in the collines of Rutovu, province of Bururi, and Gitega, caused mass exoduses. This new outbreak of violence comes at a time when the FNL is experiencing internal dissension as its chief, Kossan Kabura, had just been ousted by one of his deputies.

B. Developments in the peace process

19. On 28 August 2000, the Arusha Agreement on Peace and Reconciliation in Burundi was signed by the Government, the National Assembly, the G7 (alliance of parties said to be pro-Hutu: National Council for the Defence of Democracy (CNDD), Front pour la démocratie au Burundi (FRODEBU), FROLINA, Parti de la libération du peuple hutu (PALIPEHUTU), PL, PP and RPB) and one party from the G10 (alliance of parties said to be pro-Tutsi, Union pour le progrès national (UPRONA), INKINZO, ABASA, AV-INTWARI, Parti pour la renaissance nationale (PARENA) and PRP). The four parties that had refused to sign the text (RADDES, ANADDE, PSD and PIT) ultimately joined the other signatories in September 2000, first the PSD, followed by the other three.

20. With the exception of the National Assembly and the G7, the participants expressed numerous reservations before signing, and the two main army factions, FDD and FNL, refused to participate in the Arusha process altogether. Clashes therefore continued in the field, raising the crucial issue of an agreement without a ceasefire, hence with limited applicability.

21. On 20 September, the summit of heads of State of the subregion, held in Nairobi at the initiative of the Facilitator, Nelson Mandela, to which the two main rebel chiefs, Jean-Bosco Ndayikengurukiye of FDD (who did not respond to the invitation) and Kabura Kossan of FNL, were also invited, was aimed at negotiating a ceasefire agreement among the parties to the conflict. To no avail. The Facilitator and the various leaders present in Arusha gave the rebels one month to sign a ceasefire, under threat of penalties. This demand has remained unheeded to date.

22. From 25 to 28 November 2000, the signatories to the Peace Agreement met in Arusha for a new round of talks. The Arusha Agreement Implementation Monitoring Committee (CSAAP) was established. It comprises representatives of the 19 signatories, the countries of the subregion, the United Nations, the Organization of African Unity, the donors and Burundian

civil society. Benharu Dinka, Special Representative of the Secretary-General of the United Nations for the Great Lakes Region, was appointed President of CSAAP. Having been unable to find a solution to the problem of leadership during the transition period (a genuine stumbling-block for the peace process), the participants discussed the rescheduling of the transition and technical corrections to the Peace Agreement.

23. Six names have been proposed as potential candidates for leading the transition: current President Buyoya, former President Bagaza, Domitien Ndayizeye of FRODEBU, T rence Nsanze of ABASA, Albert Mbonrane of CNDD and Epitace Bayaganakandi, supported by six pro-Tutsi parties and the Framework-Agreement signatories, who did not participate in the Arusha negotiations.

24. On 30 November 2000, the National Assembly ratified the Arusha Agreement.

25. On 8 December 2000, Charles Mukassi, the leader of UPRONA, opposed to the regime in power and to the Arusha process, took issue with the CSAAP, which he called an "organ for the recolonization of Burundi" because it is a committee led by foreigners which has control over all decisions and commitments by national institutions. He holds that the Committee's powers are excessive.

26. One of the major difficulties in implementing the Agreement is that, as it was signed without a ceasefire, it runs the risk of jeopardizing the first transition period, which is to end on 26 February 2001. Hopes for a ceasefire with the rebels after the signing of the Agreement remain tentative, as the facilitation team has not yet been able to convince the two main rebel groups to sit down at the negotiating table. In addition, the numerous reservations expressed by a large number of signatories considerably weaken the scope of the Agreement. The issue of who shall be chosen to lead the transition institutions, with no mechanisms provided for in the Agreement, seems to overshadow all the others, including that of the ceasefire. To be sure, by ratifying the Agreement on 30 November 2000, the National Assembly provided the Agreement with national scope before the donors' conference in Paris, but the current situation gives strong reason to believe that its implementation schedule will not be strictly respected.

27. Some persons who met with the Special Rapporteur expressed concern that establishing transition institutions before a ceasefire was achieved might lead to a continuation of the war. Some said they favoured a general amnesty for combatants and refugees, while others referred to the report of the International Commission of Inquiry (S/1996/682) as an argument against a temporary amnesty. They hold that trials should take place before the amnesty is put into effect.

28. The Special Rapporteur was informed that the Arusha negotiations did not include discussion of human rights violations. The human rights issue was, however, raised by the United Nations office in Burundi, at the recommendation of OHCHR and Amnesty International.

29. CSAAP held its first session from 15 to 19 January 2001; the next session should take place in March 2001. It was decided to set the number of members of the Executive Council (responsible for the routine monitoring of the implementation of the Agreement) at 13, including 3 from the G7 (predominantly Hutu), 3 from the G10 (predominantly Tutsi), 2 political

independents, 1 from the Government and 4 non-Burundians representing the United Nations, the Organization of African Unity, the regional leadership and the donors). In reality, the Executive Council never came into being, due to the reluctance of certain signatories to have it established in Bujumbura.

30. Despite the obstacles cited earlier (lack of ceasefire, rebel groups failure to participate) there has been encouraging progress, relating principally to the Government's initiative of establishing contacts with the rebel groups, but also and above all, a greater and more realistic mobilization of the international community through the Paris Conference.

31. Arusha-related meetings with the representatives of the FDD and FNL armed groups which took place in Dar-es-Salam, in Majorca (with the G7 at the beginning of January 2001) and in Libreville had indicated the possibility that those groups might participate in the Arusha process, in order to take part in discussion on the ceasefire and the transition institutions.

32. When asked this question, the Burundi authorities told the Special Rapporteur that the position of the Government remained the same after the death of President Kabila and that it still hoped to continue the negotiations, as the lack of a ceasefire was blocking the implementation of the Arusha Agreement's five protocols.

33. From 22 to 26 January, a new session was held in Arusha, at which the signatories divided into two working groups, one on the ceasefire and the other on the transition institutions.

C. Economic and social situation

34. The economic and social situation has been deteriorating constantly; the economic indicators are alarming, and the northern provinces are plagued by drought and famine. In the cities, the middle classes are becoming increasingly impoverished.

35. On 27 September 2000, the United Nations system launched its emergency plan for Burundi, at an estimated \$107.5 million. It emphasizes the return and resettlement of the refugees and internally-displaced persons, rehabilitation and reconstruction and economic and social development. The Facilitator, Mr. Mandela, speaking before the Security Council, stressed the lack of direct foreign investment and the lack of resources to assist the poorest population groups.

36. On 29 November 2000, the United Nations system in Burundi issued a press release containing its "Consolidated Appeal 2001", in the amount of \$101,961,638, to cover emergency humanitarian needs and support "Burundian society's transition towards peace and development".

37. On 4 December 2000, one of the main armed movements, FNL, issued a press release condemning the holding of the Paris Conference, which in its view would strengthen the regime in power. The other armed movement, FDD, also criticized the Paris Conference in an open letter to the Secretary-General of the United Nations.

38. On 8 December 2000, a collective of 37 international non-governmental organizations working in Burundi appealed to the international community to “make an immediate commitment to providing genuine support for development in this country”, in an effort to revive development.

39. The main event during the period was without doubt the holding of the Donors’ Conference, on 11 and 12 December 2000 in Paris, at the initiative of the Facilitator, Nelson Mandela. It was attended by the 19 signatories to the Peace Agreement. It provided yet another occasion for the Facilitator and President Chirac to appeal to the rebels to lay down their arms and join the peace process. The Conference showed that a consensus does exist among the donors with regard to resumption of development aid. Priority areas of action are poverty alleviation, education, health, good governance and support for the justice sector. Advancement of women accounts for only 0.34 per cent of the cost of the three-year priority programme (2001-2003) submitted by the Ministry of Planning of Burundi.

40. During her stay, the Special Rapporteur was informed that the 2001 State budget, which amounted to 130 billion Burundi francs, was approved on 17 January 2001. The defence share of the budget remains very high: more than 30 per cent of the total. Foreign debt amounts to approximately 700 billion Burundi francs (\$1 billion) and domestic debt, 52 billion Burundi francs.

41. Corruption remains one of the country’s major problems. It often goes unpunished by the justice system. Measures have been taken to combat corruption, with plans to establish an accountants’ association, the establishment of neighbourhood tax centres and the strengthening of monitoring in general.

42. On the whole, the social situation has deteriorated since the Special Rapporteur’s last visit in July 2000. Burundians, especially the most disadvantaged, have for several months been experiencing a malaria epidemic, which resulted in more than 640,677 casualties in December 2000 alone.¹ Large-scale impoverishment due to the drought and the drop in production are leading to an increase in diseases such as cholera and AIDS and widespread malnutrition, all of which are taking on unprecedented proportions.

II. HUMAN RIGHTS SITUATION

43. During the period under review, the human rights situation did not improve substantially. Violence is continuing in the same provinces (Bujumbura-rural, Bururi, Makamba, Ruyigi and Rutana) and tending to spread to others (Cankuzo). The principal human rights violations concern fundamental rights (right to life, to physical integrity and to personal freedom and security), freedom to choose one’s residence, freedom of expression and economic, social and cultural rights. The rebel attacks, retaliations by the military and repeated outbreaks of fighting are continuing to claim casualties among the civilian population.

A. Violations of the right to life

1. Violations attributed to agents of the State

44. The Special Rapporteur was informed of several violations attributed to members of the military and other agents of the State. On 19 August 2000, members of the military allegedly killed about 30 people in the Nyambuye area of Isale commune in the province of Bujumbura-rural. Conflicting reports place the number of deaths at 62, 118 and even more. A list with the names of 77 alleged victims was submitted by OHCHR to the Government Commission on Human Rights.

45. In August many civilians were killed and injured in incidents in Bujumbura-rural province, apparently at the hands of members of the military who often carry out revenge attacks, accusing the population of abetting the rebels.

46. On Thursday 7 September 2000 three members of the military, for reasons unknown, allegedly beat up and then shot to death Juvénal Habonimana, a shopkeeper from the Kinama district of Bujumbura-Mairie, after demanding to see his identity papers.

47. On the night of 28 to 29 September a group of armed rebels attacked the Gare du Nord military position in the Kamenge area (Bujumbura-Mairie). The following morning the army sealed off the area, in order, according to the official version, to search for escaping rebels. At least 26 people, including women and children, were allegedly massacred by members of the military. Military authorities accused the rebels of carrying out these killings.

48. It is alleged that on 2 October in the Magarure sector of Martyazu area in the Mubimbi commune, members of the armed forces cold-bloodedly killed five people working in the fields.

49. The Special Rapporteur was informed of the assassination, on 3 October 2000, of the Italian priest Antoine Bargiggia of the "Friends of the Poor" community at Kibimba in the province of Gitega. He had been living in Burundi for twenty years and worked with the NGO, Jesuit Refugee Service.

50. On the same day, in Gitega, Mrs. Nahimana Caritas, a widow, was murdered at her home along with her two children by sergeant René Rukemangani. Mrs. Nahimana was director of the Gitega paramedical school and legal representative for a local NGO, Sangwe kibondo.

51. On 12 October 2000, following fighting which took place on 7 October 2000 between rebels and members of the military in Ryansoro commune, Gitega province, members of the police force were alleged to have killed civilians, including the Murama, Muyuga and Nykaramba colline chiefs. They are also alleged to have destroyed the Murama parish school and the school belonging to the Pentecostal Church in Nyakarambu, and to have carried out lootings.

52. On 9 November in Musongati commune, Rutanac province two civilians accused of collaborating with the armed groups were allegedly executed by members of the military.

53. The Special Rapporteur was informed of the arrest and execution of Kinoteri Eliazar at Rukoko on 5 December 2000. Troops from the Gatumba camp suspected him of collaborating with the rebels.

54. On 13 December 2000, in the Rubirizi area of Kirundu province, members of the military are alleged to have killed Alexis Bakuzarusaku as he returned home, after asking him where he was going.

55. The Special Rapporteur was informed of seven civilian casualties due to accidents caused by anti-personnel mines in the Kivoga area, Mutimbuzi commune, Bujumbura-rural province between 12 and 18 December. The mines had been laid by members of the military to prevent rebel incursions but the local population had been unaware of their presence.

2. Violations attributed to rebel groups

56. About 15 people are said to have been killed and about 10 others seriously injured following a rebel attack in the province of Cankuzo on the night of 3-4 August 2000. In the same province, between 17 and 18 August 2000, rebels are alleged to have killed 10 people, burned down several houses and destroyed a large number of cattle.

57. On 5 August 2000 at Nyabiraba, on national highway 7 about 20 kilometers from Bujumbura, a vehicle carrying the handball team of the national military academy (ISCAM) was ambushed by rebels using rockets. The official death toll was about 30 (mainly members of the armed forces plus three women and two civilians). It is alleged that some of the victims were finished off with bullets and machetes. On 5 August three civilians were killed in same way in Kanyosha (Bujumbura-Mairie).

58. On 4 September a rebel group is alleged to have killed one person and injured several others in an ambush in Makamba province while another group killed two civilians in the Cibitoke area (Bujumbura-Mairie). On 23 September 2000 an attack by rebels is said to have caused the death of 11 people in Bujumbura-Mairie.

59. On the night of 1-2 November a group of rebels attacked the market in Gatereni, Gitanga commune, Rutana province, looting shops and killing two people. In the same month, in Makamba province, 12 civilians were killed by rebel forces during fighting with members of the military. On 25 November two people died during a rebel attack in Bukemba commune, Rutana province.

60. A very large number of killings occurred in December. On 22 December 2000 rebels ambushed a civilian transport vehicle on national highway 3, killing four. On 28 December 2000 rebels laid an ambush on national highway 1 in the area close to Mageyo (Bujumbura-rural) at the same spot where they had killed a colonel and his son two weeks earlier. They targeted three vehicles, a passenger bus coming from Rwanda, a truck and a car. Initial estimates spoke of 21 killed and 20 injured, some critically.

61. It should be pointed out that, during this entire period, in spite of the Arusha Agreement, innocent people have been killed by rebel groups. The areas of violence remain the same: Bujumbura-rural, Makamba, Rutana, Ruyigi and Cankuzo are the provinces where the right to life has been flouted the most.

3. Violations attributed to persons unknown

62. The Special Rapporteur was informed of plots of land and houses being looted by about 10 men dressed in military uniforms in the Muramvya district (Bujumbura-Mairie). The looters are also suspected of beating civilians, including women and children. In the group were young boys, under orders to carry the looted goods.

63. On 23 August 2000 at Buyenzi market (Bujumbura-Mairie) a man threw a hand grenade and ran off, causing 32 deaths, according to official figures, while two others died later in hospital as a result of their injuries.

64. On the night of 15-16 September 2000 armed men attacked the districts of Gikizi and Songa, Kamenge area (Bujumbura-Mairie), killing six people and injuring another four. They also looted shops and houses.

65. On 22 September 2000 a group of armed men attacked the Mutakura district, Cibitoke area (Bujumbura-Mairie), killing 11 people and injuring 2.

66. On the night of 30 to 31 October 2000 unidentified men attacked homes in Kinama (Bujumbura-Mairie). According to one of the victims, the assailants were soldiers disguised as rebels.

B. Violations of the right to personal freedom and security

67. The Special Rapporteur was informed that members of the armed forces and armed groups had made the people carry out forced and degrading labour and contribute to financing the war effort.

68. Despite some improvement in the situation in prisons, there are still cases of ill-treatment in the police cachots. In the cachots in Bujumbura and in the interior, for example in Muramvya, inmates are ill-treated by the judicial police. This information is brought to the attention of the competent authorities, who acknowledge that violations take place and often promise to investigate and take measures, but to no effect.

69. There has been very little improvement with regard to illegal arrests and detentions. In the various police cachots in Bujumbura, many of the detainees were arrested illegally, without a warrant and sometimes violently or have been held in custody for longer than the legal period. The legal situation in the country's various prisons continues to cause concern as most of the detainees (approximately 70 per cent) are under pre-trial detention.

70. The Special Rapporteur was informed that the number of minors according to the prison administration does not correspond to the number identified by observers from OHCHR during their prison visits.

71. Several cases of torture were communicated to the Special Rapporteur. Evariste Ntibishimirwa and Luc Nyabenda are alleged to have been tortured by the judicial police of the parquets in Ngozi while undergoing questioning.

72. On 18 August 2000, Pierre Claver Hajayandi, President of the Burundian Confederation of Trade Unions (COSYBU) was arrested and detained at the offices of the Special Investigations Brigade (BSR). On 19 August 2000, Diomède Rutamucero, President of the PA-Amasekanya self-defence organization, was arrested at his home. He was released on 29 August 2000 after paying a fine of 100,000 Burundi francs, while the President of COSYBU was transferred to the prison in Mpimba. On 23 October 2000, following a verbal summons, Diomède Rutamucero was again arrested and sent to prison where he was held for four weeks.

73. On the morning of 20 October, about 100 members of the military are alleged to have taken to an unknown destination about 300 people, mostly from Gasenyi near Tenga, who had taken refuge in the Catholic parish of Kamenge (Bujumbura-Mairie).

74. The Special Rapporteur was informed that members of the military allegedly forced people from the outlying areas of Bujumbura (58 people from Kinama, 200 from Buterere, 54 from Cibitoke and 68 from Gihosha) to risk death by going to Tenga, a combat area that was probably mined, to undertake forced labour.

75. The right to freedom and to security continues to be regularly flouted. Cases continue to be reported of detention in military camps or by gendarmerie rapid action forces. In Bujumbura-Mairie province these arbitrary and illegal arrests are allegedly often followed by “disappearances”. It would seem that the “disappeared” are held in illegal detention centres such as that of the gendarmerie rapid action forces in Gatoke or at the Third Battalion’s Socarti Camp in Kamenge. In Gitega, the Special Rapporteur was informed of cases of people being kept prisoner in a container for several days by members of the military in Burora. When asked about this by the Special Rapporteur, the prosecutor in Gitega admitted hearing about it on many occasions, but said it was pure fiction.

76. The Special Rapporteur was informed of the release on 1 September 1999 of cadet officer Chartière Nyandwi, charged in connection with the Mutamba incident of 2 and 4 November 1998 in which a large number of people were killed, including women and children. Having been found guilty, he was being detained in Mpimba prison. It is important that the circumstances surrounding his release should be elucidated since, unfortunately, in many cases directly or indirectly involving members of the armed forces, sentences under Burundian law are not carried out.

77. OHCHR has followed closely the case of Sinagaye Epithas, who was tried for rape by the Court of Major Jurisdiction in Bujumbura-Mairie. The court cleared the accused at the end of a trial that was neither fair nor conducted according to due process and the public prosecutor’s

office in Bujumbura-Mairie did not launch an appeal despite the totally irregular judgement. Many aspects of this case remain unclear, not to mention the pressure exerted on the person following this case at the office of the United Nations Development Programme. The acquittal by the court represents an encouragement to all potential rapists.

78. On 10 November 2000, five members of PARENA (le Parti du redressement national) involved in the case of the “attempt on the life of the Head of State” were released on parole.

2. The attack on a Sabena aircraft

79. On 4 December 2000, a passenger plane belonging to Sabena airlines was fired on as it approached Bujumbura airport. The State Public Prosecutor set up a commission of inquiry. A technical report has already been submitted to the commission. Also, 11 people have been detained in the course of the inquiry, of whom 4 were later released.

80. On 22 January 2001, the Special Rapporteur asked the State Public Prosecutor for permission to visit the detainees to ensure that their physical integrity and human rights were being respected. The visits to three detention centres, those of the special traffic police (STP) under the Ministry of Defence, the public security police (PSP), under the Ministry of the Interior and the judicial police of the parquet (JPP) under the Ministry of Justice, took place in the presence of the State Public Prosecutor and the chairman of the commission of inquiry.

81. Despite the presence of the State Public Prosecutor and Mr. Niyongabo, Commissioner-General of the judicial police of the parquet and chairman of the commission of inquiry, Major Fabien Ndayishimiye, Bujumbura District Commander, refused to allow the Special Rapporteur to visit the PSR cachots. This unjustified refusal blatantly contradicts the terms of reference of missions by Special Rapporteurs of the Commission on Human Rights, which states that Governments that invite them to their country must give them access to all prisons, detention centres and interrogation centres.

82. The Special Rapporteur therefore notes that detainees at the STP are held incommunicado. She was unable to check on how many detainees there were, their identities, the conditions in which they were being held or their physical state. She was subsequently informed that Bernard Barayegeranije and “Mama Richard” Niyikundana were allegedly being held in these cachots. The police authorities say they have no knowledge of Nathanael Bisesere.

83. The Special Rapporteur was able to visit the cachots at the judicial police of the parquet. She spoke with Seraphine Nduwimana and Simon Nani who were arrested on 12 January 2001 and 4 January 2001 respectively. Both detainees said that the food was poor but they had not been tortured. Mrs. Seraphine Nduwimana, suffering from malaria and diabetes, said that she had received treatment and was convalescing. There were unconfirmed reports that one of those detained during the inquiry, Mr. Ntirampeba, who was released on 17 January 2001, was murdered by persons unknown on 24 January 2001.

84. The Special Rapporteur was also able to visit the cachots of the PSP to talk with Alfred Nteziyovu, also known as Ndagiye (arrested on 4 January 2001), Barnabé Barayegeranije and Rémégie Ntuyahaga (arrested on 5 January 2001) who was transferred from the PJP on 24 January 2001. According to information received, Mr. Tite Mpawnimana has already been released. The detainees said that they had not been tortured.

C. Summary executions

85. The Special Rapporteur learned that two members of the military who had been found guilty of murder were condemned to death and executed on 19 October 2000. They were sergeant René Rukemanganisi, accused of the murder of Mrs. Caritas Nahimana and her two sons, and Napoléon Manirakiza, accused of the murder of Brother Antoine Bargiggia of the Mutoyi crafts centre (see paras. 49 and 50). The Special Rapporteur deplores the imposition of the death penalty in such trials, in which the accused received no help and did not have sufficient time to prepare their defence, far less any right of appeal. The material and human problems facing the Burundian legal system make it difficult, if not impossible, to investigate, prepare proper cases, have a fair trial and carry out the sentence all in two weeks (the crimes took place on 3 October, sentence was handed down on 18 October and the execution took place on 19 October). This case deeply shocked public opinion at home and abroad, including some members of the Government whom the Special Rapporteur met. The Minister of Human Rights is preparing a protest note on the issue.

86. The Governor and the Commander of the Gitega military region, whom the Special Rapporteur met, acknowledged that the accused had not received legal aid, but stated that they had not requested it. They added that the accused confessed their crimes and offences, but had expressed no regret, indeed quite the opposite. The execution, which both provincial officials approved, should serve as an example to potential criminals because such vile crimes, especially when committed by members of the military, demanded the imposition of an exemplary penalty.

D. Violations of freedom of opinion and expression

87. Freedom of the press is restricted by the provisions of the law on the press, which require press articles to be submitted to the Government censor four days before publication. This requirement, according to press representatives who met with the Special Rapporteur, is a hindrance to freedom of expression and the development of a free press.

88. There are two arguments to illustrate how the press is muzzled. First, the Government is accused of failing to promote the private independent press organs, which as a result lack adequate funding. The Government owns the only newspaper which appears regularly (Le Renouveau), as well as most national radio and television stations, whose broadcasts consist mainly of accounts of Government activities. The financial resources of the independent press are so inadequate that some journalists, during interviews with the Special Rapporteur, have called for a "Marshall Plan" for the press in Burundi.

89. Secondly, the numerous acts of harassment suffered by journalists at the hands of the police restrict freedom of the press. For instance, in September 2000 the managing director and a staff journalist of an independent newspaper, Net Press, were arrested, imprisoned and questioned about their sources in the course of an inquiry concerning the brother of a trade union leader.

90. Representatives of the movements opposed to the peace process told the Special Rapporteur that the Government does not respect their freedom of opinion and expression. They say their right to meet and demonstrate has been seriously violated by the authorities. According to them, the members of the Framework Agreement are unemployed and legal proceedings have been taken out against the leaders of parties and movements belonging to it. The media are said to be afraid to publish or transmit declarations and policy statements of the Framework Agreement, for fear of reprisals (the director of Net Press having been imprisoned for reporting on their activities). The leaders of the Framework Agreement have been arrested several times, and the President of the PA-Amasekanya self defence organization, Diomède Rutamucero, has been in prison more than 10 times since the beginning of the Arusha process.

91. During the Special Rapporteur's visit to Burundi, Diomède Rutamucero refused to respond to a summons from the National Registry (the national intelligence service answerable to the President of the Republic). He took refuge on 21 January at OHCHR and has remained there ever since.

92. The Special Rapporteur also noted that the law on political parties was highly restrictive; the political parties cannot conduct activities at the local level. They are also subject to pressures intended to restrict their freedom of expression.

E. Freedom of religion

93. Freedom of religion is generally respected by the Government of Burundi. According to representatives of the religious communities, they enjoy the freedom to meet, to worship and to express their beliefs. Some of them even said there had been an improvement in the human rights situation in Burundi. However, the representative of the Muslim community complained that the Muslims did not have access to the site they had purchased for a Muslim cemetery.

F. Freedom of movement and freedom to choose one's residence

94. Freedom of movement is limited by the war situation, which increases insecurity on the roads. The Special Rapporteur was very pleased to note the complete dismantling of the forced regroupment camps. However, the numerous attacks by rebels and consequent reprisals by the military place restrictions on the population in choosing where to live. Many Burundians are compelled to live in displaced persons camps, in appalling conditions. Others have no other choice than forced exile outside Burundi, often in neighbouring countries.

95. Measures have been planned for some time, in the context of reconciliation and peace-building, to organize the return of those who were compelled to leave their country. On 4 December 2000 experts from Burundi, Tanzania and the Office of the High Commissioner

for Refugees met in Bujumbura to consider a draft tripartite agreement on the voluntary repatriation of Burundian refugees living in Tanzania. According to the Government representative, 550,000 Burundians have taken refuge in Tanzania. Under the emergency plan, there are three points of entry and three possible scenarios: the repatriation of between 18,000 and 51,000 people a month, or the “doomsday scenario” with refugees coming back through several crossing points at the same time, which would require massive resources.

G. Situation of internally displaced persons

96. The Special Rapporteur has been informed of the existence of 265 sites in Burundi at which internally displaced persons have gathered, in more or less precarious circumstances. The Arusha process, and especially the establishment of an international judicial Commission of Inquiry and a national Truth and Reconciliation Commission, will make it easier for these people to be reabsorbed. On the other hand, some of those who have been living on these sites for several years have opted for the solution of “villagization”.

97. In the province of Bubanza, which the Special Rapporteur visited, the major population displacements which took place from 1995 onwards resulted in the people gathering in the commune centres and in the town of Bubanza. These displacements affected about 200,000 people and 65 sites. There are only nine left now, because most inhabitants of the sites have returned to their ordinary homes, or to other fixed places of residence. A frequent problem is the destruction of houses, which forces people to live in ramshackle forms of shelter, for lack of adequate means. In the province of Bubanza children have missed three to four years' schooling due to the destruction of schools.

98. The Special Rapporteur visited two sites whose situations are very different, Mpanda and Gihanga. The Mpanda site has existed since 1993 and the people there come from all ethnic groups. Although 4,000 people are living there, the authorities believe that in less than three months this site will disappear. The existence of a primary school and a secondary school for the commune encourages the ongoing process of “villagization”. The Gihanga site is more precarious and does not offer the same advantages. It is housing Hutus and Twa who are left to themselves, living in appalling conditions similar to those already witnessed in the former regroupment camps. The people, especially the children, suffer from severe malnutrition. Old people are left to die, as they have no means of reaching the health centres, which are too far away from the site. Most of the dwellings are huts built of straw and banco, and in these families have been surviving for three or four years. There is no sign at Gihanga of the efforts made at Mpanda, and it is impossible not to conclude that treatment of the two sites has been unequal.

99. Humanitarian assistance remains vital for these people, but the crucial issue is access to aid. The second obstacle is the lack of adequate funds to meet emergency needs for food and health care. It is therefore fortunate that the Paris donors' conference has considered this question.

H. Violations of minority rights: situation of the Twa

100. The situation of the Twa minority deserves special attention, but unfortunately does not always receive it. The Twa are certainly the oldest element of the Burundian population, as in

other countries of the Great Lakes region; they now represent about 1 per cent of the population. This minority tends to be forgotten during the various debates and discussions on solutions for Burundi, whereas in proportional terms, it has just as many victims, because of the widespread nature of the conflict. The Twa seem to be kept on the fringes of economic, social and cultural development, while it is increasingly difficult for them to engage in their traditional activities (pottery for the women, hunting for the men). They live an isolated life, without access to Government services, especially education and health, and take very little part in political decision-making (there is only one Twa representative, a woman, in the National Assembly). Except for a few non-governmental organizations and religious bodies, their cause does not excite much interest.

I. Violations of the rights of persons deprived of their liberty

101. The situation of persons deprived of their liberty has continued to improve as a result of reforms of the judiciary, improvements in conditions of detention, which have extended to other prisons, and support by the Government, human rights associations and humanitarian organizations. Even so, many irregularities persist. These are related to the numerous failures to implement the new Code of Criminal Procedure and the continuing instability and ill-treatment in places of detention. There are high rates of arbitrary arrest and long-term detention. There have been no significant changes in this situation.

1. Prisons

102. The total number of prisoners is about 8,500. The reduction of about 1,000 in the prison population is due partly to the efforts of the Ministry of Justice, including the mobile teams which have been sent to the field to regularize the situation of those in pre-trial detention by applying the provisions of the new Code of Criminal Procedure, and partly to early release. The trend has also been encouraged by the OHCHR legal assistance programme and by the efforts of various partner organizations such as Lawyers Without Borders. However, the new Code of Criminal Procedure is more respected in the country at large than in the capital, where pre-trial detention may sometimes last several months. The explanation lies, admittedly, in the lack of material resources, but doubtless also in some cases in deliberate foot-dragging.

103. The Special Rapporteur visited the prison at Gitega, built in 1926 with room for 400 inmates. At the time of her visit there were 1647, including 1272 pre-trial prisoners, 19 prisoners sentenced to death, 25 minors, 46 women and 9 babies. Over 50 per cent of the inmates (764) are pre-trial prisoners whose situation is connected with the 1993 "crisis". The proportion among convicted prisoners is the same, 239 out of 435. Some of the prisoners have allegedly been sentenced to death in the absence of any lawyer and/or witnesses. Others have gone far past the deadline for dealing with their cases, which may run up to five years. At Gitega, minors are separated from adults only at night: they are in a cell measuring 20 m². Of the six minors whom the Special Rapporteur met, four had appeared in court only once and did not have any legal assistance. Pregnant women had apparently been held for weeks in the cachot in appalling conditions. Finally, prisoners were said to have been tortured and maltreated during interrogation. The deacon Kamana, who was arrested in September 1996 as a suspect in the murder of the Archbishop of Gitega, appeared in court for the last time in July 1999. His file is still open and he has never been able to see it. Such cases are unfortunately very common.

104. The prison has a health centre with five nurses, and is visited by a doctor once a week. The Gitega prison also contains young children who have passed the age at which they are allowed to remain with their mothers, but who are desperately awaiting a solution to their problem. The Gitega prison is four times over its capacity, which makes the prisoners' living conditions very difficult. The daily food ration is quite inadequate, but it is the same as in the other prisons in Burundi: 300 grammes of beans and 300 grammes of manioc flour. However, of the three prisons visited by the Special Rapporteur since she began her visits to Burundi, the one in Gitega has the worst conditions of detention. Prisoners walk about in the muddy courtyard in rags and barefoot; when the Special Rapporteur visited, they seemed to be rigid with cold and hunger, as they were not eating every day and had no blankets to protect them from the cold.

105. The number of convicted prisoners is still much below the number of pre-trial detainees. However, there are still more than 500, of which 90 per cent are Criminal Division cases. The public prosecutor's offices have also made progress in dealing with prisoners' files, thanks to the mobile units of the Ministry of Justice. As the majority of the files have been dealt with by these units, only 30 remain.

106. The Special Rapporteur was given information about the situation in other prisons in Burundi, especially those in Ruyigi, Ngozi, Mpimba, Muramvya, Rutana and Rumonge. On 14 November 2000 there were 259 detainees in the Ruyigi prison, including 117 convicted prisoners, 140 pre-trial prisoners and 3 minors, one of whom had been convicted. Apparently, the main problem in this prison is the position of detainees whose cases are heard by the Cankuzo Court of Major Jurisdiction; fewer than one third of these prisoners have been tried. By comparison, the prisoners whose cases are dealt with by the Ruyigi prosecutor are all in a regular situation, and are more often convicted than pre-trial prisoners.

107. On 21 November 2000 the men's prison at Ngozi had 2,258 inmates, of whom 2,040 were pre-trial prisoners (90.34 per cent), and 218 were convicted prisoners, including 7 individuals under a death sentence and 16 minors. As for the Ngozi women's prison, 52 persons with 11 babies were in detention, of whom 28 were convicted prisoners and 24 were pre-trial prisoners as of 11 October 2000.

108. At the central prison of Bujumbura, Mpimba, on 30 November 2000 there were 2,474 inmates, including 454 women and 66 minors. There were 1,589 pre-trial prisoners (64.22 per cent) and 885 convicted prisoners, of whom 234 were under a death sentence. During the month of November, there was a significant increase in the number of those condemned to death, which in turn increases the risk of prison conditions deteriorating (see paras. 113 and 114 of document E/CN.4/2000/34).

109. In the Rumonge prison, there are many impediments to the proper administration of justice. The prison is too far away from the prosecutor's office at Bururi, which itself has only five prosecutors. However, this does not explain why many pre-trial detainees in this prison have been virtually forgotten for nearly a year.

110. The prison situation as reported at the end of November 2000 showed little change as far as numbers of inmates were concerned. However, by comparison with previous months the

population of the Mpimba and Gitega prisons had fallen, and in the Ngozi men's prison it had increased. The legal situation of those held in the Muramvya prison had improved, and for the first time the number of convicted prisoners exceeded the number of pre-trial prisoners. The same was true in Rutana, Bubanza and Rumonge. Health conditions in the prisons were still very poor, but there has been a drop in mortality in spite of frequent epidemics.

2. Other places of detention

111. It has been brought to the knowledge of the Special Rapporteur that out of 44 cachots run by the police, the public security police, the Special Investigations Brigade (BSR), and the judicial police, including those in the regions, provincial centres and Bujumbura-Mairie, which were visited by OHCHR between August and November, only 12 were regularly applying the new Code of Criminal Procedure. Arrests and arbitrary or unlawful detentions are continuing, mainly at Bujumbura-Mairie where the legal time limit for holding persons in custody (14 days) is hardly ever observed. On the other hand, elsewhere in the country officers of the judicial police have been attempting to keep to the legal time limit.

112. Cases of cruel, inhuman or degrading treatment have been noted in some cachots: torture, deprivation of food and appalling conditions of hygiene.

J. Rights of women

113. Acts of violence and discrimination against women are continuing, although they are rarely mentioned. The police do not often intervene in domestic disputes, and the media rarely report acts of violence against women. Women suffer discrimination in the implementation of the law and in society. They rarely go to court to claim their rights, because of social pressure or simply out of ignorance. The recommendations made by women at the meeting organized by the United Nations Development Fund for Women (UNIFEM) on 17 July 2000 in Arusha were not taken into consideration when the agreements were signed. The Arusha Agreement Implementation Monitoring Committee has only 3 women among its 29 members. The situation of women today has not changed much from that described by the Special Rapporteur in her report to the General Assembly last October (see A/55/358, paras. 90 to 101).

114. Widows are marginalized, prone to illness because of their precarious living conditions, and have no inheritance rights. They are bound to face problems when they return to their usual places of residence, especially in recovering land, and lack the financial means to carry on activities which would help them to integrate into society. Associations and non-governmental organizations which dedicate themselves to improving the conditions of women and which are working for reconciliation and a solution to the conflict in Burundi have little impact, because their work is concentrated more on the towns than on the countryside.

115. The bill on succession and marital property schemes is still on the work programme of the Ministry of Justice for 2001, but it has not yet even been tabled for debate in the Council of Ministers. Moreover, awareness-raising among women, especially rural women, in support of the bill has been slowed down for lack of funds. However, women in the National Assembly and the law enforcement agencies have made it their goal to have the bill passed into law by the end of 2001 (see A/55/358, para. 99).

116. Women's access to education is restricted by a number of obstacles, including the school registration fee, called the "minerval", and the reduction in school classrooms. Girls also cease studying for reasons linked to tradition; it is necessary to reverse this trend by encouraging and supporting women's access to higher education. Women should also be trained in areas other than agriculture, especially business. It transpires that women were not consulted, or only to a very limited extent, in planning the Paris donors' conference; nor were they told of the outcome of the conference, although they are the bedrock of the country's economy. Women are victims of rape, especially by soldiers and members of armed groups. There are cases of polygamy, and women have few means of resisting, being ill-informed of their rights.

117. Several measures have been planned to improve the condition of women. By the end of March 2001, a national platform headed by Domitile Barancira, President of the Constitutional Court, will bring together all Burundian women irrespective of political, regional or ethnic loyalties. The purpose will be to propose joint projects for the development of Burundian women. Unfortunately, the plan is already facing financial difficulties.

118. The public authorities have decided to dedicate the year 2001 to the programme for the advancement of women. In January 2001, the Government submitted its report to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW). This report traces the spread of AIDS in Burundi and predicts that women's life expectancy will fall from 60 to 39 years by the year 2010. The report also points out that work to improve the situation of women in Burundi must be focused mainly on rural women, who comprise 90 per cent of the female population. CEDAW experts identified the remaining areas of conflict between Burundian law and the provisions of the Convention, and put questions on combating stereotypes through education, on the structure of employment in agriculture and on economic independence for Burundian women. OHCHR, UNIFEM and the Burundi Human Rights League (Iteka) are coordinating their efforts in the field of legal assistance.

K. Rights of children requiring special protection

119. The crisis that has been disrupting Burundi since October 1993 has intensified the plight of children and the precarious nature of their situation. Children have been killed, wounded, tortured, separated from their families and traumatized by the acts of violence they have witnessed. Many children have been forced to live alone or with relatives or foster families, in camps for displaced persons or refugees.

120. The damaged children found in Burundi today are war orphans, children separated from their families, children orphaned by AIDS, street children, children in conflict with the law, disabled children and displaced and repatriated children. Weak and helpless, such children account for the majority of those requiring special protection. There is no doubt that half the 800,000 internally displaced persons are children and that 180,000 Burundian children have taken refuge in Tanzania.

121. It is difficult to calculate exactly how many orphans there are, but it is estimated that approximately 25,000 children have been orphaned as a result of the crisis, while UNAIDS has estimated that 160,000 children have been orphaned by AIDS. Some are being looked after by close relatives or foster families, but nearly 4,000 children are said to have been regrouped with

their siblings in families headed by minors. In 1999, at the UNICEF sub-regional conference at Kigali, it was estimated that there were 7,000 such children in Burundi while 10,000 children separated from their families were said to be living in Tanzania. The number of street children increases daily: there are now 1,728 unsupervised children in the towns of Bujumbura, Gatumba, Gitega, Kayanza, Muyinga, Ngozi and Rumonge; 1,006 children have been provided with supervision in the same towns. This figure, added to that of the homeless children in the collines, would put the overall figure for street children in Burundi as a whole at about 5,000.

122. Disabled children² are another cause for concern; there has been a marked increase in cases because of physical trauma, but their exact number is not known. It seems high considering that there are 959 reported cases in the 14 centres throughout the country. In order to help such children, the Government of Burundi, with the support of UNICEF, has designed various projects since 1993, some of which have been implemented while others are still dependent on funding which has been slow to materialize.

123. Minors in prisons fall into two categories: children who are no longer babies, but who remain with their mothers in prison, and children who are in conflict with the law. Such children are minors under international conventions but have criminal responsibility under Burundian legislation. A programme set up by the Ministry of Justice and the NGO "Terre des Hommes" is helping mothers and some 50 young children in prisons. Under Burundian law, a child cannot stay in prison past the age of three. However, in the absence of a foster home, when relatives of the mother or her husband do not want the child, the situation is often different in practice.

124. In Burundi, children under 16 years old cannot be employed in industry, even as apprentices, so that their health and schooling do not suffer. In practice, in rural areas, children under 16 carry out heavy manual labour in daytime and during the school year. Children are prohibited by law from working at night, although many do so in the informal sector. Furthermore, the population is dependent on subsistence farming and children are obliged, by tradition and economic necessity, to perform subsistence agricultural work on an informal basis on the family farm.

125. Child prostitution is beginning to take on disquieting proportions in Burundi on account of the precarious nature of family living conditions and the fact that children are being abandoned. In 2000, the Government launched a campaign to curb child prostitution in Bujumbura, but there the arrest and detention of girls working as prostitutes did not lead to any real progress.

126. The minimum age for military service is 18. It has been observed, however, that younger children are being forcefully enlisted into the military and armed groups, where they are made to work as messengers and even to do compulsory labour.

L. Economic, social and cultural rights

127. One of the great human rights concerns in Burundi continues to be the food, health and education situation. Because of bad climatic conditions, insecurity and large-scale and forced displacements, malnutrition and disease are beginning to claim more victims than war. There is

a shortage of professionals working in the education and health sectors because many of them are leaving the country. Furthermore, the war has destroyed schools, hospitals and health care centres.

128. The health situation is critical; a large majority of the population is not eating enough (once a day) and access to drinking water is difficult. There is widespread poverty and many Burundians are homeless. All of these concerns were raised in the report submitted to the General Assembly in October 2000, and the situation has since deteriorated (A/55/358, paras. 83 to 87). Approximately 30 per cent of the population is affected by malaria, including the people living in the collines, who are more resistant to disease and who were not affected in the past.

129. The AIDS prevalence rate is between 3 and 10 per cent among the rural population and between 18 and 23 per cent among the urban population. Up to 80 per cent of hospital beds, particularly in internal medicine, are occupied by AIDS sufferers. In response to this situation, the Government has set up a solidarity fund to subsidize half the cost of treatment. The remainder, however, which has to be paid by the patient - namely 80,000 Burundi francs - is virtually unaffordable considering that the average salary is about 30,000 Burundi francs.

130. The Government's efforts to limit epidemics, boost the use of vaccines, restore the health infrastructure, redeploy personnel, set up community-run chemists and support the operation of a dispensary of essential generic medicines remain disproportionate to the vastness of the needs. Only 4 per cent of the State budget is allocated to health, but the problem also lies in the fact that the allocated funds need to be better managed. The Special Rapporteur has been informed that some of the funds assigned to the Ministry of Health for the year 2000 are being under-utilized or misused.

131. Cases of malnutrition have increased threefold in the last year. Malnutrition is particularly acute in the province of Bubanza where 7,500 people mostly pregnant women and children, are receiving help at the centres. In the province of Bujumbura-rural, the number of people receiving care increased from 3,500 to 5,500 in the month of November. In the province of Kayanza, 8,000 people were receiving care in March and this figure increased steadily, reaching 20,000 people in December. The figure for the province of Karuzi was 12,000 at the end of December. The figures for the provinces of Rutana and Gitega were high. The causes of such malnutrition are linked to poverty and the rise in cases of malaria and other diseases that were thought to have been eradicated, such as measles, cholera and kwashiorkor. Other reasons are the poor farming methods, the shortage of seeds and the unpredictable nature of the climate. The needs in this area are so great that the efforts made by the international community and the Government to stem the scourge seem inadequate.

III. JUSTICE SYSTEM AND RULE OF LAW

A. Administration of justice

132. On the whole, some progress has been made in the justice system. Recently, however, the political situation in Burundi has also influenced the legal framework. The Special Rapporteur noted some unrest, particularly among judges. Admittedly, the new judges' statute took effect on 1 September 2000 and incentive bonuses have been introduced, but a number of

judges feel discontented because implementation of the Arusha Agreement means that several of them face an uncertain future. Furthermore, the bonus, even though it does show that their situation has progressed, is still highly insufficient. They also feel restricted in their work because of the poor resources made available to them.

133. According to the Minister of Justice, a major challenge which the legal services must immediately address is that of easing overcrowding in detention centres. The number of prisoners, which has been reduced by almost 1,000 since last year, is still high. Furthermore, thanks to the work of the prosecution service's mobile units, virtually all cases are before the courts. The plan now is to extend this solution to the Criminal Divisions and thus speed up the procedure at that level.

134. There are some negative aspects, however, which are hindering the promotion of an equitable justice system. For example, with regard to the implementation of the Code of Criminal Procedure, some judicial police officers who deal with the substantive aspects of cases circumvent the law by releasing the parties involved after the legally permissible period of detention, and then arresting them again.

135. Another issue is the political exploitation of facts that are to be addressed in court or have already been addressed (the Sabena case). Furthermore, there is an ongoing problem, if not a proliferation, of illegal detentions in military bases. The justice system is still crippled by corruption, which increasingly seems to be vitiating trials. It would also seem that the interpretation of the right to parole is arbitrary. The treatment of the cases of Dr. Aloys Hakizimana and Ambassador Balthazar Ndimirwanko could no doubt serve as proof.

B. Strengthening the rule of law

136. Since its establishment in Burundi in 1994, the Office of the High Commissioner for Human Rights in Burundi (OHCHRB) has endeavoured to train legal professionals in order to strengthen the institutional capacity of the legal system in the administration of justice. It has also set up a legal assistance programme (LAP) to support the Burundian legal system in combating impunity. The training programme involves judges from the Tribunaux de résidence, some judges from the higher courts and the public prosecutor's office, military judges, judicial police officers and prison staff. With the exception of 1998, OHCHRB has never been able to conduct all the training activities scheduled for the year due to lack of funding. However, a human rights training seminar was organized recently for 37 military judges, which will be followed by a training course for judicial police officers from the gendarmerie.

137. The LAP was launched in February 1997, with the approval of the Burundian Government. The programme provides legal assistance, through lawyers, to the victims and those accused of the criminal activities that took place in the aftermath of the crisis of October 1993, who are called before the country's three criminal divisions, the military courts and the Supreme Court. OHCHRB continues to assist defendants with the help of eight Burundian lawyers.

138. In September 2000, the Gitega Criminal Division held seven hearings instead of the eight that had been scheduled. The Court was only able to hear 33 cases, 6 of which resulted in

decisions. The Ngozi Criminal Division did not examine any of the 39 cases on the docket. All the cases were deferred, the main reason for which remains the failure of witnesses and civil claimants to appear. Iteka and another Burundian association called Agir Tufatanye have been a reliable source of assistance in transporting witnesses, but very often it is impossible for all witnesses to be present. In Bujumbura, the Criminal Division examined and closed 6 of the 80 cases on the docket in 13 public hearings. Seventy-four cases were postponed to a later date, largely due to the absence of witnesses. In the Supreme Court, the 13 cases on the docket were all deferred. Productivity for the month of September 2000 was lower than that of previous months. Of the 152 cases that were brought before the three courts, 12 decisions were handed down compared to 13 in June 2000 and 22 in May 2000.

139. The fifteenth session of the Criminal Divisions ran from 2 October to 2 November 2000, with the participation of six international lawyers provided by the LAP working side by side with the eight Burundian lawyers permanently attached to the programme. Of the 380 cases on the docket, 67 cases were closed by 67 decisions, including 24 death sentences. During the session, the LAP provided assistance for 404 defendants and 78 civil claimants.

140. Three hundred and thirteen cases were postponed, primarily because of the continued failure of witnesses, and occasionally of civil claimants to appear. The issue raised at the most recent sessions has been the high number of cases on the dockets which is problematic for the associations that provide transport for witnesses and civil claimants. These problems have affected the Criminal Divisions in Bujumbura and Ngozi because Iteka has sometimes had to make a choice between two or three towns when going to fetch witnesses.

141. In Gitega, the scheduling of cases to be heard before the Criminal Division is not set in stone. The deferrals made by the Court in hearings are still subject to change, and illegal changes are made to hearing dates. This is to the disadvantage of the parties to the trial, whose cases can be postponed several times because of the absence of witnesses and civil claimants. It is also a great disadvantage for accused persons released on parole, who cannot be informed of such changes to the hearing dates.

142. Despite the difficulties raised, it is worth noting, that the fifteenth session was somewhat more productive than the previous one; 380 cases were called, compared to 368; more decisions were made than at the previous session (67 compared to 57). There was, however, a marked increase in the number of death sentences, particularly in Bujumbura (15 compared to 7 at the previous session). The three Criminal Divisions handed down a total of 24 death sentences compared to 15 at the previous session. There were also, on the whole, fewer acquittals (37 compared to 41 at the July 2000 session). On the other hand, 482 parties were provided with assistance compared to 459 at the previous session.

143. The Criminal Divisions resumed ordinary hearings on 2 November 2000, following the October session. The eight national lawyers from the LAP continued to provide assistance to those involved in the trials. Many cases were called, but very few were closed, which is often the case in out-of-session periods.

144. Representatives of the LAP unit in Gitega and Ngozi made several visits to the prisons in their duty stations where they interviewed prisoners about judicial procedures and the legal

assistance programme, gathered requests for assistance and made a note of prison conditions. Seventy-eight new requests for legal assistance were registered, of which 46 were from Ngozi, 12 from Gitega and 20 from Bujumbura. The prison visits also helped to follow up and speed up the pre-trial proceedings of some of the cases that were slow in being brought to court.

145. In December 2000, the Criminal Divisions in Bujumbura, Gitega and Ngozi began to operate mobile units. Considering the insufficient resources available, productivity varies according to court and province. The Gitega Criminal Division had the highest performance rate and was the most efficient. It set up a base in Ruyigi and one in Gitega. The Ruyigi court, for example, closed 17 of the 28 scheduled cases. The Bujumbura Criminal Division set up a base in Muramvya and one in Bujumbura. In Muramvya, 2 of a total of 13 scheduled cases were closed. The second base closed 3 cases of the 13 that were called. The Ngozi Criminal Division was based only in Muyinga. Of a total of 52 cases called for the last week of the mobile sessions, only 2 were closed.

146. Nevertheless, the results obtained by the legal assistance provided in the month of December were still positive despite the difficulties experienced by the Ngozi Criminal Division. Decisions on 57 cases, involving 82 prisoners and several civil claimants, were handed down in the course of the month.

C. Human rights promotion and education

147. A discussion workshop on the death penalty was organized by OHCHR after the fifteenth session of the Criminal Divisions. The objective was to raise participants' awareness of legal assistance, but also to make criminal division judges aware of the severity of a death sentence and the need for due respect for the rights of persons facing capital charges. Despite the fact that opinions were divided about the need to abolish the death penalty in Burundi, the workshop served to call into question the individual responsibility of each of the parties involved when the death penalty is handed down, and the role of the individual in changing attitudes and opinions on that subject.

148. Several seminars were organized with the help of OHCHR. The Gitega sub-office undertook the organization of a human rights training and awareness seminar from 21 to 24 August 2000 for 65 young people from the Nyamugari centre, focusing on two themes, The concept of human rights and Peaceful conflict resolution: Principles and methods.

149. From 6 to 8 September 2000, the Ministry of Reintegration and Resettlement of Displaced and Repatriated Persons and the United Nations Development Programme held a seminar on the rehabilitation of victims of disaster in Burundi.

150. From 26 to 27 October 2000, OHCHR participated in a seminar on legislation in favour of disabled people, a project funded by the ACT network. The seminar focused on the overview of national and international legislation concerning disabled people, and made some recommendations for future legislation to benefit that group. On 24 November 2000, an equal opportunities seminar was organized by the Disabled Persons Union in Burundi.

151. In December 2000, OHCHR organized some activities to commemorate the fifty-second anniversary of the Universal Declaration of Human Rights, in cooperation with the Ministry of Human Rights and members of civil society, particularly human rights associations. The activities focused on the general theme "The justice system as the guarantor of human rights and individual freedoms". In Bujumbura, events included a round table discussion, a television broadcast and programmes on national radio about the human rights situation, songs, a quiz and the broadcast of a message by the High Commissioner for Human Rights. On 10 December 2000, some panel discussions were held in Gitega and Ngozi.

152. A human rights training seminar was organized by the Norwegian Council for Refugees from 4 to 5 December 2000, focusing on themes such as education, human rights teaching, the United Nations and the conventions on women, children and refugees, Burundian schools and human rights, ways of identifying different human rights situations and the global and centrist views of the population: prejudices and ways of combating them, etc.

153. On 18 December 2000, UNICEF and the Burundian Government represented by the Ministry of Public Health organized a day to mark the publication of the UNICEF report The State of the World's Children 2001.

IV. OBSERVATIONS

154. Burundi's priority is to end the war. Many people think, with good reason, that human rights are being violated because of the ongoing war and because the signing of a peace agreement without a ceasefire has not really brought peace. Nevertheless, the war cannot be the sole explanation for the violations that are taking place, and when peace is restored, action to enforce human rights will continue. It is therefore necessary not only to seek peace, but to act now to create a system and the means to enforce human rights, and not always blame the war.

155. The people seem to be hostage to the political establishment, which is experiencing some difficulties in resolving the question of leadership which it considers to be a priority. There is, in fact, some disparity between the expectations of the people and the attitude of the politicians who claim to represent them. For the people, peace is fundamental, while politicians seem to be focusing on the distribution of power and positions of responsibility.

156. Civilians are being subjected to abusive treatment by the military and armed groups; they are being forced to contribute to financing the war effort and made to undertake forced labour. The situation of the Burundian people, particularly those living in rural areas and the collines, has generally become more precarious since July 2000. People are suffering from hunger, cold and disease. In most of the places visited, including prisons, displaced persons camps and nutrition centres, the smiles have disappeared from people's faces, particularly the children's. People no longer seem to have the strength to bear the suffering. This is perceptible in the lifestyle that they have been forced to adopt; in other words, people no longer have hope in the future of Burundi. It is therefore essential to give people the will to live, not only by providing them with assistance but also by helping to rekindle their creativity, spirit of initiative and desire to live for a better future. The current situation is bringing with it a feeling of passivity that is damaging to economic development.

157. One of the major challenges facing the Burundian Government and the international community is the coordination and follow-up of the Paris Conference. The Ministry of Planning, the Ministry of Finance, the World Bank and the United Nations Development Programme (UNDP) will provide technical follow-up to this meeting. Current initiatives include measures to update the joint emergency plan of the United Nations team in Burundi and to encourage greater integration of human rights in the various development projects.

158. During the transition period, human rights protection will be of the utmost importance, and it will play a part in the management of problems that will arise, namely: return of refugees, demobilization of armed groups, maintenance of public order, implementation of laws and follow-up of development programmes. It is therefore important to provide for human rights training, as well as training on how to prepare projects and requests to donors for assistance, so that such projects have every chance of being funded. Furthermore, traditional institutions should be involved, to help the understanding and management of activities in political, legal, social and cultural fields.

159. The army continues to become involved illegally in matters reserved for the justice system. Furthermore, it is difficult to prevent violations when it turns out that the army is the perpetrator.

160. Women, particularly those from rural areas, are the main victims of the war, displacement and regroupment, yet they are excluded from the peace process. The peace process should therefore be explained to them in order that they may participate in the implementation of the Arusha Agreement.

161. Meetings that the Special Rapporteur conducted with party representatives, human rights leagues and movements opposed to the Arusha process show that some of Burundi's political players are still concerned about the international community's response to the report by the United Nations International Commission of Inquiry (S/1996/682).

162. The Governmental Commission on Human Rights began working with members of the former liaison unit because, with the exception of the President, its members had not yet been appointed. The Commission enjoys greater investigative capacity and its mandate is due to be extended to cooperation with NGOs. However, the issues of pay for its members and the lack of logistical resources at its disposal could hinder the efficiency of its work. The nomination procedures for its members as defined by the Government could also hinder its efficiency.

V. RECOMMENDATIONS

163. The Special Rapporteur, reiterating the recommendations contained in her last report to the General Assembly (A/55/358, paras. 112 to 141), wishes to make some further recommendations to highlight the paths and measures that must be taken to improve the human rights situation in Burundi.

A. To the parties to the conflict

164. The Special Rapporteur strongly condemns the acts of violence perpetrated against the civilian population, particularly those against women and children. She urges the parties to the conflict to respect the right to life, and, whatever the reasons for their actions may be, to end the involvement of innocent children in their fighting.

165. Burundi has already suffered too much from the war. The Special Rapporteur asks all parties to the conflict to show some concern for the children of Burundi who are dying of hunger, frozen to the marrow and scarred for life by the sound of gunshots, and to sit down at the negotiating table and decide what is good for these children and not primarily for themselves.

166. She urges the parties to the conflict to respect the dignity of innocent people by not subjecting them to degrading and humiliating treatment, because in doing so they are dehumanizing their victims, but also dehumanizing themselves. She reminds them that Burundi belongs to each and every one of them, and destroying it with endless fighting means that they are also negating their own future and that of their descendents. They must open their eyes to this and take a decision to stop the armed conflict.

167. The donor countries that have taken into consideration the suffering of the Burundian people have made a commitment to provide funding for the implementation of the Arusha Agreement and for Burundi, and not for the benefit of the present authorities; this agreement must therefore be put into effect. For a successful peace process and a credible Agreement on Peace and Reconciliation in Burundi, the Special Rapporteur joins all those who have urged the armed groups to participate in negotiations.

168. In order to promote a better climate for dialogue and negotiation with the rebels, the Special Rapporteur believes that it might be desirable, when requesting a cessation of armed hostilities, to show a clear will to end political hostilities, particularly by avoiding the systematic "demonization" of the opposition. The campaign against impunity must focus on the individual responsibility of those carrying out violations and not on that of groups to which they may belong.

B. To the Burundian authorities

169. The Special Rapporteur encourages the Burundian Government to continue to promote the Arusha process solution for discussing and resolving the conflict in Burundi; she welcomes the attitudes that have been adopted in this regard.

170. The Special Rapporteur supports the measures taken by the Ministry of Human Rights in favour of respect for and promotion of human rights and encourages it to continue its work, namely denouncing all violations, including those involving the army.

171. She appeals to the Burundian authorities to facilitate access for local and international organizations and United Nations bodies to sites for displaced persons and to victims of the crisis, in accordance with the Guiding Principles on Internal Displacement, to enable them to carry out the necessary humanitarian activities.

172. The Special Rapporteur recommends that the Government should promote the introduction of a consultation forum where all Burundian women, from any association, political party, region, profession or ethnic origin, could meet and adopt a common action plan to promote and implement their ideas; the foundations for this type of structure have already been laid and they need to be strengthened.

173. In order to encourage the full development of Burundian women and to enable them to participate in their country's development, the Special Rapporteur again highlights the need to make texts on women's rights widely available in the national language, and also the fact that it is in the interest of all Burundians to see a law enacted on inheritance matters and marriage contracts.

174. To help Burundian women play their role in society during wartime, the Special Rapporteur recommends that the Government should increase its aid to women's associations through the provision of micro-credit.

175. She sincerely hopes that women will play a larger role in the institutions responsible for implementing the Arusha Agreement, particularly in the decision-making bodies and control of the use of the funds provided to Burundi at the Paris Conference.

176. Regarding the justice system, she encourages the Government to submit proposals to donors, including requests for assistance in designing projects, particularly to the European Union, whose available funds cannot be used without a formal request. UHCHRB could act as the executing agency for projects in the field of human rights.

177. The Special Rapporteur invites the Government to set up halfway houses for children coming out of prison and to ensure that they receive socio-occupational training.

178. She supports all the measures taken by the Government to separate minors from adults and men from women in prisons, and asks that these measures be extended to all the detention centres in the country.

179. She encourages decisions to amend legislation, with a view to abolishing the death penalty. Likewise, she hopes that the provisions of Burundian law on the criminal responsibility of minors will be brought into line with international provisions.

180. She welcomes the measures taken by the Government to reduce the ethnic imbalance in the justice system and encourages it to strengthen them with a more proactive attitude.

181. She commends the Government for the initiatives it has taken in favour of parole for prisoners and encourages it to extend these measures, without discrimination, to anyone who meets the criteria, with no restrictions other than those imposed to ensure equity.

182. The Special Rapporteur strongly condemns unlawful detention, particularly when it is at the hands of the army on illegal premises, as well as the perpetual detention of accused persons whose sentences are of no concern to the judges hearing their cases. She expects the authorities to take some stringent measures to put an end to such unacceptable conduct.

183. In order to hasten the emergence of a more equitable justice system, the Special Rapporteur recommends that the Government should step up its support to judicial bodies by increasing the material and logistical resources put at their disposal, particularly vehicles to facilitate the follow-up of inquiries.

184. She also encourages the training of legal professionals, particularly in the fields of human rights and juvenile justice, and is in favour of an increase in human resources in the legal sector.

185. She invites the Burundian authorities to make every effort to promote human rights education at all levels to facilitate the emergence of a state based on rule of law, to forge a strong civil society and a responsible and democratic opposition force through the press and political parties.

186. She recommends greater financial and logistical support for the human rights commissions of the Government and the National Assembly to enable them to carry out their tasks effectively.

187. Given the unaffordable cost of modern health care, the Special Rapporteur suggests that cheaper and more accessible traditional practices and therapies should be identified and their integration favoured.

188. In order to reduce the pressure of the economic crisis on the people, particularly on the most disadvantaged groups, she hopes that the Government will encourage plans to create jobs and to enable Burundians to take care of themselves and to improve their standard of living (tile and brick production using “géobéton” for rebuilding destroyed houses).

189. The Special Rapporteur condemns the discrimination against the Twa minority and urges the Burundian authorities to design and implement projects to ensure that their rights are respected and to integrate them into Burundi’s economic, social, cultural and political development.

C. To the international community

190. The success of the peace process and of the facilitation process led by Nelson Mandela is crucial to the improvement of the human rights situation in Burundi. The Special Rapporteur commends the Facilitator and all parties involved in the peace process for the success that has already been achieved and encourages them to continue their efforts to bring all parties to the conflict to the negotiating table, to work towards the full emergence of peace among the people of Burundi.

191. She calls on the actors of the international community to find and implement the most appropriate ways of reaching an outcome to the Burundian conflict that is based on the solution of negotiation and dialogue.

192. She stresses to the international community that there is an urgent need, for the sake of human rights in Burundi, to bring the hostilities to an immediate halt, failing which it will be impossible to apply the majority of the provisions of the Arusha Agreement.

193. Because the proliferation of arms in Africa, particularly in the Great Lakes region, is a factor behind the spread and intensification of armed conflicts, the Special Rapporteur urges the international community to do everything in its power to stop the illegal sale of arms and trafficking of all kinds. She also asks the international community to ensure strict compliance with legislation against the illegal sale of arms; otherwise Africa would be headed for tragedy more fatal than the slave trade.

194. She thanks the donors who participated in the Paris Conference for the support they have shown for Burundi and encourages them to act upon the commitments they made, particularly with regard to the urgent measures to support human rights in the fields of justice, women's rights and social, economic and cultural rights.

195. Legal assistance within the framework of the International Commission of Inquiry into events in Burundi is a priority if overcrowding in prisons is to be reduced and a lasting solution found to the issue of political prisoners. The Special Rapporteur recommends that OHCHR should help with setting up the Commission of Inquiry and with providing legal assistance because its experience in this field could be extremely valuable.

196. There is also an urgent need to increase the humanitarian assistance provided to prisoners by certain associations and NGOs, to alleviate the prison conditions they are currently living in. The Special Rapporteur invites donor countries to step up their support to the national and international leagues that are working towards better implementation of justice and improved living conditions for prisoners.

197. She wholeheartedly encourages OHCHR to organize a structure to provide better guidance for NGOs and national associations working to defend human rights.

198. She hopes that OHCHR will participate in the "protection of human rights" element of the tripartite agreement between Tanzania, Burundi and UNHCR relating to the repatriation of Burundian refugees from Tanzania.

199. The Special Rapporteur hopes that there will be greater coordination of activities in the humanitarian and human rights fields to assist displaced persons, based on the Guiding Principles on Internal Displacement compiled by the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng.

200. In order to guarantee the success of development programmes, the various bodies of the United Nations system should integrate a human rights dimension into their projects. The Special Rapporteur therefore encourages the organization of human rights training activities for the staff of the United Nations and national and international NGOs. She calls for greater cooperation between the bodies of the United Nations system and OHCHR, and for more effective involvement by OHCHR in the activities of human rights bodies.

201. In order to help promote democracy and the emergence of a state based on rule of law, she recommends that more support should be given to the printed media and to civil society.

202. She encourages international cooperation in the field of health. She invites the international community to support projects aimed at integrating traditional therapies into health care.

203. The Special Rapporteur asks the international community to support child welfare projects, notably those organized by the United Nations, in particular UNICEF, by the Ministry of Social Action and the Advancement of Women and by local and international NGOs.

204. In order to improve the effectiveness of human rights activities in Burundi, the Special Rapporteur invites the thematic special rapporteurs and special representatives of the Secretary-General, particularly those relating to women, children and human rights defenders, to carry out missions to Burundi.

205. The Special Rapporteur commends the national and international associations and bodies as well as all the individuals who are fighting for human rights in Burundi and urges them not to give up. She calls on the international community to give them the support they need to succeed in their commitment.

206. The Special Rapporteur invites the international community to endeavour to make the politicians and leaders of the sub-region aware of the importance of peace in the Great Lakes countries and of the success to be achieved by concerted action in this field.

207. Lastly, the Special Rapporteur hopes that the international community will support the Government's measures to strengthen the rule of law, to promote women's rights and the protection of children, to guarantee civil and political freedoms and to respect the social, economic and cultural rights of all Burundian people.

Notes

¹ Ministry of Health, cited by the World Health Organization (WHO).

² Action Plan 2000 - Ministry of Social Action and the Advancement of Women and UNICEF.

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