



Security Council

Distr.
GENERAL

S/1997/547
15 July 1997

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN BURUNDI

I. INTRODUCTION

1. On 30 May 1997, in a presidential statement on Burundi (S/PRST/1997/32), the Council requested me to continue to keep it informed on the situation in Burundi, especially with regard to the steps being taken to encourage a negotiated and peaceful settlement of the ongoing conflict in that country.

2. The present report covers the main developments that have occurred since the previous report to the Council on 2 November 1996 (S/1996/887/Add.1). It will be recalled that, since the adoption of resolution 1072 (1996) of 30 August 1996, the Council has continued to receive regular briefings on the situation in Burundi.

II. POLITICAL SITUATION

3. During the period under review, the political situation in Burundi continued to reflect the deep divisions within and between the country's leading political movements, the polarizing influence of militant extremist groups at both ends of the political spectrum, the adverse effects on the security situation of events in former Zaire, Burundi's efforts to end international isolation brought about by the sanctions, and the lack of an agreed mechanism for negotiations acceptable to all the principal actors. For its part, the Government of President Pierre Buyoya continued efforts to consolidate power, to secure the lifting of economic sanctions and to encourage political dialogue, while stepping up efforts to combat the growing Hutu insurgency and the mounting death toll.

4. Divisions within the two main political parties, their rivalry and the constraints imposed on their work by the Government, have continued to feed animosities. The Front pour la démocratie au Burundi (FRODEBU), led in Burundi by its Secretary-General Augustin Nzojiewami and in exile by its Chairman Jean Minani as well as the Conseil national de défense de la démocratie (CNDD) leader Leonard Nyangoma, seems unable to overcome its internal divisions. The same is true of the Union pour le progrès national (UPRONA), which remains factionalized between the followers of the Chairman of the UPRONA parliamentary

group, Frédéric Ngenzebuhoro, and those of the extremist wing led by Chairman Charles Mukasi. These divisions are exacerbated by the hard-line Parti pour le redressement national (PARENA), led by former President Bagaza, who continues to enjoy strong support among Tutsi youth and students.

5. The continuing hostility between political parties continues to prevent progress in the national debate advocated by the Government, and to hamper international efforts to bring the parties to the negotiating table. Extremists on both sides continue to disrupt reconciliation efforts by threatening and undermining the President. Anti-Buyoya sentiments culminated in mid-March 1997 with the discovery of an assassination plot against the President. Swift action against the alleged perpetrators resulted in large numbers of arrests. Former President Bagaza is still under house arrest and members of his PARENA party are still detained.

6. On a more positive note, and despite these troubling developments, the restoration of the National Assembly in September 1996 has increasingly provided a forum for more regular political activity and dialogue among politicians of the different factions. Although the Assembly itself remains ineffective and has lost much of its original influence on the political process, as noted in the previous report, it was able nonetheless to carry out some valuable work. The Speaker of the National Assembly, Mr. Léonce Ngendakumana, still has a crucial role to play in efforts to harmonize relations among the various segments of the population, particularly as the Assembly continues to be challenged by the deep-rooted antagonism between its two main parliamentary groups - UPRONA and FRODEBU. In closing the Assembly's ordinary session in June 1997, the Speaker welcomed the fact that most of its members were able again to participate in the proceedings of the Assembly, and that many of the elected representatives had been able to return from exile. However, in order for the Assembly to fully carry out its constitutional responsibilities a number of obstacles have to be resolved. They include putting an end to the judicial harassment of the Speaker and providing the Assembly with the necessary financial and logistical support for its regular work.

7. A further positive development was the re-emergence on the political scene of former President Silvestre Ntibantunganya, who on 7 June 1997, left his refuge at the residence of the United States Ambassador in Bujumbura, after securing assurances from the Government of his freedom and security. Mr. Ntibantunganya pledged himself to strive to civilize the political debate in Burundi and to contribute to the normalization of political life in the country. He also declared his readiness to join peace talks with a view to ending the civil war between the armed opposition and the army. It is hoped that Mr. Ntibantunganya's presence will have a positive impact on efforts to achieve party and national reconciliation.

III. SECURITY SITUATION

8. Since November 1996, the security situation has continued to be affected both by political developments inside Burundi and by military and political developments in the subregion. At the end of 1996, rebel attacks and army counter-operations led to a series of violent clashes throughout the country -

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but particularly concentrated in the northern provinces of Cibitoke, Bubanza, Muramvya and Kayanza, where violent incidents claimed a large number of victims among the civilian population. The situation in and around the capital, Bujumbura, remained tense and very volatile.

9. With the advance of the Allied Democratic Forces for the Liberation of the Congo (ADFL) in eastern Zaire and the consequent elimination of rear bases of armed Hutu rebels close to the Burundi-Zaire border, the security situation in Burundi gradually improved during the first months of 1997, though strong pockets of rebels remained within the former Zaire (now the Democratic Republic of the Congo) near Fizi, Kalemie and Moba - enabling them to launch operations against targets in Burundi, including the Government's military strongholds of Bururi and Makamba provinces. Overall, however, the massive movement of Hutu rebels along the western shores of Lake Tanganyika and across the Lake into the United Republic of Tanzania ultimately caused a shift in rebel operations towards the south. The resulting rebel infiltration from the United Republic of Tanzania into the southern provinces of Burundi caused a rift between the two Governments, with accusations that the United Republic of Tanzania was not only harbouring rebels but actively supporting the insurgency. These accusations have been denied by the Government of the United Republic of Tanzania.

10. In March 1997, the areas in and around Bujumbura increasingly became targets of rebel attacks. Mine explosions caused dozens of victims as did counter-insurgency operations by the military - a situation aggravated by the detection of an assassination plot against the President (see para. 5 above). Another very disturbing incident occurred on 1 July 1997 when a landmine exploded under the car of the Speaker of the National Assembly which was carrying his wife and a bodyguard. While the wife of Mr. Ngendakumana escaped unharmed the bodyguard died. Meanwhile, faced with an enormous increase in rebel activity in the south of the country, the Government decided to establish a special crisis committee dealing with security issues. Reports were also received from Rumonge commune in Bururi province, of allegations that rebels had killed more than 145 people.

11. Fierce clashes between the rebels and army units continued to shake Burundi in April, accompanied by claims and counter-claims on the responsibility for the killing. In one particularly vicious incident - attributed to the rebels - 34 schoolchildren and seven teachers were killed in an attack at a secondary school in Buta, south of Bururi. In May, heavy fighting continued in the southern provinces, causing international aid agencies to evacuate their staff. Violence also flared up again in the north-west where rebels attacked regroupement camps (see sect. V below) in Murwi and Buganda, killing some 63 people. Throughout May and June, fierce fighting was reported close to Bujumbura, including the slaughter on 14 May 1997 of 42 persons at a church in Muhuta commune. On 3 June 1997, the army used mortars and aircraft to rocket rebel positions near Bujumbura, following severe battles with rebels on the outskirts of the capital.

12. As the violence continued unabated throughout the month of June, rumours were spread by the rebels that neighbouring countries were preparing to invade Burundi in support of the current regime. Military sources, in contrast, claimed that the rebels wanted to establish a bridgehead on Burundi territory in

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order to press forward their rebellion with the support of the international community. Throughout the period under review, reports also continued to be received of increased faction fighting among the Hutu rebels - between the Parti pour la libération du peuple hutu (PALIPEHUTU) and the armed wing of CNDD. Reports were also received that former soldiers from the ex-FAR (Forces armées rwandaises), members of the Interahamwe militia and even former soldiers of the ex-Zairian army were involved in attacks alongside Hutu rebels in north-western Burundi or caught in clashes on their way from eastern Zaire back into Rwanda. In response, regional and military officials from northern Burundi and southern Rwanda agreed in principle to cooperate on security matters and to extradite each other's rebels. Although bilateral security arrangements could not be confirmed officially, it is apparent that supportive arrangements continue to be carried out in the border areas between the two countries.

IV. HUMAN RIGHTS

13. The number of people detained on suspicion of involvement in massacres and of supporting the armed Hutu rebels has risen to some 5,000. After an interruption of a few months, the criminal courts began to function again on 26 February 1996. Many of the first trials were conducted without proper legal representation of the accused, despite demands from defendants for defence lawyers to be made available. Owing to the social and political sensitivities and pressures inherent in the trials, many Burundian lawyers declined to undertake representation of such defendants, and increasing calls were made for assistance from the international community. The first trials in 1996 resulted in noticeably heavy sentences, including 133 death sentences and 54 life sentences. Only 36 acquittals were obtained during the initial round of trials.

14. Faced with demands for counsel to be provided for the accused, the Burundi Justice Ministry - in collaboration with the National Bar Association, the United Nations Centre for Human Rights, the Office of the Special Representative of the Secretary-General in Burundi and various local human rights organizations - discussed ways in which financing might be obtained for the employment of national and international lawyers who would assist accused persons in obtaining counsel. At the end of 1996, following these discussions, a judicial assistance programme was established by the Office of the United Nations High Commissioner for Human Rights, in cooperation with the Government of Burundi. Implementation of the project began immediately, thereby facilitating the opening of the first session of the criminal courts in February 1997. In April and May 1997, the second session of the criminal courts was held in the presence of international lawyers who collaborated with national lawyers in acting as defence counsels or as civil party lawyers. A remarkable reduction in the sentence levels has been noted, with only 13 death sentences and 10 life sentences so far being recorded, in addition to 14 acquittals.

15. The atmosphere of the initial trials, which had been tense and subject to strong public pressure, has gradually given way to a more calm and dispassionate environment. The presence of lawyers at the side of the accused has helped to reduce tensions and promote greater attention to legal requirements. Many of the cases under consideration extended beyond the expected time-frame, as

postponements enabled some defendants to prepare a better defence, while the absence of witnesses complicated and delayed the trials of others.

16. With respect to the administration of justice, however, it must also be noted that the situation of these defendants remains in marked contrast to that of the suspected authors of the attempted October 1993 coup - most of whom remain free. Only a few were apprehended during the hours after the coup, and while some have fled to other countries others remain in Burundi. Although public opinion continues to demand their arrest, many continue to go about their usual business with apparent impunity.

17. A significant, though largely symbolic, step was taken with the commencement by the Buyoya Government of criminal proceedings against 79 military officers accused of having fomented the October 1993 coup. On 16 May 1997, the prosecution opened its case, alleging that the group had been responsible for the death of President Melchior Ndadaye, the first democratically elected Hutu President of Burundi. The accused proclaimed their innocence and the proceedings were adjourned. The trial resumed on 4 July 1997, with the accused providing additional testimony, after which the case was again adjourned. No date has been set for the resumption of the proceedings. While the commencement of proceedings against the 79 officers is an important first step, much more will be required if the administration of justice in Burundi is to regain genuine credibility.

18. On 14 June 1997, President Buyoya publicly called for the establishment of an international criminal tribunal for Burundi, in order to try the instigators and perpetrators of acts of genocide that followed the October 1993 coup. In response to a recent letter addressed to me by the Government of Burundi on the creation of an international tribunal, I replied that given the circumstances prevailing in Burundi I was not in a position to recommend to the Security Council the establishment of such a tribunal at the present time. It is my intention to remain seized of the matter, however, and to review the question of the establishment of such a tribunal at a later date. I will, of course, keep the Council fully informed of developments in this regard.

V. HUMANITARIAN SITUATION

19. The extensive fighting in the north and south of the country has displaced a significant proportion of the population and made it difficult for humanitarian aid agencies to conduct a consistent and effective relief programme. At the same time, landmines have become an increasingly pervasive source of danger to aid workers and civilians alike. Nyanza Lac in the south, which has recently suffered an outbreak of cholera, has not been accessible to United Nations aid agencies because of fighting in the area. Therefore, the humanitarian situation in Burundi remains, despite the easing of sanctions, extremely serious owing to two main factors, namely, the high degree of insecurity in the country and the concentration of the rural population from conflict-prone areas into regroupement camps.

20. Regroupement, the policy of collecting people in camps, an exercise initiated by the former Government in March 1996, accounts for over 300,000

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persons living in sites or camps. The number of people displaced by fighting and insecurity amounts to more than 350,000. According to recent estimates, the number of vulnerable persons in rural areas now totals some 700,000. Out of a population of an estimated 6 million, approximately one out of nine Burundians lives in a camp, often in poor sanitary conditions.

21. Repeated displacement of rural populations, together with the existence of regroupement camps in areas often remote from family agricultural production areas, has severely disrupted agricultural production as well as the distribution of agricultural products. This situation has been greatly exacerbated by the sometimes deliberate destruction of fields and livestock by the warring protagonists. Significant environmental damage has also occurred in some areas as a result of deforestation by refugees and displaced persons, and also acts of sabotage. In January 1997, a joint Food and Agriculture Organization of the United Nations (FAO) and World Food Programme (WFP) assessment mission to Burundi found that food production had declined by an estimated 18 per cent during the first agricultural season of 1997 compared with pre-crisis levels.

22. Humanitarian agencies have been pressing the Government of Burundi to reverse its regroupement policy on humanitarian grounds, and to facilitate wider access to vulnerable groups in order to relieve the country's dire humanitarian plight. The Government of Burundi has also been persistently pressed by the broader international community to dismantle the existing regroupement camps. On 28 May 1997, I wrote to President Buyoya expressing my own concern about these camps and urging him to take concrete actions to start phasing out those in secure areas. The President replied that regroupement was not a policy but a temporary measure to ensure the safety of people in certain areas of the country. He reaffirmed his pledge to dismantle the camps located in areas where relative security has again been attained. However, only one small regroupement centre has been dismantled to date. The intention of some provincial officials to dismantle camps only to create smaller ones closer to the homes of the regrouped have caused consternation among the aid community and led many observers to conclude that the Government is unlikely to fully abandon the regroupement policy in the foreseeable future. The United Nations continues to provide humanitarian assistance to regroupement camps but only on the basis of assessed needs and under strict monitoring.

23. As far as refugees are concerned, about 130,000 have returned since 1996. While many of these refugees have returned spontaneously to safe areas in Burundi, the Office of the United Nations High Commissioner for Refugees (UNHCR) reports that 150 to 200 are fleeing daily from the Bururi and Makamba provinces to the United Republic of Tanzania out of fear of being caught in the fighting in these provinces.

VI. MEDIATION EFFORTS

24. National and international political mediation efforts have continued throughout the period under review, and although some important positive developments have taken place, a significant breakthrough has yet to be achieved. Mediation efforts have followed three linked but distinct tracks:

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the ongoing regional mediation effort led by former Tanzanian President Julius K. Nyerere; the talks between the Government and CNDD under the auspices of the San'Egidio Community in Rome; and the more recent United Nations and Organization of African Unity (OAU) decision to appoint a Joint UN/OAU Special Representative for the Great Lakes Region.

25. Former President Nyerere remains the principal international Mediator for the conflict in Burundi, and the focal point for international efforts to achieve a ceasefire and bring about comprehensive political negotiations among the parties. A cessation of hostilities in Burundi has continued to be a matter of high priority for the international community, while the Government of Burundi has repeatedly stressed the need to reassess the economic sanctions imposed on the country. At a meeting in Lomé, during the course of the Summit Meeting of the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution, held on 26 and 27 March 1997, President Buyoya made the case for lifting the sanctions. To all of his interlocutors, he conveyed his strong belief that sanctions not only hurt the more vulnerable segments of the population but also hindered national reconciliation and strengthened the extremists.

26. Ahead of the Fourth Arusha Regional Summit, which was to be convened on 16 April 1997 to review economic sanctions against Burundi, former President Nyerere took the initiative to invite Burundi political parties for another round of talks. Although several parties welcomed the initiative, others expressed lack of confidence in the Mediator and declared that no talks were possible unless economic sanctions were lifted. The Arusha Summit itself, attended by President Buyoya, called upon the Government of Burundi and all the parties to the conflict to take steps to urgently create the necessary environment for negotiations and national reconciliation. The Summit also decided to ease some of the sanctions and agreed on the need to ensure the speedy and efficient implementation of the exemptions provided for humanitarian assistance. The participants declared their readiness to suspend all sanctions once there was movement in the negotiations.

27. At a follow-up meeting on 10 May 1997 in Kampala, no agreement was reached on the list of products to be exempted from the regional sanctions regime. At the end of June, the Government of Burundi expressed its disappointment that sanctions had still not been eased, and its concern that the embargo was exacerbating tensions in the country. On 27 June, the Government of Kenya decided to lift the fuel and travel embargo against Burundi, for humanitarian reasons. A number of countries in Central Africa are gradually lifting the embargo as well.

28. While discussions on sanctions and their possible relaxation were going on, representatives of the Government and CNDD were engaged, with the blessing of Mwalimu Nyerere, in direct secret talks under the auspices of the San'Egidio Community in Rome. Despite a difficult start and after various problems had been overcome, the two-party talks concentrated on the need to stop the fighting in Burundi and to secure a permanent ceasefire. On 10 March 1997, both parties agreed on the broad agenda that should guide their talks. The agenda included the following items:

- (a) The restoration of constitutional and institutional order;
- (b) Issues related to the Burundi armed forces and police;
- (c) The suspension of hostilities;
- (d) The administration of justice, including the creation of an international criminal tribunal to try acts of genocide and political crimes;
- (e) The identification and involvement of other parties in the negotiation process;
- (f) A permanent ceasefire;
- (g) Guarantees for the respect and the implementation of the agreement.

29. The public announcement on 13 May of the agreement and confirmation of the secret talks between the Government and CNDD drew harsh criticism from many sectors of Burundi society, across the political spectrum. Those not represented in Rome felt excluded from the discussions, which they felt should have taken place in a wider, multi-party environment. Trade unions, student organizations and some political groups condemned the talks out of fear that concessions made to the Hutu opposition, particularly CNDD, might compromise their own political viability. Opposition to the process begun in Rome has continued to mount among extremists and has compelled President Buyoya to engage in an intensive campaign throughout the country. By contrast, reactions from the opposition were more positive. The Speaker of the Assembly took a strong position in favour of the Government.

30. On 21 May 1997, President Buyoya wrote to former President Nyerere outlining the various steps the peace process in Burundi should follow and asking him to organize as soon as possible all party negotiations under the Mwalimu's auspices. He also reaffirmed his readiness to work closely with him to organize these negotiations. Efforts by the Mediator to convince the various political parties to accept all-inclusive political talks under his aegis have yet to succeed. In preparation for these multi-party talks, which are now scheduled for the end of July, former President Nyerere dispatched on 5 July a mission to Burundi to take stock of the political situation and encourage all parties concerned to participate in the negotiations.

31. In order to consolidate the ranks of those who are for peace, it is imperative that opportunities for dialogue and debate, both within civil society and between political parties, be created and promoted. In this connection, I have instructed the United Nations Office in Burundi to support all initiatives aimed at promoting peace and reconciliation among the population, including the national debate and the activities of the Speaker of the Assembly. In this regard, it is important to mention that the United Nations Office has played a constructive role in promoting dialogue and reconciliation among the major political actors, particularly during tense periods, and has maintained good working relations with the Government and the Parliament. It has also kept me fully informed of the major developments in Burundi. As I informed the Security Council on 25 June, I intend to strengthen this Office by the appointment of a

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senior official and one additional political affairs officer, in order better to support the peace process in Burundi.

32. In support of the efforts of the Mediator and of the process begun in Rome, the Security Council on 24 January 1997 approved a joint proposal from myself and the Secretary-General of the Organization of African Unity, Mr. Salim A. Salim, to appoint Ambassador Mohamed Sahnoun as our Joint Special Representative for the Great Lakes Region, with priority attention to be given to Congo (ex-Zaire) and Burundi. Ambassador Sahnoun, who has visited Burundi several times, continues to follow events in that country very closely. He developed a relationship of trust with many of the actors inside and outside Burundi and particularly with President Buyoya, with the Speaker of the Parliament and with former President Ntibantunganya. He played a very important facilitative role on the eve of the Fourth Arusha Summit. In addition to meeting with Mwalimu Nyerere and President Mkapa in Dar es Salaam, Ambassador Sahnoun consulted in Arusha with President Buyoya and with all the parties who were present there. His contributions have been appreciated by all.

VII. OBSERVATIONS

33. President Buyoya's determination to pursue all-inclusive negotiations has resulted in improved relations between the Government and those who are interested in advancing a negotiated and peaceful settlement of Burundi's conflict. I am particularly encouraged by the new willingness shown by President Buyoya and his Government to cooperate with a variety of international actors in order to help find solutions to Burundi's persistent problems, and by the gradual rapprochement between the President, the Government and the National Assembly. Should these positive trends continue, Burundi will be able to establish the conditions necessary for the further easing of sanctions. The stubborn and unrelenting opposition to any kind of political settlement must not be allowed to close the promising window of opportunity that has opened.

34. The efforts of former President Nyerere to induce the different political parties to meet at the negotiating table will continue to receive my full support. Despite the difficulties and reservations expressed by certain parties, it is clear that he will continue to play an important role in promoting a comprehensive settlement of the conflict in Burundi, since he enjoys the confidence of the Heads of State of the region. With the appointment of the Joint UN/OAU Special Representative for the Great Lakes Region, I hope that new impetus will be given to efforts by the international community to address the underlying causes of conflict and instability in Burundi.
