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12 March 2008

BDI 102765.FE

Burundi: Whether Tutsis, particularly young Tutsis, are victims of mistreatment (2006 - February 2008)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to the International Crisis Group (ICG), interethnic relations have markedly improved in Burundi (28 Aug. 2007, I). However, a report by 140 women's organizations working toward the peaceful resolution of conflicts states that [translation] "'the transition to lasting peace, long awaited after more than a decade of civil war, remains elusive'" (PANAPRESS 4 Feb. 2008). In addition, in correspondence sent to the Research Directorate, the Director of a human rights non-governmental organization (NGO) stated that there has not yet been a reconciliation in Burundi and that the country is still battling interethnic tensions that are more serious and urgent than those in the neighbouring country of Rwanda (Director 10 Feb. 2008).

Renewed violence in Burundi has also been reported by other Burundian observers (LDGL 6 Feb. 2008; Burundi Réalités 2 Feb. 2008; *ibid.* 23 Jan. 2008; ABP 1 Jan. 2008; Burundi Réalités 25 Jan. 2008). The province of Bubanza has reportedly seen a resurgence of violence since December 2007 (*ibid.*). According to Martin Nduwimana, the former vice-president of Burundi, who was interviewed by the Rwanda News Agency, the insecurity is largely caused by crime and by the Palipehutu-FNL [Party for the Liberation of the Hutu People-National Liberation Front (Parti pour la libération du peuple hutu-Forces nationales de libération [ICG 28 Aug. 2007, I])], which is in negotiations with the government (Rwanda News Agency 14 Feb. 2008).

A number of NGOs, including the International Federation for Human Rights (Fédération internationale des ligues des droits de l'homme, FIDH) and the Burundian Human Rights League ITEKA (Ligue burundaise des droits de l'homme ITEKA, Ligue ITEKA), signed a joint statement on 14 February 2008, in which they criticized the [translation] "frequency and the regularity of numerous acts of armed banditry, targeted and premeditated killings, and other crimes sometimes committed with the complicity of some public officers responsible for ensuring public safety" (FIDH 14 Feb. 2008). The targets generally appear to be people suspected of opposing the party in power and supporters of the Palipehutu-FNL (Radio publique africaine 26 Jan. 2008; Ligue ITEKA May 2007). According to an interview on Radio publique africaine that was posted on the website of the British Broadcasting Corporation (BBC), death squads have targeted members of the opposition and of the Palipehutu-FNL (26 Jan. 2008). These sources do not indicate whether particular ethnic groups are victims of these acts of violence. In addition, according to the Ligue ITEKA, since 31 July 2006, Burundi's National Intelligence Service (Service national de renseignement, SNR) has arrested political figures who, in the government's opinion, [translation] "are preparing to overturn elected democratic institutions" (Ligue ITEKA May 2007, 59).

Treatment of the Tutsi ethnic group

Tutsis make up 14 percent of Burundi's population (US 12 Feb. 2008, "Ethnic groups"; *Encyclopedia of the World's Minorities* 2005, 254), and, under Law No. 1/015 of 20 April 2005 Establishing the Electoral Code (*Loi n° 1/015 du 20 avril 2005 portant code électoral*), Tutsis can hold no more than 40 percent of the seats in the national assembly (Burundi 20 Apr. 2005). The Hutu majority therefore formed the elected government in July 2005 (US 12 Feb. 2008, "Legislative Branch"). According to the *World Police Encyclopedia*, two new laws

establishing the Burundian army and the police forces stipulate that they will be made up of equal numbers of Tutsi and Hutu officers (2006, 143-144).

Since little information was found among the published sources consulted by the Research Directorate, the information in the following paragraphs comes primarily from correspondence. According to much of that correspondence, Tutsis are no longer victims of mistreatment because of their ethnicity (Professor of political science 8 Feb. 2008; Professor of law and politics 8 Feb. 2008; Researcher 8 Feb. 2008).

According to a professor emeritus of political science at the University of Florida, the 2005 elections in Burundi put the country on the road to multiparty democracy, and ethnicity is no longer at the heart of political conflicts (Professor of political science 8 Feb. 2008). The traditional interethnic clashes between Hutus and Tutsis have reportedly been replaced by a power struggle among Hutus (ibid.; ICG n.d.). The Professor Emeritus stated, however, that personal hatred based on ethnicity may resurface (Professor of political science 8 Feb. 2008). The *Africa Research Bulletin* indicates that divisions within the CNDD-FDD [National Council for the Defence of Democracy-Forces for the Defence of Democracy (Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie [ICG 28 Aug. 2008, i])], the ruling political party (US 12 Feb. 2008, "Legislative Branch"), have created fears that relations would become strained once again (1-31 Aug. 2007, 17195).

A professor of law and politics at the University of Antwerp stated that [translation] "the status of ethnicity as a marginal political factor remains fragile" (Professor of law and political science 11 Feb. 2008). In addition, according to the NGO Director,

[t]he current regime is Hutu-led, ending years of Tutsis minority rule and political repression. This fundamental shift in the ethno-political balance of power places Tutsis in a certain position of vulnerability (whether this vulnerability is real or only perceived remains to be seen). In spite of the recent positive developments in Burundi the possibility of regression back into cycles of ethnic violence and retribution is still substantial. ... [G]iven the highly polarised political situation and the overall weakness of the state in Burundi, it seems quite plausible that Tutsis are now being discriminated against and targeted on the basis of their ethnic identity (Director 10 Feb. 2008).

A professor of criminal law at the University of Burundi and the President of the Movement PA-Self-Defence Forces of Amasekanya (Mouvement PA-Puissance d'Autodéfense-Amasekanya), a Tutsi organization, both stated that Tutsis are still mistreated because of their ethnicity (Mouvement PA-Puissance d'Autodéfense-Amasekanya 16 Feb. 2008; Professor of criminal law 10 Feb. 2008).

The Professor of criminal law added that since the 2005 elections, the [translation] "number of Tutsis killed has decreased slightly, but the killings have not stopped completely" (ibid.). However, the professor did not specify the circumstances surrounding these deaths or the identities of the perpetrators of the crimes. According to the Professor, Burundians [translation] "who are involved in the movements calling for the prosecution of the people behind the genocide of Tutsis in 1993 ... or those who testified against Hutus during the trials of the perpetrators of the massacres" of 1993 are targeted specifically (ibid.). He added that other Tutsis are also mistreated [translation] "solely on the basis of ethnic hatred" (ibid.). This information could not be corroborated among the sources consulted by the Research Directorate.

The treatment of young Tutsis

The NGO Director told the Research Directorate that he had no information indicating whether young Tutsis as a group are more at risk of being subjected to violence (Director 10 Feb. 2008). According to the Professor of law and politics and the Professor of political science, young Tutsis are not specifically targeted (Professor of law and politics 8 Feb. 2008; Professor of political science 8 Feb. 2008). A representative of the Ligue ITEKA stated that [translation] "there are no examples of young Tutsis being specifically targeted and murdered" (19 Feb. 2008).

However, according to the Professor of criminal law at the University of Burundi, boys in particular are victims of mistreatment (10 Feb. 2008). This information could not be corroborated among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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