



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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12 June 2009

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Burundi: Whether former Hutu rebels occupy land belonging to Tutsis; treatment of people who try to recover their land; protection provided, including the legal procedure for recovering land  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

An article published by the Rwanda News Agency (RNA) on 21 June 2007 indicates that three groups of people experience land problems: 1972 returnees, 1993 returnees and internally displaced persons (IDPs). According to the Centre d'alerte et de prévention des conflits (CENAP), a Burundian non-governmental organization (NGO) specializing in conflict analysis and prevention, the terms used to refer to victims of the 1993 crisis are usually ethnically based: *déplacés* [displaced] refers to Tutsis, and *réfugiés*, *rapatriés* and *dispersés* [refugees, returnees, and dispersed people] refer to Hutus (CENAP 5 July 2006).

In a 14 May 2009 telephone interview with the Research Directorate, a representative with the Ligue burundaise des droits de l'homme ITEKA (Ligue ITEKA), a Burundian human rights NGO, stated that some IDPs are Tutsi-victims of the anti-Tutsi reprisals organized by Hutu rebel movements following the 1993 assassination of Hutu president, Melchior Ndadaye (Ligue ITEKA 14 May 2009; see also International Crisis Group 7 Oct. 2003 and CENAP 5 July 2006). The Ligue ITEKA Representative explained that in some areas, Hutu rebels, who target mainly Tutsi populations, have committed acts of violence, particularly looting, massacres and [translation] "actual manhunts," thereby forcing civilians to flee their homes, which the rebels then occupy (ibid.; see also HRW 8 Apr. 1998).

In a 14 May 2009 telephone interview with the Research Directorate, a representative of the Central African Media Organization (Organisation des médias d'Afrique centrale, OMAC), an NGO that brings together associations of media companies and professional journalists from Central African countries (OMAC n.d.), stated that Hutu rebels also went after Hutus who did not support their cause. However, according to the OMAC Representative, unlike the Hutus, most of the Tutsi IDPs who lost their homes and possessions as a result of the 1993 crisis recovered them because they [translation] "received preferential treatment from the mostly Tutsi authorities" (OMAC 14 May 2009; see also CENAP 5 July 2006; LDGL 28 Feb. 2007 and GRAPAX Apr. 2005). Because of security problems, other Tutsis were not able to return to their lands (ibid.; CENAP 5 July 2006). According to the International Crisis Group, [English version] "To one degree or another, all these refugees and displaced persons ... have been the victims of land expropriation" (7 Oct. 2003). On that point, the International Crisis Group also writes:

[English version]

... There is scope for both Hutus and Tutsis to engage in a political bidding war over the restitution of land to refugees and displaced persons and over insufficient or late payment of reparations and compensation to expropriated or resettled families.

The foreseeable disappointment of a large number of refugees who will be unable to recover their property offers ideal political opportunities for the one rebel group still not involved in the peace process: Agathon Rwasa's Party for the Liberation of the Hutu People, otherwise known as the National Liberation Forces (PALIPEHUTU-FNL). (ibid.)

According to the Great Lakes Region Human Rights League (Ligue des droits de la personne dans la région des Grands Lacs, LDGL), an NGO that promotes human rights and fundamental freedoms in the Great Lakes countries (LDGL 12 June 2005), the property that the refugees and displaced people abandoned [translation] "has been allotted to other citizens, looted by neighbours who stayed in the country, or confiscated by the state in the name of the public interest" (LDGL 28 Feb. 2007; see also RNA 21 June 2007).

### Legal procedures for recovering land

During a presentation on the results of a study on land issues and alternative solutions to the challenges of reintegrating victims in Burundi, Yves Sahinguvu, First Vice-President of Burundi, stated that the management of the lands issue was extremely difficult in Burundi (UN 24 Sept. 2008; see also OAG Apr. 2007 and UN 23 Nov. 2006). According to the First Vice-President, conflicts over land account for the majority of cases filed in the courts; in 2006 the Burundian government created a commission on land and other properties (Commission nationale des terres et autres biens, CNTB) to deal with the issue (ibid. 24 Sept. 2008; see also RNA 21 June 2007). According to the LDGL, the CNTB's mandate is to [translation] "resolve land issues among returnees, displaced people and land occupants" (28 Feb. 2007). The CNTB is also working to provide land for people who have none (LDGL 28 Feb. 2007). The CNTB fosters [translation] "dialogue and grassroots cooperation" (ibid.) and [translation] "amicable solutions" (RNA 21 June 2007). Under the Arusha Peace and

Reconciliation Agreement for Burundi, in addition to restoring property to returnees, the CNTB must ensure [translation] "reconciliation among the groups, as well as peace in the country" (LDGL 28 Feb. 2007). Emphasizing that the land crisis in Burundi is far-reaching, the President of the CNTB referred to a 2005 inquiry by Caritas that listed 33,746 land disputes (RNA 21 June 2007). The CNTB reportedly received 371 complaints about land matters (ibid.). According to Refugees International, a Washington, DC-based NGO that provides advice on issues surrounding refugees and displaced persons (Refugees International n.d.), besides being inundated, the CNTB has limited powers since its decisions can be challenged in the courts, which are already overwhelmed by the number of land disputes (ibid. 1 Oct. 2008). According to the RNA, land disputes involving 1972 returnees are the most difficult to resolve, because, according to the CNTB President, there are two types of legal property owners: first, those who acquired land through birth; second, those who received it from the government (21 June 2007).

In his 27 November 2008 speech at the opening of a workshop on the country's land code project, which is posted on the Burundi government website, Burundi's president, Pierre Nkurunziza, states that the existing land code, which dates back to 1986, is no longer suitable for the current reality (Burundi 27 Nov. 2008). Referring to statements from judges and quoting from the land code, an article published by the LDPG on 28 February 2007 indicates the following:

[Translation]

returnees are penalized by certain principles, such as [protection of property] (whereby someone who occupies another person's land continues to hold that property until the courts render a decision) and the 30-year provision under section 29 of the land code: "Anyone who acquires property and occupies it for 30 years acquires it by prescription. The dubious practice of holding property by proxy cannot serve as the basis of this prescription" (see also UN 23 Nov. 2006 and RNA 21 June 2007).

According to the RNA, many people resort to this provision of the code to resolve land disputes and encounter problems of [translation] "interpretation and conflict management" (21 June 2007). One source adds that few people know their rights and that most of them cannot afford a lawyer (UN 23 Nov. 2007).

However, Ligue ITEKA and the international NGO Lawyers Without Borders are providing legal assistance to expropriated landowners to help them recover their property or obtain compensation (*Le Potentiel* 11 June 2007).

According to Refugees International, the government has committed to building new villages for the most vulnerable returnees who cannot recover their property and for some vulnerable families who are still displaced within the country (1 Oct. 2008). For example, a [translation] "peace village" of 98 houses was built in Muriza, in the province of Ruyigi, to accommodate women-headed households (ibid.). This housing program is an [translation] "emergency response" on the part of the government to reintegrate people who cannot be resettled individually in dispersed rural areas (UN and Burundi 1 Aug. 2008).

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 sources consulted in researching this Information Request.

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