

Central Africa Briefing

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UNBLOCKING BURUNDI'S PEACE PROCESS: Political Parties, Political Prisoners and Freedom of the Press¹

A. OVERVIEW

Burundi's two-year-old peace process has arrived at a critical stage. The mediator Nelson Mandela, on his latest visit to Bujumbura on 12-14 June, reiterated his support for rebel demands that President Pierre Buyoya's government release all political prisoners regardless of their crimes and restore the rights of political parties. In March he also called for the restoration of press freedoms and the disbandment of all regroupment camps. Only on this last issue has compromise been reached, with Burundi's government promising to close the camps by 31 July. The government argued that the issue of prisoners was more complex than it might appear at first glance and blamed Tanzania's facilitation team and certain Hutu parties for spreading propaganda. President Buyoya regards – as do the majority of Tutsis – those in jail to be armed bandits and terrorists who participated in the massacres following the assassination of President Melchior Ndadaye in October 1993.

At a time when the peace process is in its final phase, Nelson Mandela's demands on the Burundian government are justified for several reasons. First, President Buyoya, who seized power for the second time in a July 1996 military putsch, must show a sign of good faith to earn his place in the post agreement transition period. Secondly, all rebel groups must be brought into the peace talks and their demands considered. There can be no credible negotiations while rebel supporters languish in Burundi's prisons on grounds that they present a threat to state security. Thirdly, there cannot be constructive dialogue with political parties whose activities are proscribed by the authorities. Finally, press freedoms are important because debate is essential for the success of the process and chances for an accord will remain in jeopardy unless the population is fully informed of progress in Arusha.

To a certain extent the issues raised by Nelson Mandela on prisoners, parties and press should be the result of the negotiations themselves rather than a prerequisite. However, the government must respond in some measure with gestures of

¹ The present briefing previews detailed research findings contained in a forthcoming report on the Burundi peace process by the International Crisis Group. The full report is scheduled for publication at the end of June.

compromise, to reach out to Burundi's population and force debate on the changes expected in the transition period. The demands were made to strengthen the peace process by permitting the participation of the rebels and of the Burundian people. In this debate, the government's reluctance is not without foundation. The government points out that Mandela's strategy to fully support the demands of Hutu-dominated parties and factions risks alienating Tutsis. It also feels that it is unfair to apply pressure to only one party to the conflict. However this does not absolve the government from the duty to show good faith at this critical moment.

B. POLITICAL PARTIES: PURGE, SPLITS AND CRACKDOWNS

FRODEBU, winner of the 1993 elections, accuses the government of being authoritarian and harassing its opponents. On the other hand, the government accuses FRODEBU of civil disobedience and ethnic mobilisation. While this polarisation reflects the hardline positions taken by both sides in this final stage of the process, two paradoxes should be kept in mind. First, the parties opposed to the current regime were in fact given the chance to emerge during the democratisation process initiated by Buyoya himself in 1990. But since 1994, they have become both the promoters and beneficiaries of the civil war. The majority of them used violence in order to gain government positions in 1994. Furthermore, none of them can be considered as being committed to the defence of democracy or human rights.

Second, none of the parties in Burundi have fresh ideas that will contribute to a peaceful future for the nation. Instead the President and the other parties engage in petty politicking, manipulation and dangerous posturing clearly intended to pander to their constituencies and secure the best outcome for themselves in peace talks. This has led Buyoya to purge the ruling party UPRONA of its anti-Arusha faction, to crack down on his radical Tutsi opponent PARENA, and to grant the police, armed forces and administration impunity in their harassment of FRODEBU militants. It has also led the other parties to divide themselves and drift from one alliance to another, sometimes with no aim other than the removal of Pierre Buyoya.

C. WHICH FREEDOM FOR WHAT MEDIA?

Control of the media is a deeply rooted, shared obsession among Burundian politicians. The government, its allies and the opposition are equally responsible for the state of the media today, which is routinely partisan and defamatory.

Due to the government's heavy-handed control of the press and its occasional reluctance to have its role in the Arusha process publicised, the media has failed to keep the public informed. When press freedoms were curtailed in 1996, this was done on the justification that the partisan private media, which had since 1993 often incited violence through messages of ethnic hatred, needed to be stopped. The government maintains that the coercive restrictions still in force are necessary, but they are also using this argument to control what people are told about Arusha.

Today, a radical change in media policy is required to prepare the population for a peace agreement and to pave the way for the return of exiled political leaders. The airwaves must be opened up to all parties and employed to support, through healthy and broad debate, the process of national reconciliation and reconstruction.

D. THE QUESTION OF POLITICAL PRISONERS

The debate over political prisoners strikes at the very heart of the conflict in Burundi because it is about guilt. Each side holds diametrically opposed views of who is at fault for the violence of the past thirty years. Each side accuses the other of 'genocide': the Hutus point to the events of 1972, while the Tutsis focus on those of 1993. And yet for peace to take hold they must find a way to come to terms with the past. No lasting reconciliation between the parties is possible without a means to assign guilt, assess punishment, and secure the future rule of law. But already dangerously politicised, the issue risks to become a deal-breaker if a moderate compromise is not found soon.

There are in fact no prisoners of conscience in Burundi in the traditional sense of the term. Many of those currently held are guilty of heinous crimes. Nevertheless there are other prisoners who are held solely for political reasons. For many, the mere suspicion of being involved in the 1993 massacres, or being a supporter of armed rebellion was reason enough for their arrest and pre-trial detention lasting years. In May 2000, more than 6500 prisoners were still in detention awaiting trial.

Now that the time for compromise has arrived, the government needs to admit this unpleasant truth. The government cannot release all prisoners without weakening the future rule of law in Burundi and alienating most Tutsis. But it can and should release some.

E. RECOMMENDATIONS

To the Mediator Nelson Mandela

On the issue of political parties:

1. Demand from the Burundian Government the immediate, strict and total implementation of the June 1998 'Acte constitutionnel de transition' measures regulating the activities of political parties, such as Article 60, which allows for party meetings at communal, provincial and national levels.
2. Immediately disqualify from the negotiations and bar from the transition's institutions all individuals who in future resort to defamation, propagation of ethnic hatred, or the use of violence.

On the media:

3. Demand from the government the immediate, unconditional and equal access to official media for all political parties and armed rebel groups.
4. Include in the peace accord and transition plan a policy to keep the public fully informed of the details of the process.

On the issue of political prisoners:

5. Accept the release of some prisoners as a significant gesture of compromise from the government, such as those who have supported rebellion without being accused of bloodshed. And in return for that:
6. Demand the implementation of a ceasefire as soon as these prisoners are released.

To the Government of Burundi

On the issue of political parties:

7. Implement fully and equitably the June 1998 "Acte constitutionnel de transition" measures regulating the activities of political parties, such as Article 60, which allows for party meetings at communal, provincial and national levels.

On the media:

8. Grant immediate, unconditional and equal access to official media for all political parties and armed rebel groups.

On the issue of political prisoners:

9. Release a significant number of prisoners, such as those who have supported rebellion without being accused of bloodshed.

To the Burundi Donor Community

On the media:

10. Give support to training programs for local journalists and the media efforts to explain the details of the peace agreement and transition process.
11. Support, as part of the peace accord, the creation of independent and non-partisan media.

On the issue of political prisoners:

12. Support the process of completing the investigations of all remaining prisoners' cases so that they can be brought to trial before 31 December 2000.
13. Support the rehabilitation of all released prisoners.
14. Mobilise funds and experts for the international judicial commission and the National Truth and Reconciliation Commission so that their work can start immediately after the agreement is signed.

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