

# Policy Brief

## Sincerity of Burundi's Commitment to TJ under Scrutiny as TRC Commissioners Sworn In; Four-Year TRC Mandate Officially Begins

**Impunity Watch** is a Netherlands-based, international non-profit organisation seeking to promote accountability for atrocities in countries emerging from a violent past. IW research into the root causes of impunity and obstacles to its reduction that includes the voices of affected communities to produce research-based policy advice on processes intended to encourage truth, justice, reparations and the non-recurrence of violence. We work closely with civil society organisations to increase their influence on the creation and implementation of related policies.

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### Summary

On 10 December 2014, the four-year mandate for Burundi's Truth and Reconciliation Commission (TRC) officially began as 11 Commissioners took the oath of office and were sworn in by the Burundian National Assembly. This historic step marks the official beginning of one of the key transitional justice (TJ) mechanisms provided for in the Arusha Peace and Reconciliation Agreement of 2000. The swearing in ceremony followed the election on 3 December 2014 of the 11 Commissioners and a Presidential Decree of 8 December 2014 nominating those 11 members, seven months after the President signed the law for the creation, operation and mandate of the TRC on 15 May 2014. In this short Policy Brief, IW explores the context that preceded these developments, some of the challenges that TJ processes such as the TRC will face in Burundi, and highlights a number of key concerns that are consequently raised. The establishment of national TJ mechanisms and their accompaniment by localised processes of TJ would present a real opportunity for Burundi to take the necessary steps to deal with its violent past, characterised by alleged war crimes, crimes against humanity and genocide. Yet in the current socio-political context – where the CNDD-FDD of incumbent President Pierre Nkurunziza maintains a tight grip of power, where opposition political parties are weak and divided, and where civil society organisations working on TJ have been largely ineffective in holding the government to account – there is a very real danger that TJ will be instrumentalised for the good of a few, rather than for the benefit of the masses.

**Arusha Peace and Reconciliation Agreement 2000, Protocol II (Democracy and Good Governance), Chapter I (Constitutional Principles of the Post-Transitional Constitution), Article 18 (Combating impunity during the transition)**

Article 18(2): *In accordance with Protocol I to the Agreement, a National Truth and Reconciliation Commission shall be established to investigate human rights abuses, promote reconciliation and deal with claims arising out of past practices relating to the conflict in Burundi.*

**A de facto Amnesty for Serious Crimes under International Law**

Stef Vandeginste demonstrates how Burundi's legal regime has managed to comply with, and simultaneously circumvent, the international prohibition of amnesty for international crimes. See Vandeginste, S. (2011) *Bypassing the Prohibition of Amnesty for Human Rights Crimes under International Law: Lessons Learned from the Burundi Peace Process*, Netherlands Quarterly of Human Rights 29(2): 189-211.

## Burundi's History of Violence

After decades of violent colonial rule that divided the population, independence on 1 July 1962 was met with an almost immediate scramble for power in Burundi.

Divisions at the political level divided Burundi's two main ethnic groups, the majority Hutu and the Tutsi, producing conflicts over political and economic power further muddied by clan and regional divisions. The violence that eventually ensued saw the assassination of a Prime Minister in 1965 and the first of a series of coups d'état by Tutsi army captains in 1966. A pattern of Hutu revolts, met with violent reprisals by the Tutsi-dominated army, had become commonplace by the time the country reached one of its watershed moments in 1972.

In response to a violent Hutu uprising that led to the deaths of large numbers of Tutsi civilians, the army began massacring Hutu *en masse* for a period of around four months in 1972. The systematic targeting of Hutu, in particular the educated Hutu elite, is widely recognised to have constituted genocide. By the time the violence ended, thousands of Hutu had either been killed or had fled the country, leaving almost the entire Hutu elite 'either dead, or in exile' according to Lemarchand.

In the aftermath of the 1972 violence, Tutsi grip on power was consolidated. The UPRONA party, the symbol of Tutsi hegemony and military rule in Burundi, and its one-party violent state were maintained for two decades in spite of numerous coups. By the beginning of the 1990s, a series of reforms were instituted in the face of growing international concern. These reforms led to the first multiparty elections in 1993 that saw the election of the first Hutu President, Melchior Ndadaye of the FRODEBU party, much to the surprise of many UPRONA Tutsi.

Whereas the election of Ndadaye was cause for optimism in the country, Burundi was plunged into civil war just three months into Ndadaye's tenure after his assassination in a failed coup attempt by a group of army officers. Violence perpetrated by Hutu civilians against Tutsi civilians in the immediate aftermath of his assassination has been referred to as genocide by a UN Commission of Inquiry. The widespread violence that followed, known locally as *la crise*, initially pitted Hutu rebel groups against the Tutsi-dominated security forces, but soon descended into chaos, with rebel movements engaging in violence against one another. After seven years of violence the Arusha Peace and Reconciliation Agreement was signed in 2000. The Arusha Agreement did not however bring an end to the civil war, as the two main rebel movements – the CNDD-FDD and the Palipehutu-FNL – refused to sign.

A new transitional government nonetheless pushed ahead, eventually signing a ceasefire agreement with the CNDD-FDD and laying the foundations for elections in 2005. Incumbent President, Pierre Nkurunziza was subsequently elected by Parliament to the presidency as leader of the CNDD-FDD, having been converted to a political party under the terms of the ceasefire. The remaining rebel movement, the Palipehutu-FNL, officially disarmed in 2009. Known now only as the 'FNL', the group was also transformed into a political party.

Estimates of the number of persons killed during the civil war put the figure in the hundreds of thousands.

Today, Burundi remains one of the poorest countries in the world, beset by continued instabilities, widespread corruption, human rights abuses and deep historical divisions. The current political landscape remains dominated by the CNDD-FDD after Pierre Nkurunziza's re-election in 2010 amid claims of violence and intimidation that led the majority of opposition parties to pull out of the election claiming fraud and/or fleeing into exile. This decision by the opposition ultimately proved somewhat misguided as the opposition has since been relegated to the outside of the political arena, simply looking in while the CNDD-FDD strengthens its house.

Since a series of political crises at the beginning of 2014, including one that effectively dismantled the legitimacy of the power-sharing coalition between the CNDD-FDD and the UPRONA party in place since 2010, the CNDD-FDD has further consolidated the grip that it maintains on power. This has been achieved through the increased use of violence and intimidation by the party's youth wing, the Imbonerakure<sup>1</sup> as well as tighter restrictions imposed on the political opposition and civil society. As the end of 2014 approaches, preparations have begun in earnest behind the scenes for next year's elections during which it is widely speculated that President Nkurunziza will seek a third consecutive term in power.

### Forgiveness, Reconciliation and Pardons According to the TRC Law of 15 May 2014

#### Article 6(3)(c)

Among the duties of the Commission are to publish: “a list of victims who have pardoned as well as authors, who received forgiveness.”

#### Article 6(4)(b)

Among the duties of the Commission are to offer: “the establishment of an action scheme to promote a forgiveness and reconciliation program.”

#### Article 64

“In cases of a reunification and reconciliation between victims and perpetrators, the Commission shall develop a procedure by which victims can pardon authors who ask and express regret. The Commission proposes to the Government a program of actions that promotes reconciliation. These actions are based on cultural values and aimed at civic education.”

Recent developments with respect to TJ cannot be seen in isolation from this context and the CNDD-FDD dominated political landscape. There are well-founded concerns that the TRC could be used as a political tool to persecute the political opposition, to protect the CNDD-FDD (and the President) from scrutiny, and to therefore even further consolidate the CNDD-FDD’s control, should they win next year’s elections as is widely anticipated.

### Progress towards Transitional Justice

Since 2011, Burundi has slowly taken steps towards the establishment of the TJ mechanisms provided for under the Arusha Peace and Reconciliation Agreement of 2000.

A culture of impunity exists in Burundi as a result of the failure to provide redress for the waves of violence and serious crimes under international law committed over fifty years. The legacy of abuse affects the functioning of Burundi’s contemporary institutions, but also remains at the very forefront of collective (ethnic) memories of the past that continue to divide communities. The culture of impunity underpins – and has exacerbated – many of the problems facing Burundi today.

Despite the framework laid down in the 2000 Arusha Agreement for ‘combating impunity during the transition’, until recently little progress was made towards the establishment of the proposed TRC and the international judicial commission of inquiry stipulated at Arusha. After lengthy negotiations since 2000, including two laws on the TRC adopted by the transitional National Assembly in 2002 and 2004 respectively, the proposal to establish a TRC of mixed composition and a special chamber within Burundi’s judicial system emerged in 2005 after the publication of the ‘Kalomoh Report’ by the UN. Over time, the latter was replaced by the idea to establish a special tribunal. However during the years of protracted negotiations, a system of *de facto* amnesty has been put in place, manipulating temporary immunity provisions established at Arusha intended to assist the transition from violence and manipulating a 2003 law ratifying the Rome Statute. In effect, as a result of these two national instruments, no judicial body is competent to try crimes of the past in Burundi.

Negotiations between the UN and the government of Burundi had reached an impasse until an agreement was reached in 2007 to organise National Consultations on transitional justice. Eventually held in 2009, the publication of the final report in 2010 marked the first opportunity that the population had had to give its opinions on the process of transitional justice. Nonetheless, the report and its recommendations have been largely ignored since publication. For example, one of the recommendations of the population was that the TRC Commissioners should consist of members of civil society, which has been ignored, as will be shown below.

Noteworthy findings from the consultations include majority support for a TRC of mixed national and international composition, with a mandate to investigate crimes from 1962 to 2008, and the provision of reparations.

## Truth and Reconciliation Commission

### TRC Laws

The government of Burundi’s sudden announcement in May 2011 that a TRC would be established by 2012 was followed by the appointment of a technical committee in charge of advising the government on the set-up of the Commission. Nominated by the President of the Republic, the committee submitted its report in December 2011, known as the ‘Kavakure report’ after the head of the committee, Minister Laurent Kavakure.

The report included a draft law on the TRC that was examined and critiqued on a number of important points by both national actors and their international partners, including the UN. Many of the criticisms were based on the fact that the draft law fell short of complying with international standards and best practices for truth commissions, and failed to take the desires of the population into account according to the results of the National Consultations. However, advocacy efforts ultimately proved ineffective when, on 14 November 2012, the Council of Ministers delivered a second draft of the law to a ministerial committee, including none of the recommendations and observations made by international and national actors. The ministerial committee subsequently delivered a final, third draft of the law to the National Assembly of Parliament in late December 2012.

After a significant period of inaction, the draft law was tabled and the Burundian National Assembly voted (81 for, 0 abstentions, 1 against, and 26 absentees in the plenary) in favour of the law on the establishment, mandate, composition, organisation and functioning of the TRC on 17 April 2014. The vote on the law in the National Assembly was boycotted by the majority of the parliamentary

### References to Judicial Prosecutions Removed from the Draft Law

Article 5 of the first draft stating that the work of the TRC will not prejudice or adversely affect the establishment and the competence of any future special tribunal charged with prosecuting these crimes has been removed.

Article 6 of the same draft, explaining that the TRC should publish a list of alleged perpetrators, has also been removed in spite of support expressed by Burundians for prosecution and 79% consulted during the National Consultations stating that the TRC should publish such lists. In the same article, reference to the adoption of vetting measures to exclude from positions of power or from electoral processes those persons accused of committing crimes has also been removed.

### Witness Protection under the TRC Law of 15 May 2014

#### Article 48

“In the case of field investigations, the testimonies of victims commence following the promulgation of a law regarding the protection of victims and witnesses.”

opposition. On 28 April 2014, the Senate in turn adopted the bill by 35 votes for, 0 against and 1 abstention. After validation of certain amendments by the Senate, the text was sent by the President of the National Assembly to the President of the Republic, Pierre Nkurunziza on 30 April 2014. The law was signed into force on 15 May 2014 (hereafter, ‘the TRC Law’).

The law does not take into account the recommendations of the National Consultations, nor the many recommendations given by the UN and national and international civil society. In particular, the law falls short in the following areas:

- No reference to judicial procedures and thus the establishment of a Special Tribunal to deal with the serious crimes that Burundi has experienced since its independence, in accordance with international commitments made between Burundi and the UN, and with reference to the Arusha Peace and Reconciliation Agreement 2000.

By itself, this is perhaps not particularly alarming. However, the removal of all reference to judicial procedures from earlier drafts of the law, as well as ambiguous references to pardons, raise cause for concern at the real intentions of the government. Moreover, in several speeches, including during the independence celebrations in July, the President has himself said that the TRC would be the end of Burundi’s TJ process and that, in effect, criminal prosecutions would not be needed.

- The establishment of an inclusive procedure for selection of the TRC commissioners with the involvement of a tripartite committee composed of representatives of the government, UN and civil society.
- The desire expressed by the Burundian population during the National Consultations on the establishment of TJ mechanisms that the TRC should be composed of a minimal presence of political actors and should include civil society and an international presence among the Commissioners.

International involvement has been reduced to a minimum according to the law. As explained below, initial concerns at the selection procedure for the Commissioners have proven well-founded.

- The specific inclusion of a gender dimension through the creation of a special gender unit specified in the law.

A law for the protection of victims and witnesses is still to be established and is a condition according to Article 48 of the TRC law before the Commission can begin field investigations. However, the implementation of safeguards to guarantee the participation of all victims of past conflicts in Burundi, particularly women and other marginalised people and groups, is a key outstanding concern for the TRC to address. The present law fails to fully guarantee these safeguards. Recommendations repeatedly given by different actors on the various drafts of the law before its adoption remain largely overlooked in this regard.

Another cause for concern is that a text of this magnitude failed to attain consensus between the different parliamentary groups in the Burundian National Assembly. Indeed, both UPRONA and FRODEBU-Nyakuri abstained from voting in the belief that their respective concerns and recommendations had not been taken into consideration. In the current, otherwise tense, political context, the timing of the passage of the law and the lack of consensus around the law continue to be troubling.

It should be noted that taken alone, the text of the law in itself would perhaps not have raised as many concerns as it has. However, it is the current political context in Burundi that moves us to question many of the provisions of the law and their motivation.

That said, the law is sufficiently vague in many respects to give significant flexibility to the Commissioners for the proper set-up and functioning of the Commission. To be sure, during the preparatory phase for the establishment of the TRC provided for under Article 51 of the TRC Law, the Commissioners are tasked with a range of duties, including the adoption of governing laws, internal rules, and other measures that include witness protection. This room for manoeuvre could be used by the Commissioners to remedy many deficiencies in the process to date and to ease many of the outstanding concerns that exist for a number of the provisions in the law. This will only be possible, however, if the Commissioners are given full freedom “to perform [their] duties with complete independence, impartiality, dignity and without any discrimination, in order to discover the truth for the purpose of promoting national reconciliation” as their oath of office lays down (Article 19, TRC Law).

### The *ad hoc* selection committee

#### Article 14, TRC Law of 15 May 2014

“Candidates are selected on the basis of free applications by an *ad hoc* joint committee designated by the Bureau of the National Assembly and the Senate Office. This *ad hoc* joint committee draws up a final list of thirty-three candidates.”

#### Article 15

“The *ad hoc* Committee transmits the final list of candidates to the National Assembly, which, by a simple majority determines the 11 members of the Commission and its Bureau.”

### TRC Four Year Mandate

#### Article 4, TRC Law of 15 May 2014

“The term of office of the Commission is four years after the swearing in of Commissioners. This term may be extended once for a period of one year at the request of the Commission.”

### UN Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity, E/CN.4/2005/102/Add.1, 8 February 2005

**Principle 10: Guarantees for Victims and Witnesses Testifying on Their Behalf**  
Effective measures shall be taken to ensure the security, physical and psychological well-being, and, where requested, the privacy of victims and witnesses who provide information to the commission.

## Selection, Nomination & Swearing in of 11 TRC Commissioners

On the evening of Wednesday 3 December 2014, the Burundian National Assembly elected the 11 Commissioners of the TRC. Just one week later, following Presidential Decree No. 100/286 of 8 December 2014 nominating the same list of people, the 11 Commissioners took their oath of office before the National Assembly on 10 December 2014. Swearing to *perform my duties with complete independence, impartiality, dignity and without any discrimination, in order to discover the truth for the purpose of promoting national reconciliation. I pledge to respect the confidentiality obligation prescribed by law on the establishment, mandate, composition, organization and function of the Truth and Reconciliation Commission*, those TRC Commissioners are:

1. Bishop Jean-Louis Nahimana (President)
2. Bishop Bernard Ntahoturi, member of the National Security Council (Vice President)
3. Clotilde Niragira incumbent Minister of Human Rights and former Minister of Justice (Secretary)
4. Clotilde Bizimana, FNL
5. Pascasie Nkinahamira, member of the Central Committee of UPRONA
6. Didace Kiganaha, member of FRODEBU-Nyakuri
7. Libérate Nicayenzi, twa, Senator
8. Bishop Antoine Pierre Madaraga
9. Bishop Onesphore Nzigo
10. Désiré Yamuremye, Jesuit father
11. Sheikh Ali Shabani, Muslim cleric

According to Article 4 of the TRC Law, the swearing in ceremony marks the official commencement of the four-year mandate of the Commission. Unless otherwise extended (the same Article 4 provides that the mandate is extendable for a period of one year only), the TRC is therefore scheduled to conclude its work in December 2018.

Among the 11 Commissioners, religious denominations figure prominently. A total of 6 figures from religious denominations were elected among the 11 Commissioners. The absence of civil society representatives should be noted since this goes against popular wishes expressed during the National Consultation process.

Despite the historic nature of this development, there were a number of irregularities surrounding the initial election by the National Assembly on 3 December 2014.

First, the credibility of the TRC is tainted by the fact that the National Assembly is politically divided. Fourteen UPRONA MPs (out of a total of 17) boycotted the vote, arguing that the TRC law does not take into account the population’s wishes. It should be noted that Article 10 of the 15 May 2014 TRC Law states that the Commission should be “credible in the eyes of the population”.

Second, the integrity of the voting process must be questioned. The National Assembly was tasked with voting on the names of 11 persons from a list of 33. In advance of the vote, rumours circulated that the list of the 11 selected Commissioners had already been decided upon. After the vote, the rumours turned out to be true when the exact rumoured list (in the exact order) was selected.

Third, this voting process suggests that the *ad hoc* commission charged with the pre-selection of 33 candidates from among the 725 applicants, was either a mere symbolic gesture or itself chose the 11 Commissioners. Either scenario would be a clear violation of the law of 15 May 2014. According to Article 15, the law stipulates that the *ad hoc* commission must pass the final list of 33 candidates to the National Assembly for the latter to determine by a simple majority the 11 members of the TRC, as well as its executive office.

These irregularities will make it difficult to prove that the National Assembly is anything other than an institution that rubber stamps decisions taken elsewhere, according to partisan interests rather than the interests of the people.

### Protection measures for witnesses

Many of the victims and survivors consulted by Impunity Watch – and those participating in the National Consultations – have insisted on the presence of international actors in a witness protection unit given their longstanding distrust of the existing security forces within which many alleged perpetrators still hold high-ranking positions. In particular, the fear exists that after exposing presumed perpetrators before the TRC, their life and that of their family could be in real danger.

With the election of a majority of religious figures, combined with the aforementioned provisions in the law concerning pardons, there is real concern that the TRC will not be enabled to exercise its mandate independent of all powers, national or international, nor be neutral in its functioning. Moreover, this predominance of religious figures among the Commissioners may suggest a tendency from the outset to favour pardoning and forgiveness at the expense of truth-telling and criminal justice. In a recent statement, for example, the Conference of Catholic Bishops of Burundi called on the TRC to enable each person who wishes to speak to do so, stating that:

It is in this way that they will open the way to the victims that could lead to the stage in their hearts to forgive, even if no one asks [for forgiveness]. For the perpetrators too, the way would be open to realise the evil they have committed and to be able to ask forgiveness. For victims to accord pardon, and asking for forgiveness by those who recognise themselves guilty of crimes, that is what frees their hearts and that is the only path that leads to true reconciliation.<sup>2</sup>

Such statements, if they come to guide the work of the TRC, risk undermining the basic rights of victims to truth and justice if not operationalised in a manner that does not exclude these basic rights after mass violence. Whereas a number of the Commissioners are known for their compassion, sincerity and integrity, including the TRC’s President, the issue of pardons is still a real concern.

In addition, the election of the incumbent Minister of Human Rights ensures a strong CNDD-FDD presence on the TRC, leaving the TRC open to potential political influence. Criminal allegations against other members of the Commission and/or their past association with the one-party regimes that characterised the country’s history prior to the civil war further demonstrate that in many respects, the TRC’s reputation and credibility is blemished from the outset.

### Key Concerns & Recommendations:

#### To (re)build confidence in the process and to ensure that victims’ rights are guaranteed:

- Article 10 of the TRC Law states that the Commission must be “an independent institution of any national power, neutral in its function and credible in the eyes of the population.” Article 12 states that the Commission will be “composed of personalities known for their honesty, integrity, technical skills and ability to transcend divisions of any kind.” Finally, Article 13 states that the Commissioners shall, inter alia, “not have committed violations of human rights and international law” and “be of good morality and able to promote truth and national reconciliation.” **To begin to ensure credibility in the eyes of the population, an investigation should be initiated against these criteria to examine the integrity of the Commissioners and to ‘vet’ any Commissioners who are independently shown not to uphold these standards.** This investigation may, for example, be initiated by the National Human Rights Commission in Burundi (CNIDH), to include consultations with a selection of the population.
- The credibility of the TRC process has already been tainted by irregularities in the election process for the Commissioners. In addition to the recommended process of vetting the Commissioners, what is now needed is the provision of the resources and the political environment to the Commissioners required for **the exercise of their mandate in full and complete independence of any (national or international) political influence.** This is the only way to (re)build confidence in the sincerity of the process and should be done only after a process of vetting of the Commissioners.
- **The TRC must not be politically instrumentalised, nor used as an instrument for persecuting certain members of the population or groups.** The TRC and the Commissioners must be shielded from the upcoming 2015 electoral process.
- **The TRC must be free to investigate all crimes, regardless of by whom they were committed.**
- **The TRC must enable the inclusive participation of victims and survivors, with special measures for marginalised groups, especially women.** The witness protection law to be agreed by the National Assembly and the witness protection unit to be established by the TRC Commissioners are key tools in this regard.

- **A strong law on victim and witness protection should therefore be enacted;** a process that the international community must closely follow. To enable the participation of women in particular, special gender units among the aforementioned witness protection unit and provisions for recording the testimonies of female victims and survivors of sexual and gender-based must be instituted.
- **Ambiguous provisions on pardons and forgiveness should be clarified in their scope, especially that they cannot preclude the prosecution of international crimes for which amnesty is prohibited, in particular genocide, war crimes, and crimes against humanity.** On several occasions numerous Burundian officials, including the President of the National Assembly during the election of the TRC Commissioners, have used an ambiguous expression to translate into Kirundi the official name of the Truth and Reconciliation Commission. In Kirundi, the term has been translated as the “Truth, Mutual Forgiveness/Pardon and Reconciliation Commission”.

### To the international community:

- **The international community, in particular the UN, should take a formal position on the TRC, reminding the government of its commitments, the wishes of the population, and the government’s obligations under international law.**
- Complete withdrawal by the international community would leave the process exposed to political manipulation. This would have grave consequences for the country’s countless victims and the population at large. **The international community at the very least must ensure strong oversight of the process, politically, and with conditions on any funding provided.**
- International oversight can still be guaranteed by the International Advisory Board, provided for under Section 4, articles 24-26 of the 15 May TRC Law. **The international community and donors should push for a strong presence of key personalities on the Advisory Board, and for the Commissioners to ensure that a robust set of powers is accorded to the Advisory Board to oversee the work of the Commission.**
- This oversight becomes even more crucial with the down-scaling of the UN mission in Burundi and the departure of BNUB. It raises the important issue of **the need to ensure that the new office of the Office of the High Commissioner for Human Rights (OHCHR) is provided with sufficient means to fulfil this mission**, given that it will be thus also charged with monitoring the TRC’s implementation.

A final point of note relates to civil society in Burundi, in view in particular of the relative silence that has met the election of the 11 Commissioners. Resignation at recent developments, pessimism at the authenticity of the process, and fatigue with years of advocating for victims’ rights with little return are perhaps natural responses. Yet **civil society must take a position and must take the lead at this time to push for a genuine process of TJ, rather than waiting for the international community or merely reacting to developments after the fact.**

**Actions on behalf of the UN or the international community that can help to reinvigorate civil society should also be implemented forthwith, including actions that can ensure that they take an active, but critical role in overseeing the TRC.** This includes action to guarantee the safety and protection of those organisations that seek to actively engage in this way, especially in light of the recent overt acts of intimidation against civil society figures and human rights defenders.

Since state institutions have proven time and again that they are incapable of protecting or guaranteeing the rights of victims, and since Burundi lacks any real semblance of a viable opposition, civil society organisations must take up their responsibility as the only actors who can defend the rights of the population and the victims. As the mandate for Burundi’s TRC officially begins, it should be civil society leading the charge to defend victims’ rights, with the support of the international community.

### Notes

<sup>1</sup> This includes allegations that the *Imbonerakure* were being trained and armed in eastern DRC. These allegations led to the imprisonment of Pierre Claver Mbonimpa in May 2014, accused of endangering state security. He was released in September after more than four months on health grounds.

<sup>2</sup> Original in French: “C’est de cette manière qu’ils auront ouvert aux victimes la voie qui pourrait les conduire à l’étape de pouvoir pardonner dans leur cœur, même si personne ne le leur demande. Aux auteurs des crimes aussi, la voie serait ouverte de se rendre compte du mal qu’ils ont commis et de pouvoir ainsi demander pardon. Ce fait pour les victimes d’accorder le pardon et la demande du pardon de la part de ceux qui se reconnaissent coupables des crimes, c’est cela qui les libère dans leur cœur et c’est l’unique chemin qui faire aboutir à l’étape d’une véritable réconciliation.” Message de la Conférence des Evêques Catholique du Burundi, 4 septembre 2014.

Impunity Watch is a Netherlands-based, international non-profit organisation seeking to promote accountability for atrocities in countries emerging from a violent past. IW conducts research into the root causes of impunity that includes the voices of affected communities to produce research-based policy advice on processes intended to enforce their rights to truth, justice, reparations and non-recurrence. IW works closely with civil society organisations to increase their influence on the creation and implementation of related policies. IW runs 'Country Programmes' in Guatemala and Burundi and a 'Perspectives Programme' involving comparative research in multiple post-conflict countries on specific thematic aspects of impunity. The present Policy Brief is published as part of IW's Burundi Country Programme, based in Bujumbura.

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