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**Statement by
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Mr. President
Distinguished Members of General Assembly,
Distinguished Members of different delegations,
Ladies and Gentlemen

Mr. President,

1. This presentation covers my eighth mission to Burundi, which took place from 20 to 26 May 2007.

2. Let me first thank the Government of Burundi for giving me its full support and cooperation during my missions. Because of this cooperation, I have been able to meet and talk to people from all walks of life in Burundi and to visit places which I thought were necessary for my mandate. I would like also to thank the UN Integrated Mission in Burundi (BINUB), United Nations Office of the High Commissioner for Human Rights (OHCHR), UN agencies, the Diplomatic corps and civil society in Burundi for their immense contribution to my work.

Mr President,

3. My eighth visit was concentrated on one agenda item only, namely, solidarity with the people of Burundi in pursuit of their economic and social rights. Toward this end, I deliberately timed my visit to coincide with the roundtable donor conference which was convened by the government of Burundi to solicit assistance to implement its Poverty Reduction Strategy. The aim of this programme is to effectively undertake development activities to bring the country out of the circle of humanitarian assistance.

4. I wanted to be present on this occasion so that I could lobby Burundi's development partners to assist Burundi to get back on its feet, after a decade of conflict in which more than three hundred thousand people perished. I thought that by lending my modest weight to the quest by the ordinary people of Burundi for economic and social development in this way I could underscore two important facts. Firstly, the people of Burundi needed to see the dividends of peace to justify the decision, which they made in 2005 to abandon the bullet for the ballot. Secondly, I wanted to register my deep conviction that, important as civil and political rights are, they ought not to be emphasised at the expense of economic and social rights.

5. Mr. President, the roundtable conference was a resounding success. The donors responded positively by pledging US\$650 million. I want to thank them for opening their hearts and wallets to and for the people of Burundi.

Political Context

6. Tensions within ruling party (the Conseil National de Défense et de la Démocratie- Force de Défense et de la Démocratie, CNDD-FDD) had escalated at the beginning of 2007 because of the arbitrary involvement of the leadership of CNDD-FDD party in the management of the government's affairs. The situation reached a critical point following the replacement of the chairman of the ruling party, Mr Hussein Radjabu, on 7 February 2007 and the dismissal of several senior government officials close to him. The situation has had a negative impact on the human rights situation, and polarized Burundian society to a level that could constitute a threat to the peace process and stability of the national institutions.

7. During my visit, concerns were raised again regarding a general tendency toward corruption and embezzlement, with scandals sometimes implicating high-ranking officials within the Government and the ruling party. Frequent strikes and growing discontent of civil servants were often motivated by widespread poverty. While the Government needs to be commended for setting up an anti-corruption court to fight against corruption, more actions need to be taken.

Major violations of Human Rights

Mr. President,

8. Despite the persistence of serious violations, the overall human rights situation seems to have improved. Relations between the State and the civil society have improved considerably and the media is able to report on a wide range of matters without interference by the government. Few cases of human rights violations have been committed by military personnel. Most violations registered relate to cases of ill-treatment, and sometimes torture, of suspects by police officials and violations of legal procedure by police and judicial officials.

Arbitrary Arrests

9. I noted that supporters of the former Chairman of the ruling party were the main targets of the violations of freedom of expression and, to some extent, of the rights of freedom of movement and protection from torture during the reporting period. This situation needs to be addressed properly in order to ensure respect of due process.

10. Arbitrary arrests have been increasing over the reporting period. They include cases of prolonged stay in police custody, detention in illegal places and lengthy pre-trial detention. Some of the cases observed by human rights monitors included detention for minor charges on instruction from administrative authorities, mostly commune administrators and *Chef de zone* and *collines*¹.

Summary Executions

11. In my last report to the General Assembly, I called attention to the massacre of over thirty civilian detainees by military authorities in the province of Muyinga. Following an outcry by Burundians and the international community, the Government established four separate commissions to carry out investigations into the circumstances of the massacre of these civilians. So far no report compiled by these bodies has ever been made public by the Government, thereby leading to the suspicion that it is not interested in disclosing their contents for fear of implicating high-ranking public figures. So far only the dossiers implicating two junior military personnel have been referred to the military prosecutor for action.

12. It is incumbent upon the people of Burundi and the international community to bring pressure to bear on the government of Burundi to bring to justice all those involved in this massacre in order to stem the culture of impunity which has been so deeply ingrained in the politics of Burundi.

Sexual violence

13. During my visit, I learned from different sources that more than three hundred cases of rape of women and minors were reported during the first five months of 2007. This figure reflects a steady trend in the number of cases reported compared to the last five months in 2006. Despite awareness campaigns organized by the Government, human rights NGOs and BINUB human rights officers, some of the victims remain silent. Furthermore, some administrative authorities and community elders (*Bashigantahe*) continue to recommend out of court settlements as a preferred option.

Right to Food

¹ Lowest administrative divisions in Burundi.

14. The situation of food security had worsened during the first five months of this year (2007) as a result of unusually heavy rains, which destroyed crops and houses in many parts of the country. Some schools were destroyed by the heavy rain in western Burundi. The country requires international humanitarian assistance until it recovers from cyclical famine.

Implementation of Ceasefire Agreement

15. At the time of my visit, the implementation of the cease-fire agreement between the Government and the Front National pour la Libération –Palipehutu (FNL) and its armed wing had not been completed. The Government and the FNL are deadlocked on the issues of power-sharing and demobilisation which in turn has led to deterioration of security in parts of the country. Only last month thirty-three people were killed in Bujumbura Rural allegedly by the FNL. This incident underscores the need for urgent and speedy implementation of the Ceasefire Agreement.

Transitional Justice

Mr President,

16. During my visit, I brought the issue of delays in the implementation of transitional justice mechanisms to the attention of the authorities. They informed me that the Government and the High Commissioner for Human Rights had reached a consensus on the national consultations process, which would be led by a Steering Committee, composed of a representative of the Government, the United Nations and civil society respectively. The President of Burundi also confirmed to the High Commissioner that there would be no amnesty for war crimes, crimes against humanity and genocide committed during the conflict. The next step would be for the Government and the United Nations to establish the timeframe to implement this agreement. However, the question of the relationship between the truth and reconciliation commission and the special tribunal has yet to be resolved. The Government's position is that investigations by the special tribunal investigation should be based on referrals from the truth commission. The UN is of the view that the tribunal should be independent of the commission in conducting its investigations.

Mr President,

Judicial system

17. The justice system in Burundi is still weak owing to lack of equipment, poor training of staff, interference by politicians and corruption. Consequently, there is an increasing resort to mob justice by a population, which has lost faith in the justice system. For example, 30 persons suspected of 'witchcraft' or rapes were reportedly attacked, and some killed during the reporting period in different parts of the country.

18. The Government has made little progress to bring to justice civilians and law enforcement personnel who are involved in illegal activities. For example, all the alleged perpetrators of the Muyinga massacre² are yet to be arrested and, or charged.

In conclusion, I urge:

1. The Government to speed up the process of establishing the truth and reconciliation commission and the special tribunal. The international community should support the Government in its efforts to reform the justice system in general and, more broadly with humanitarian and development assistance.

2. The Government to respect due process in the case of the former chairman of CNDD-FDD and all those associated with him. In this regard, to release supporters of the former chairman of CNDD-FDD who are detained arbitrarily.

3. The Government should release the reports of its investigations into the Muyinga massacre and bring to justice all those implicated.

4. The Burundian authorities should fully investigate incidents of sexual violence and bring to justice those responsible. Specific action should also be taken to discourage the use of out of court settlements for such serious crimes.

5. The Government and FNL-PALIPEHUTU to implement the Ceasefire Agreement.

6. I should also commend the international community for its support to the Government and people of Burundi as evidenced in pledges made at

² Between May and August 2006 about thirty people were arrested, summary executed and disappeared in Muyinga.

the donor's conference, 23 to 24 May 2007 and encourage them to release the funds pledged at the Paris, Geneva and Brussels conferences.

7. I urge the international community to step-up its support for the reform of the justice system, in particular regarding the establishment of transitional justice mechanisms, including the truth commission and the special tribunal.

Thank you Mr. President.
