



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Burundi - Researched and compiled by the Refugee Documentation Centre of Ireland on Wednesday 29 May 2013

Information on the FNL party:

Activities/presence in the Ngozi area;

Legal status;

Aims, objectives, leadership etc; &

Treatment of members by the authorities May 2012-May2013

A profile from *BBC News* issued in November 2012 states:

“This former rebel group group, led by Agathon Rwasa, officially disarmed in 2008 and transformed into a political party
Formed in 1985 as a militant group to protect Hutu population
Fought in 1993-2005 civil war
Continued to fight until ceasefire deal in 2006
Fighters began disarming in 2008
Leader Agathon Rwasa was to run for president in 2010 but withdrew and fled
Several attacks since 2010 have been linked to FNL” (*BBC News* (29 November 2012) *Burundi profile*).

In October 2012 *Global Insight* notes in a report that:

“the country's last active rebel group - the Forces Nationales de Liberation (FNL) - ending its long-running armed struggle in 2009” (*Global Insight* (25 October 2012) *New armed group claims attack in northwest Burundi*).

Human Rights Watch In May 2012 includes the following outline of the party in a report, noting:

“National Liberation Forces (Forces nationales de libération), a former rebel group, led by Agathon Rwasa, that became a political party in April 2009” (*Human Rights Watch* (2 May 2012) “*You Will Not Have Peace While You Are Living*”, *The Escalation of Political Violence in Burundi*, p.ii).

This report also states:

“Audace Vianney Habonarugira, a demobilized FNL commander, was killed in July 2011. A near-fatal shooting in March 2011 and a series of threats against him by members of the intelligence services and security forces indicate that state agents may have been responsible for his death. While many FNL and former FNL members had been killed in the preceding months, Habonarugira was the first of several higher-ranking former FNL commanders killed between July and October 2011, signaling a renewed determination by security forces to further weaken the movement and frighten any remaining sympathizers into joining the ruling party” (*ibid*, p.20).

In July 2012 a report published by *Amnesty International* included the following description:

“...extra-parliamentary opposition political parties, such as the National Liberation Forces (FNL)...” (Amnesty International (9 July 2012) *Burundi, Time for change: a human rights review, Submission to the UN Universal Periodic Review, January-February 2013*).

This publication also states that:

“Amnesty International is gravely concerned that the authorities have failed to investigate and prosecute many cases of extra-judicial executions implicating state agents. UN human rights monitors recorded 40 extra-judicial executions in 2010 and 61 in 2011, in which the SNR, the PNB and the National Defence Forces (FDN) appear to be implicated. An additional 42 killings in 2011 are believed to be politically motivated. The victims include both members of extra-parliamentary opposition political parties, such as the National Liberation Forces (FNL)...” (Amnesty International (9 July 2012) *Burundi: Submission to the UN Universal Periodic Review, 15th Session of the UPR Working Group, January-February 2013*, p.5).

In November 2012 a report by *IRIN News* states:

“In the eight years since the war’s conclusion, Burundi has held two multi-party elections, seen rebel groups transform into political parties, and developed a vibrant civil society and a relatively free press. Schools and health centres are open. Civil servants get paid” (*IRIN News* (1 November 2012) *Analysis: Burundi’s bumpy road to the 2015 polls*).

This document also points out that:

“The most serious concern, one openly shared by the country’s international partners, is the spate of reports - flatly denied by the government - that elements within the security forces are killing individuals because of their affiliation with opposition parties, especially the Forces National de Liberation (FNL)” (*ibid*).

The *United Nations Human Rights Council* in a document issued in November 2012:

“...expressed concern about the resurgence of cases of extrajudicial executions of members of the FNL party by the security forces since 2011” (United Nations Human Rights Council (12 November 2012) *Compilation : [Universal Periodic Review] : Burundi / prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, p.6).

A publication released in December 2012 by *Human Rights Watch* points out that:

“Killings peaked in 2011, with reciprocal attacks by CNDD-FDD members and the police and intelligence services, as well as by armed groups believed to be linked to the FNL. Scores of people were killed. CNDD-FDD members increased attacks on FNL members and former members, notably through its imbonerakure youth wing and the intelligence services. A typical example was the killing of demobilized FNL commander Audace Vianney Habonarugira in July 2011. He had first been shot and seriously injured by a policeman in March 2011, and he was repeatedly threatened and followed by state security agents in the months before his death. Other victims include Dédith Niyirera, FNL representative in Kayanza province, killed in August 2011, and Médard Ndayishimiye, a local FNL leader in Mwaro province, abducted in Gitega town and found dead in Rutana province in October 2011. Demobilized FNL

combatants were pressured to join the SNR and the imbonerakure or face death” (Human Rights Watch (30 December 2012) *Burundi: Universal Periodic Review Submission-Updated December 2012*, p.2).

This report also notes:

“Impunity for political killings remains pervasive. In the vast majority of cases, no one was arrested or prosecuted, even when information on the circumstances of incidents was readily available. The absence of justice was particularly noticeable when the perpetrators were suspected to be CNDD-FDD supporters or members of the security forces. In some cases, the police or the prosecutor opened investigations, but these rarely resulted in credible investigations or arrests. When the alleged crimes were considered to have been perpetrated by opposition groups, the typical response was to arbitrarily arrest FNL or ex-FNL members, even when there was no credible evidence that the individuals arrested were responsible for these crimes” (ibid, p.2).

This document also points out that:

“Burundi has only recently emerged from more than 15 years of protracted armed conflict. Progress has been made in instituting democratic and judicial reforms, and helping overcome the deep ethnic divisions which led to massacres and other grave abuses since 1993. After long delays, a National Independent Human Rights Commission started functioning in 2011, and steps have been taken towards establishing a Truth and Reconciliation Commission. However, these achievements have been undermined by fraught elections and a closing of democratic space in 2010, leading to a political stalemate between the ruling party and the opposition; a sharp increase in political violence in late 2010 and 2011 and scores of political killings; quasi-total impunity protecting those responsible for these killings; and a pattern of intimidation and harassment of civil society activists and journalists. These problems have been compounded by a weak judicial system suffering from insufficient resources and a lack of independence. The government has frequently stated its commitment to protecting human rights, but to date, many of its promises remain unfulfilled” (ibid, p.1).

A report issued in January 2013 by *Human Rights Watch* commenting on events of 2012 states:

“Human rights in Burundi in 2012 present both progress and serious concerns. For example, the number of political killings decreased in 2012 after a sharp escalation in 2011, but political space remains restricted. The Burundian government failed to address widespread impunity, especially for members of the security forces and the youth league of the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD)” (Human Rights Watch (31 January 2013) *World Report 2013 - Burundi*).

This report also points out that:

“Political killings diminished significantly in 2012, but there were sporadic attacks by armed groups as well as killings of members or former members of the opposition National Liberation Forces (FNL)” (ibid).

A report released by the *United States Department* in April 2013 commenting on events of the preceding year notes:

“The UN Office of the High Commissioner for Human Rights (OHCHR) documented 30 cases of extrajudicial killings committed by police, the intelligence service, military personnel, and local government officials during the year; the OHCHR documented 61 cases in 2011. Members of the Youth Wing (Imbonerakure) of the CNDD-FDD were implicated in some cases. Most of the victims were former or current members of the opposition National Liberation Front (FNL) and other opposition parties” (United States Department of State (19 April 2013) *Country Reports on Human Rights Practices for 2012, Burundi*, Section 1a Arbitrary or Unlawful Deprivation of Life).

In May 2013 a report published by the *United Kingdom Parliament House of Commons Library* points out that:

“While the security situation has not deteriorated over the last couple of years, neither has it improved much – despite government claims that it is well on top of the situation. Low-level violence continues, despite the fact that the UN has designated the country officially as 'post-conflict', entitling it to support from the Peace Building Fund. A number of FNL factions have been joined in the bush by a new group, the FRD. There are occasional skirmishes along border areas between these rebel groups and the security forces, although the different FNL factions have also been clashing with each other” (United Kingdom Parliament House of Commons Library (13 May 2013) *Burundi: recent political and security developments*).

In May 2013 *Agence France Presse* notes:

“Two people were killed when a bus carrying 30 passengers was ambushed by armed men believed to be ex-rebels near Burundi's capital Bujumbura, officials said Sunday. The bus was attacked Saturday near Gatumba on the outskirts of Bujumbura and close to the border with the Democratic Republic of Congo, a local government official, Jean-Marie Mutabazi, told AFP. "The bandits fired on the vehicle. One person was killed immediately and another died later in hospital," he said, adding that at least a further 10 people sustained serious injuries. A survivor interviewed on the radio said the attackers were members of the National Liberation Forces (FNL), a former rebel group” (Agence France Presse (19 May 2013) *Two killed in ambush on Burundi bus: officials*).

No further information on these issues could be found among sources available to the RDC.

References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

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