

Burundi: Me and the TRC. A citizen's guide to raise awareness on the Truth and Reconciliation Law



FORUM POUR LE RENFORCEMENT DE
LA SOCIÉTÉ CIVILE

Moi et la Commission Vérité et Réconciliation du Burundi Guide du Citoyen



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Février 2015



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Since the country's independence in 1962, Burundi has experienced several interdependent cycles of violence which cumulated in a civil war in 1993. The Arusha Peace and Reconciliation Agreement which has been signed in 2000 could not end the violence. Only with subsequent ceasefire and peace agreements with the largest rebel groups CNDD-

FDD and Palipehutu-FNL, large scale violence came to a halt. However, the Arusha Peace and Reconciliation Agreement contains provisions on dealing with the past and thus sets the institutional basis for Burundi's transitional justice process. It foresees to establish a Truth and Reconciliation Commission (TRC) and to construct a national monument and identify a national commemoration day to

remember all the victims of the past violence. On the judicial level, the Arusha agreement provides for an International Judicial Commission of Inquiry which should be followed by an International Criminal Tribunal in the case the Commission determines the occurrence of acts of genocide, crimes against humanity and war crimes. Today, only a few of these dealing with the past mechanisms are realized; in 2010, the government constructed a national monument in Gitega, a town in the centre of Burundi. However, this monument is contested by various political parties and civil society organizations and does also not seem to enjoy much legitimacy among the population. On May 15, 2014, the law on the "Creation, Mandate, Composition, Organization and Functioning of the Truth and Reconciliation Commission" has been promulgated. After receiving more than 700 files from candidates, the National Assembly selected 11 commissioners on December 3, 2014. After the promulgation of the TRC law, the ZFD's partner FORSC (Forum pour le Renforcement de la Société Civile) initiated the elaboration of a Citizen's Guide on the TRC law. The law is only available in French and most of the population does only speak Burundi's national language Kirundi. Moreover, the law has not been vulgarized by the government through radio broadcast which would explain the functioning of the TRC in an easily understandable way.

FORSC, as an umbrella organization of civil society organizations and member of the GRJT (Groupe de Réflexion sur la Justice Transitionnelle - an informal reflection group on transitional justice) gathered civil society organizations in a two day workshop in August 2014. During role plays, the participants identified the questions that victims, alleged perpetrators and witnesses might have towards the TRC. Those questions and the answers that could be found in the TRC law or in other legal texts constituted the basis for this guide.

The guide is divided into 8 sections. The first section on "what is the TRC" for example explains the difference between the investigations of the TRC and those of a tribunal, the relationship between the TRC and the National Commission on Land and Other Goods and the violations and the time frame that will be covered by the TRC. The second section details with "where to find the TRC" and "who is the TRC". It includes questions such as whether one needs to travel to the capital city to testify or whether a victim or an alleged perpetrator, who is not satisfied with the decision of the TRC, could appeal to the International Advisory Council which is supposed to advise the TRC. Moreover, a list with the names, the ethnic group and the regions of origin of the elected commissioners is given.

The third section of the citizen's guide depicts the crimes that the TRC will investigate. The

TRC law only mentions that the Commission investigates upon and establishes the truth about "the serious violations of human rights and of international humanitarian law which have been committed". However, the role plays have shown that victims might want to know whether the TRC will investigate cases such as the destruction of houses or stolen cows, goats and chicken. Moreover, citizens might want to know who is responsible for the crimes and whether the TRC will look at the responsibility of institutions or political parties. However, in order to manage expectations by the population, the guide also cautions that not all the crimes fall under the mandate of the TRC and that not every single case can be investigated. The fourth section explains the procedures which guide the TRC's work, such as regarding the deposition of requests, witness protection or the public or closed hearings. Moreover, citizens might also want to know whether testifying is free of charge, whether one can be forced to testify or whether a witness can be assisted and accompanied by a lawyer.

The next three sections are dedicated to other transitional justice mechanisms or aspects of dealing with the past. For example, will there be legal prosecutions of those who the TRC identified as responsible for crimes? Will there be reparations for all victims? During the workshop, questions around reparations were fre-

quent. This is not at least due to the fact that Burundi is one of the poorest countries of the world and many Burundians did not only lose land and goods during the period of violence but also missed opportunities to go to school and run a business. Further, the guide also takes up the difficult aspects of dealing with the past regarding reconciliation and forgiveness. How does the TRC further reconciliation? Does forgiveness equals amnesty? Does the work of the TRC not re-open old wounds?

The last section of the guide explains what will happen once the TRC has terminated its work. Victims, witnesses and alleged perpetrators might worry whether their names are cited in the final report, or, how they can obtain this report.

The citizen's guide "Me and the TRC" presents the TRC law by asking questions and giving answers in a simple, non-legal language. Thereby the guide's aim is to provide citizens the basis for an informed decision about their participation. In this regard, the guide does neither

approve nor reject the TRC as the law has been contested by many civil society organizations. The guide, which exists in a French and Kirundi version, will be used in trainings of local civil society agents who will inform the population about the TRC. Moreover, the guide will be distributed to other civil society organizations and other actors who are interested in Burundi's TRC.

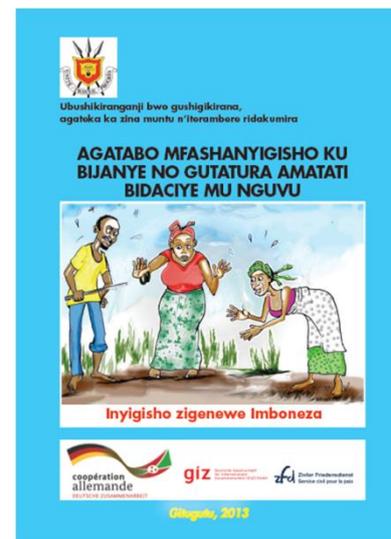
Sandra Rubli, ZFD-Fachkraft in Burundi

Promoting the role of women in conflict resolution at the community level



After participating in several trainings on non-violent conflict resolution organized by the ZFD Burundi, Timothée, Annonciate and Rita, three social workers in the province of Gitega, took the initiative to share their knowledge and become multipliers of this approach. They adapted the training module to the specific context in their communities and translated it into Kirundi. Together with their colleagues, they have trained more than 400 "Imboneza" (voluntary community leaders), district representatives and police officers, since 2012. At least 50%

of the trainees are women. In the Burundian culture, the role of women in conflict resolution and mediation mechanisms, as for example in the case of the traditional institution of "Abashingantahe" (elderly wise men), is extremely limited. Therefore, the ZFD in collaboration with the Ministry of National Solidarity, Human Rights and Gender (MSNDPHG) supports the Family and Community Development Centers (CDFC) in two provinces with a special focus on strengthening the position of women, mainly through training. A recent evaluation of the project reveals that the "Imboneza" were involved in conflict resolution by their communities. The Imbonezas themselves confirm that they are often approached by community members and are able to help them in resolving their conflicts.



Moreover, they play an important role in other activities that promote social cohesion, including the fight against sexual and gender based violence, the promotion of female leadership and support for income-generating activities.

Merel Overbeeke, ZFD-Fachkraft in Burundi