

the deaths of civilians caught in the cross-fire between government forces and rebels, destruction of houses, attacks on public markets; arbitrary arrest and detention arising from identity checks and arrests on suspicion of involvement in the 1993 massacres; and, torture and cruel, inhuman or degrading treatment — related to detentions by the military, denial of needed medical treatment, beatings and use of electric shocks.

The recommendations in the report address needs at the national and international levels. The report recommended that the government:

- ▶ carry out, as previously recommended, an independent, neutral, objective and complete investigation into the exact circumstances of the murder of three delegates of the ICRC in June 1996, to establish clearly who was responsible, to publish the results without further delay, and ensure that those responsible are prosecuted and appropriately punished;
- ▶ provide, as previously requested, accurate information on the circumstances surrounding the murder of the Archbishop, in September 1996, and of the two nuns accompanying him, and ensure that those responsible are found and arrested without delay;
- ▶ provide, as previously requested, the results of the investigation into allegations of the expulsion *manu militari* of 392 Burundian refugees in Rwanda to Cibitoke province, in September 1996, by soldiers of the Rwandan Patriotic Front;
- ▶ carry out an impartial investigation into the attack committed by rebel elements on the small seminary at Buta, in Bururi province, at dawn in April 1997, so that those responsible for the massacre of some 40 students and 7 members of the staff are prosecuted and brought to justice;
- ▶ open an investigation into the death of Colonel Pascal Ntako, who died in May in Muyinga prison, after having been accused of participating in a plot to assassinate Major Buyoya, and who was denied drugs for the treatment of his diabetes;
- ▶ implement the reforms set out in previous reports concerning the reconstruction of the country's judicial apparatus and the formulation of adequate strategies for putting an end to impunity; the reorganization of the functions of the army and security forces along quite separate lines; and unimpeded access by the majority of the people, who are currently excluded from the country's elite, to the major state institutions such as education, justice and the army;
- ▶ defer the 38 death sentences and 19 sentences of life imprisonment handed down during the February–March, April–May and July–August sessions of the criminal chambers, as well as the previous 133 death sentences and 54 sentences of life imprisonment, at least until the peace negotiations have been completed and a reformed judicial system, capable of playing its role with complete independence and impartiality, has been established;
- ▶ respect articles 10 and 11 of the Universal Declaration, which stipulate that every accused person is entitled to a

fair trial, including the right to be guaranteed legal assistance for his defence, and comply with articles 6 (2), 14 and 15 of the ICCPR which stipulate that a sentence of death may be imposed only for the most serious crimes, and pay all necessary attention to UN resolutions establishing guarantees for the protection of the rights of persons liable to the death penalty;

- ▶ agree to participate in the next peace talks meeting and to refrain from any step which might delay the peace process which has been initiated;
- ▶ suspend the opening of new regroupment camps and take appropriate measures without delay to enable the population gathered in those camps to return to their homes without hindrance;
- ▶ protect the physical security of those regrouped, refrain from using constraints against them, ensure that they are treated with humanity and respect, and prevent them from being subjected to enforced or involuntary disappearances, arbitrary detention or extrajudicial or summary execution;
- ▶ undertake independent investigations into all allegations of violations of human rights committed during the process of regroupment, in particular into cases brought to light to date by the UN human rights observers;
- ▶ afford to the UN observers all the freedom of movement they need to have access to all the regroupment camps and displaced persons camps and to investigate, with full independence, the alleged incidents reported to them; and
- ▶ ensure that respect for human rights is at the heart of the peace talks and of any settlement reached.

The report addresses comments to the rebel groups, including that they:

- ▶ must ensure that their armed forces fully respect the principles of international humanitarian law and, in particular, article 3 common to the Geneva Conventions, with particular attention to be paid to the provisions relating to the physical security of the civilian population, non-combatants and prisoners; and,
- ▶ refrain from perpetrating attacks against civilians both within and outside the regroupment camps or displaced persons camps and to give instructions to that effect to their forces.

The recommendations to the international community include that:

- ▶ ease the economic sanctions as soon as the government provides tangible proof that it is committed to effective negotiations with a view to achieving peace and national reconciliation;
- ▶ do not support the regroupment of the population along the main road routes but help them to reach their homes;
- ▶ adopt a clear position firmly linking the question of humanitarian aid to the regrouped population to an explicit undertaking and a specific plan on the part of the authorities to introduce a policy for the proper reintegration of that population;