

involved with rebel groups, including beatings and the burning of homes and plantations.

The situation of internally displaced persons, regrouped populations, and refugees is described as including: the fact that more than 500,000 people, roughly 11 per cent of the population, are currently squatting in camps and makeshift sites — the vast majority of them in the western provinces of Cibitoke, Bubanza, Rural Bujumbura, Bururi and Makamba; a general trend toward the gradual dismantlement of larger camps of regrouped and displaced persons and the installation of smaller, decentralized sites grouping people from the neighbouring hills around advanced military posts, with a view to their returning home for good in the medium term and, in the immediate term, enabling them to cultivate their fields during the day; and the fact that the number of unaccompanied children in Burundi could be as high as 3,000.

On pre-trial detention and conditions of detention, the SR stated that there had been a clear degradation of conditions of detention as a result of overcrowding and the lack of financial and human resources allocated to the prison administration. Hygienic and sanitation conditions in most prisons are described as disastrous, combined with overcrowding, to provoke a high level of mortality among detainees. Severe malnutrition and other pathologies affect the majority of the prison inmates. The cachots were also described as overcrowded with dozens of inmates living in dreadful, inhumane and cruel conditions in tiny cells without air, light or toilets. The report notes that the nutrition of the inmates in the cachots was entirely left to the responsibility of their families, most of which are unable to feed their detained relatives, and many inmates become completely dependent on the food received by others. Concerns related to detention included: that most of the inmates have not been tried in a court of law; several cases were decided summarily in violation of several international conventions ratified by the government; allegations were received related to torture of people detained in cachots in Bujumbura or in the provinces, during interrogation and preliminary investigations by the Judiciary Police to extract confessions; and that at least 260 detainees are under sentence of death at Mpimba prison in Bujumbura, all of them kept together in two cells under inhumane conditions without the possibility of leaving their cells at any time.

The section of the report concerned with the living conditions of women and children notes, *inter alia*: women work on average 18 hours a day for their families, half at home and half in the fields; women constitute the majority of those found at the sites of displaced persons and regrouped populations and are the sole heads of their households; at sites of displaced persons and regrouped populations, the difficult access to food and water is the main problem, especially for women and children; the quantity of food is insufficient and its quality mediocre; women are often most vulnerable while engaged in their daily tasks, such as gathering firewood, and may be subjected to brutal sexual assault and rape; victims are often

shot, knifed or beaten; women at the sites are also affected by health problems, including those relating to childbirth, abortions, anaemia and the lack of vaccination coverage and access to health care, as well as exposure to AIDS and other sexually transmitted diseases.

The SR acknowledged the efforts of the authorities to promote the peace process in the framework of the negotiations in Arusha, despite the problems crippling the Great Lakes region and the movement of populations on the north-eastern frontier of the country.

The SR recommended, *inter alia*, that the government:

- ♦ implement urgent reforms regarding the reconstruction of the judicial system, noting the imperative need to formulate adequate strategies for ending impunity and for reorganizing the functions of the army and security forces under distinct structures; ensure that the majority of the population have unhindered access to major state institutions such as education, justice and the armed forces;
- ♦ suspend death sentences and the life sentences pronounced during sessions of the criminal chambers, at least until the peace negotiations have been completed and reforms undertaken to establish an independent and impartial judicial system;
- ♦ takes steps to reform the penal code and make the death penalty optional and not mandatory for offences currently punishable only by death;
- ♦ put an end to arbitrary detentions and exercise strict control over the officials responsible for detentions; limit the periods of preventive detention in cachots; exercise strict control over the tasks carried out by the Judiciary Police and conduct regular inspections of detention centres to ensure that arbitrarily or illegally detained persons will be released; and
- ♦ consider limiting long periods of preventive, ending unlawful detentions and increasing the number of judicial inspections in the detention centres to ensure that cases will be processed in a timely manner; enforce the rule stipulating that preventive detention should not exceed one week, within the framework of a preliminary investigation; take urgent measures to ameliorate conditions of detention.

The SR noted that rebel groups must see to it that their armed forces respect the principles of international humanitarian law and, in particular, article 3 common to the 1949 Geneva Conventions. The SR appealed to these groups to refrain from perpetrating attacks against civilians both within and outside the regroupement camps or camps for displaced persons and to instruct their subordinates to that effect.

At the international level, the report recommended that, *inter alia*, the international community:

- ♦ acknowledge the power-sharing initiatives taken by the Burundian authorities within the framework of