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DRL: NELY-RAPHEL

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FM SECSTATE WASHDC
TO AMEMBASSY BUJUMBURA IMMEDIATE
INFO AMEMBASSY ADDIS ABABA
AMEMBASSY BRUSSELS
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C O N F I D E N T I A L STATE 204930

E.O. 12356: DECL: OADR
TAGS: PHUM PGOV PREL BY RW UN
SUBJECT: AFRICA WATCH PUSHES FOR BURUNDI COUP TRIALS
REF: (A) 94 STATE 195907, (B) 94 BUJUMBURA 2497 (NOTAL)

1. SUMMARY. AF DAS PRUDENCE BUSHNELL AND DRL DAS NANCY
ELY-RAPHEL MET WITH AFRICA WATCH STAFFERS TO FURTHER
DISCUSS AFRICA WATCH'S REPORT ON THE OCTOBER 1993 COUP
ATTEMPT IN BURUNDI. AFRICA WATCH BELIEVES IT IS
IMPERATIVE TO SET UP A SYSTEM SO THAT THOSE RESPONSIBLE

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: HARRY R. MELONE
DATE/CASE ID: 28 APR 2000 199501642

DEPT OF STATE APPEALS REVIEW PANEL (ARP)

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ARP Action Cert.	<i>and</i>	Date <i>07/15/00</i>

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FOR THE COUP AND SUBSEQUENT MASSACRES OF CIVILIANS ARE PROSECUTED. SUCH PROSECUTION IS ESSENTIAL IF BURUNDI IS TO HAVE A CHANCE FOR LASTING PEACE. AF AND DRL AGREED THAT ACCOUNTABILITY IS ESSENTIAL TO DETER FUTURE ATROCITIES AND TO ACHIEVE LASTING RECONCILIATION, BUT EMPHASIZED THAT WE NEED TO WORK WITH THE GOVERNMENT OF BURUNDI IN ESTABLISHING A TIMETABLE AND FINDING A LASTING SOLUTION. END SUMMARY.

2. AT THEIR REQUEST, AFRICA WATCH STAFFERS ALISON DESFORGES AND HOLLY BURKHALTER CALLED ON AF DAS PRUDENCE BUSHNELL AND DRL DAS NANCY ELY-RAPHEL ON JULY 26. L/AF ATTORNEY AND DRL AND AF/C DESK OFFICERS ALSO ATTENDED. MS. DESFORGES BRIEFED DAS BUSHNELL ON THE CONCLUSIONS IN AFRICA WATCH'S REPORT ON THE OCTOBER 1993 COUP ATTEMPT IN BURUNDI, AS SHE DID IN A PREVIOUS MEETING WITH A/S MOOSE (REF. A). DESFORGES EMPHASIZED AFRICA WATCH'S FINDING THAT BURUNDI MILITARY OFFICERS,]

WERE COMPLICIT IN THE COUP
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ATTEMPT. SHE ALSO STATED THAT HUTU PROVINCIAL LEADERS WERE RESPONSIBLE FOR KILLINGS OF TUTSIS, AND THAT THE MILITARY WAS GUILTY OF REPRISAL KILLINGS OF HUTU CIVILIANS. IN ALL, AFRICA WATCH BELIEVES 50,000 PEOPLE WERE KILLED IN THE AFTERMATH OF THE COUP ATTEMPT.

3. DESFORGES CAUTIONED THAT THE SITUATION IN BURUNDI IS DEGENERATING, AND THAT THERE IS REAL DANGER OF IMMINENT ETHNIC VIOLENCE. SHE NOTED THAT IN BURUNDI NOW, THREE OF THE ELEMENTS WHICH PRESAGED THE EXPLOSION IN RWANDA ARE NOW PRESENT, NAMELY THE ORGANIZATION OF MILITIAS, THE DISTRIBUTION OF GUNS TO CIVILIANS, AND THE AIRING OF INFLAMMATORY RADIO BROADCASTS. THE FRAGILITY OF THE CURRENT POLITICAL SITUATION IN BURUNDI IS EXACERBATED BY WHAT HAPPENED IN RWANDA. BOTH HUTUS AND TUTSIS LOOK ACROSS THE BORDER TO RWANDA AND SEE GOOD REASON TO FEAR. THE BURUNDI HUTUS ARE FEARFUL THAT WITH A TUTSI-DOMINATED RPF GOVERNMENT IN POWER IN RWANDA, THE TUTSI BURUNDI MILITARY WILL TAKE A FREER HAND AGAINST BURUNDI HUTUS. THE BURUNDI TUTSIS ARE FEARFUL OF AN UPRISING OF HUTUS LEADING TO THE KIND OF SLAUGHTER THAT TOOK PLACE IN RWANDA.

4. IN ORDER TO AVOID AN EXPLOSION OF VIOLENCE IN BURUNDI, AFRICA WATCH BELIEVES IT IS CRUCIAL THAT THERE

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BE LEGAL PROSECUTION OF THOSE RESPONSIBLE FOR THE OCTOBER 1993 COUP ATTEMPT AND SUBSEQUENT KILLINGS. THEY RECOGNIZE THAT THE BURUNDI JUSTICE SYSTEM IS TOO WEAK, TOO DISORGANIZED, ~~AND TOO HEAVILY TUTEL DOMINATED~~ TO BE PERCEIVED AS PROVIDING FAIR TRIALS IN SUCH POLITICALLY SENSITIVE CASES. AFRICA WATCH PROPOSES BRINGING IN

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FRANCOPHONE JUDGES FROM OTHER AFRICAN COUNTRIES TO CARRY OUT THE TRIALS IN THE BURUNDI COURTS.

5. DESFORGES SAID THAT ON JULY 6 BURUNDIAN LEADERS, INCLUDING THE INTERIM PRESIDENT AND PRIME MINISTER, HAD SIGNED A STATEMENT SAYING THAT THERE MUST BE JUSTICE FOR THOSE INVOLVED IN THE COUP ATTEMPT AND SUBSEQUENT VIOLENCE.

DESFORGES SAID THAT SHE BELIEVED THE OPPOSITE, SAYING THAT IF THE INTERNATIONAL COMMUNITY PUSHES STRONGLY FOR TRIALS, THIS GIVES SUPPORT TO PRESIDENT NTIBANTUNGANYA. BY ALLOWING HIM TO CITE PRESSURE FROM THE INTERNATIONAL COMMUNITY AS THE REASON FOR ARRESTING MILITARY, HE IS IN LESS DANGER THAN IF HE ACTS ON HIS OWN.

6. AFRICA WATCH BELIEVES THAT THE DONOR COMMUNITY SHOULD PUT PRESSURE ON THE GRB FOR IMMEDIATE PROSECUTION OF THOSE RESPONSIBLE FOR OCTOBER'S VIOLENCE. SHE NOTED THAT EUROPEAN COUNTRIES ~~INCLUDING FRANCE AND BELGIUM~~ HAVE TOLD HER THAT THEY ARE IN AGREEMENT WITH PUTTING QUIET DIPLOMATIC PRESSURE ON THE GRB, BUT THAT THEY DO NOT WANT TO TAKE THE LEAD ON THIS ISSUE. SHE ALSO STRESSED THE IMPORTANCE OF GETTING THE UN TO PUSH THE GRB TOWARDS TRIALS. ADDING THAT SGSR ABDULLAH SUPPORTED AFRICA

WATCH'S FINDINGS AND WAS UPSET THAT THE UN REPORT ON THE

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OCTOBER COUP ATTEMPT HAD NOT BEEN PUBLISHED

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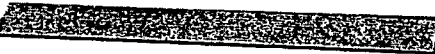
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7. DESFORGES SAID THAT SHE WANTED THE UNSC TO ISSUE A RESOLUTION CALLING ON BURUNDI TO ACT PROMPTLY TO BRING THOSE INVOLVED IN THE COUP AND RELATED VIOLENCE TO JUSTICE. L/AF ATTORNEY INQUIRED ABOUT THE PURPOSE OF A SC RESOLUTION, SINCE A RESOLUTION ALONE WOULD NOT BE ENOUGH TO GUARANTEE THAT TRIALS WOULD TAKE PLACE. SHE CITED THE EXAMPLE OF EL SALVADOR, WHERE THERE IS CONSIDERABLY MORE COHESION THAN IN BURUNDI, BUT WHERE THE GOVERNMENT HAS NOT BEEN SUCCESSFUL IN PROSECUTING MANY CHARGED WITH PAST HUMAN RIGHTS ABUSES. SHE ALSO NOTED THAT IN EL SALVADOR, WHOSE COURT SYSTEM IS MUCH BETTER DEVELOPED THAN BURUNDI'S, SUCH THINGS AS THREATS AGAINST JUDGES AND A LACK OF PAPER AND OTHER SUPPLIES IN COURTS WERE EFFECTIVE IN DEFERRING TRIALS OF ALLEGED HUMAN RIGHTS ABUSERS. DAS ELY-RAPHEL QUERIED WHETHER THERE MIGHT EXIST OTHER ALTERNATIVES TO TRIALS, SUCH AS A COMMISSION OF INQUIRY. DESFORGES, ACKNOWLEDGING THE DIFFICULTY OF GETTING TRIALS UNDERWAY, STATED THAT OTHER AVENUES HAD THUS FAR BEEN INEFFECTIVE. SHE EMPHASIZED THAT IT WAS CRUCIAL FOR BURUNDI'S FUTURE STABILITY TO END THE CYCLE OF IMPUNITY.

8. DAS BUSHNELL SHARED WITH DESFORGES AND BURKHALTER EMBASSY BUJUMBURA'S AND DEPARTMENT'S CONCERN THAT PUSHING FOR TRIALS NOW, BEFORE THE PRESIDENTIAL SUCCESSION ISSUE IS RESOLVED, MAY CAUSE VIOLENCE TO BREAK OUT ANEW IN BURUNDI. DESFORGES SAID THAT IN HER VIEW, AN EXPLOSION WILL DEFINITELY OCCUR IN BURUNDI IF THE INTERNATIONAL COMMUNITY DOES NOT INTERVENE TO PUSH FOR TRIALS NOW. THE

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EXPLOSION MAY OCCUR ANYWAY, EVEN IF THERE ARE TRIALS, BUT IT IS IMPORTANT TO GO AHEAD AND PUSH FOR LEGAL PROSECUTION ANYWAY.

9. NEAR THE END OF THE MEETING, MS. BURKHALTER RAISED THE IDEA OF PUSHING FOR A UN ARMS EMBARGO ON BURUNDI. DAS BUSHNELL AND DAS ELY-RAPHEL AGREED THAT AN EMBARGO IS A GOOD IDEA, AND SUGGESTED THAT DESFORGES AND BURKHALTER SHOULD DISCUSS THE IDEA WHEN THEY MEET WITH OTHER UNSC MEMBERS. BURKHALTER SAID THAT WEAPONS FLOW INTO BURUNDI THROUGH ZAIRE, AND THAT GRB OFFICIALS FREQUENTLY VISIT EUROPE TO BUY ARMS. 

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10. DESFORGES ASKED WHETHER THE US OR FRENCH COULD TAKE

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STEPS TO SILENCE THE INFLAMMATORY RADIO BROADCASTS CALLING FOR VIOLENCE IN BURUNDI AND RWANDA. DAS BUSHNELL POINTED OUT THAT THE GOF HAD STATED PUBLICLY THAT RADIO MILLE COLLINES, RWANDA'S HATE RADIO, WAS NO LONGER BROADCASTING. DESFORGES DISAGREED, STATING THAT MILLE COLLINES WAS NOW BROADCASTING FROM ZAIRE.

SHE SAID THAT THE BURUNDI BROADCASTS CALLING FOR VIOLENCE ARE COMING EITHER FROM THE FRENCH SECURITY ZONE IN SOUTHWESTERN RWANDA OR FROM ZAIRE. (COMMENT: WE BELIEVE DESFORGES OPINION ON CURRENT BROADCASTING TO BE OUT OF DATE. END COMMENT.)

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11. THE ATMOSPHERE OF THE MEETING WAS CORDIAL. BOTH SIDES AGREED TO KEEP IN TOUCH.

12. BUJUMBURA MINIMIZE CONSIDERED.
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