



**STUDY OF THE NEEDS IN PSYCHOSOCIAL  
ACCOMPANIMENT FOR VICTIMS DURING THE  
PROCESS OF TRANSITIONAL JUSTICE  
AND PARTICULARLY DURING THE PHASE OF  
PREPARATION AND IMPLEMENTATION OF THE  
TRUTH AND RECONCILIATION COMMISSION IN  
BURUNDI  
Phase I**

**Done by THARS in Partnership with GIZ/ZFD**

**Study done in the Provinces of  
Ngozi, Kayanza, Gitega and Makamba**

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## ABREVIATIONS

CNTB:	Commission Nationale Terres et autres Biens
TRC :	Truth and Reconciliation Commission
GIZ / ZFD :	Gesellschaft fuer Internationale Zusammenarbeit / Ziviler Friedensdienst (En Allemand) ou Coopération Internationale Allemande / Service Civile pour la paix (En français).
TJ :	Transitional Justice
TJMs :	Transitional Justice Mechanisms
N° :	Numero
NGOs :	Non Governmental Organisations
UN:	United Nations
PUF :	Presses Universitaires de France
THARS:	Trauma Healing And Reconciliation Services
T. II. :	Tome II
S.T. :	Special Tribunal

## **Chapter I : GENERAL INTRODUCTION**

### **Context and justification of the study**

After its dark periods and several dozens of socio-political ethnic crises that the country has endured since its independence and after several attempts to establish the Transitional Justice mechanisms, Burundi has just started the process in a decisive way.

The cyclical crises that have grieved Burundi since its independence; have been interpreted differently by Burundians because they seem not to have the same knowledge on the same history which they have lived together. Even the actors and the perpetrators of the dark periods of the Burundi history of years 1965, 1969, 1971, 1972, 1988, 1991 and 1993 until today, are not punished and the victims of the different violations of Human Rights still wait to have the light on the dark years and still endure diverse frustrations and related psychological traumas.

To face those challenges and lead Burundians to the reconciliation as it has been provided by the Arusha Accord for Peace and Reconciliation, Burundi, in consultation with the United Nations, had decided to establish the Transitional Justice Mechanisms which should have even been put in place according to the time frame set up. On one hand this has been explained by the war and the last rebel movement that continued until 2009. On the other hand, by the lack of willingness manifested by some political figures.

Many internal and external efforts have been agreed to start the mechanisms of transitional justice in Burundi. As a follow up to the evaluation in 2005 of a team of UN experts on the opportunity of putting in place the Evaluation Commission of Transitional Justice, those mechanisms were made clear with the Kalomoh report of March 11, 2005<sup>1</sup> following the 1606/2005 resolution and the government memorandum adopted in March 2006: A Truth and Reconciliation Commission (TRC) and a Special Tribunal are planned.

Also, during the investiture on August 26, 2010, the president of the Republic of Burundi has repeatedly expressed his willingness to put in place those mechanisms and specially the TRC. The negotiations between the Government and the United Nations tackled on those new mechanisms have reached the organizations of the national consultations on the TJ mechanisms and the report has been given to the President of the Republic in December 2010.

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<sup>1</sup> La mission d'évaluation des experts onusiens présidés par Mr Tuliameni Kalomoh a rencontré les parties burundaises concernées en 2005 lors de sa visite au Burundi.

Following the results of the national consultations, a program of establishing the TJ mechanisms has been put in place by the government, accepting the TRC for January 2012 and the ST after the report is given by the TRC. In this program, the President of the Republic has created with a decree of June 13, 2011 a technical committee composed of seven members with a mission to propose a law project on the TRC and its budget. The report of the committee known as Kavakure, has been presented on October 18, 2011.

That report has been commented on by various national and international organizations, the Burundi civil society associations, the Reflexion Group on the TJ in Burundi but also by the UN, adding their contributions for the success of the process.

Even though the TRC has not been put in place until today, the steps taken show that the process of TJ process in Burundi will not go back but proceed forward till the end. It was in this precise context that THARS, in partnership with GIZ/ZFD Burundi have initiated this study so that they may elaborate a system to accompany the victims on the psychosocial level.

In fact the process of TJ requires always a careful preparation and a psychosocial support, to be able to reach the results. The different crises that have shaken Burundi have cause not only human and material losses but also caused psychosocial problems that the TJ process that is not well prepared and with is not accompanied psychosocially will not resolve anything.

In the same way, a process not well engaged or not well prepared would lead the victims and the perpetrators in a confusing situation that would replunge people in a vicious cyclical revenge which it was supposed to prevent and lead the country into reconciliation that the Burundians have been impatiently waiting for. It is in this concept that this study intervenes to help people understand the psychosocial issues that the process of TJ is supposed to face in general and particularly during the preparation and the implementation of the TRC in Burundi.

The understanding and the description of the said concepts start with the knowledge of the needs of the victims who are in the center of actions of the various mechanisms of the TJ in general and the TRC in particular. This justifies this study which particularly interests itself in knowing the real needs in psychosocial accompaniment of the victims, their aspirations their fears vis-à-vis of the process. It has gathered essentially the qualitative data that have allowed to expose diverse considerations and recommendations that can guide various interveners in the psychosocial area and particularly in planning the activities of psychosocial accompaniment of the victims during the process of the TJ in Burundi.

## **The objectives of the study and expected results.**

This study has the **global objective**: To reinforce understanding of the psychosocial needs in relation to Transitional Justice in Burundi and particularly during the preparation and the implementation of the TRC.

### **Specific Objectives**

- Gather qualitative and quantitative data that will guide various interventions in psychosocial accompaniment activities during the Transitional Justice processes.
- Produce a basic document that will serve in the planning of psychosocial activities that will respond to the real needs of the victims during the preparation and implementation of the TRC.
- Identify a representative sample of the victims in the provinces of Gitega, Ngozi, Kayanza and Makamba to get a realistic image on the psychosocial situation of the victims and their psychosocial needs as related to the TJ and TRC.

### **Expected Results**

- Knowledge of the TJ mechanisms by the victims, where they need to be accompanied during the preparation and the implementation of the TRC, their aspirations and fears towards the process based on the talks with 160 victims on 24 hills in the provinces of Gitega, Ngozi, Kayanza and Makamba.
- A representative sample of the victims in the provinces of Gitega, Ngozi, Kayanza and Makamba is identified by categories.
- A document on the psychosocial situation of the victims is produced that include an analysis and presentation of results from the talks with them.
- On the basis of the workshop of reflection and the analysis with other actors and the domain of the psychosocial intervention discussing the results of the study, the recommendations concerning the psychosocial issues of the TRC are formulated and they include the following:
  - Concrete activities of psychosocial accompaniment of all the participants in the TRC, that is, victims, witnesses, perpetrators, before and during the work of the TRC ; these activities must be centered on victims including witnesses and perpetrators.
  - A design of a technical tool that would allow the implementation of the TRC with a reduction of the risks of retraumatization and the support of the psychological healing.

- Recommendations for the specific training for the different professional groups involved in the implementation of the TRC, such as the commissioners and the police, etc...

### **The geographical coverage of the study**

The study covered the provinces of Ngozi, Kayanza, Gitega and Makamba. These 4 provinces are located North, Central and South-East of the country and they are the most populated. The province of Makamba has a particular aspect in relation to others: it borders with Tanzania, it has the greatest number of repatriated with the highest rate of land conflicts between residents and returnees. Whereas other it has been suggested that the crisis of 1972 was perpetrated against hutus, it is in the province of Makamba where hutus and tutsis alike were killed.

The province of Ngozi was marked by crises that did not happen else where namely those of Marangara 1988 and Ntega in Kirundo province.

Kayanza province borders with the natural forest of the Kibira which has hosted the armed movement since 1994. Gitega, situated in the center has known repetitive massacres of all ethnic groups during the crisis beginning of 1993, namely those of Kibimba, Taba and Bugendana.

The table below shows the repartion of the communes and the hills that were visites by our researchers.

<b>Province</b>	<b>Communes</b>	<b>Hills</b>
Ngozi	1. Ruhororo	Kinyami, Bucamihigo, Mukoni, Rwamiko, Buniha, Cagura ; Gitwenzi, Site Mubanga (Q.6 et 7), Mihigo, Giturwa et Ntiba.  11 hills
	2. Marangara	Gisekuro, Kizenga, Nyamurenge, Bihangare, Bitambwe, Congore, Kidobori, Kidasha, Nyambo,  Rubaya, Gicumbi, Burenza et Gisanze  13 Hills
Kayanza	1. Matongo	Bandaga, Murambi, Musonge, Kabuye et Rudeho  5 hills

	2. Muhanga	Rugamba, Gashibuka et Kibimba  3 hills
Gitega	1. Bugendana	Gitongo, Kibasi, Carire, Runyeri  4 hills
	2. Giheta	Kibimba, Muremera, Gisuru, Bihororo, Nyagatovu  5 hills
	3. Taba	Gihamagara, Kanyonga, Gisikara, Maca  4 hills
Makamba	1. Mabanda	Bikobe, Gikombe, Mabanda, Murondo, Musenyi et Mutwazi  6 hills
	2. Nyanza-Lac	Bukeye, Muyange, Ruvyagira, Mukubano, Rangi, Mugerama et Mukungu  7 hills
Total	9 Communes	58 hills

## **Chapter II : Methodological process, follow-up and research techniques**

### **Method**

The study was mixed in terms of being both qualitative and quantitative. But the qualitative approach was privileged without forgetting to give some statistics that were deemed necessary for the pertinence of the study. Contrary to the quantitative method that has a characteristic of looking of frequency and the generalization from the data that comes often, the quantitative research centers its attention on the quality of information and not the representativity of the sample.

From our zone covered by our study and the number of the interviews gathered, we cannot pretend that we got a complete statistical or quantitative representativity of the victims of different crises that has shaken Burundi since its independence. This is therefore explained, in the orientation of our research, the predominance related to the qualitative method to obtain the information that could help us give the light on the needs, the aspirations and fears of the victims as related to the TJ process in general and the TRC in particular.



## **Research Techniques**

No only one technique is used for all researches. It depends on one using it and what kind of information one wants to gather. It comes to the researcher to choose the techniques that well match with his/her research.

Therefore, the collected information was possible thanks to the research technique of talk with use of semi directive that matched our study. In the guide of talks of our study, there were closed questions in the form of questionnaire which also helped us touch the quantitative approach.

For the talk, it presents, in social research multiple and varying advantages. The interviewees open up themselves or simply expose in a direct way their consideration and talk about them as they come in mind. The psychologists engaged in direct contact with the victims who directly revealed their points of view and considerations vis-à-vis of TJ mechanisms. That direct contact allowed them to gather reliable and authentic information. And our project here was to be able to get the needs, aspiration and fears of the victims.

### **Choice of interviewees**

As mentioned above, our study took 4 pilot provinces where we identified two communes except Gitega where we chose three. On each commune, we targeted the hills that were the most affected by the violence. In total, our study covered 58 hills and concerned 323 interviewees.

The choice of our interviewees was already oriented in the sense that we had already determined in our identification form set up in the beginning some categories of victims to meet. Here are the different categories of victims that we had determined in the beginning who had to take part in our research: returnees, internally displaced, widows, orphans, victims of sexual violence, victims of torture, forced enrolled in the armed movements, those who lost their loved ones, those who lost their material properties, etc...

This categorization from the start, oriented our psychologists on making choices of who to interview but they also met other categories of victims that we had not thought about. This allowed us to have a more representative identification of victims on the categorical level. It could have been disastrous to get to the field to make non sense choices without an orientation on the victims.

### **Follow up of the study**

After putting together the results of the study, a workshop on the reflection and the sharing on the study was organized to suggest necessary recommendation for the good functioning and the success of the TRC in Burundi. The expert and in the psychosocial domain were invited to the workshop to give their contribution.

After this session of exchange on the study and the reflection around the results, another workshop of validation was organized to allow an exchange of ideas with the partners but also to validate the results of the study before the production of the final document of the study.

Let us mention that a directing committee of key partners and experts in the psychosocial domain ensured monitoring of the study from the discussion of the guiding form to the publication of the results. That committee of monitoring played a major role particularly in the organization of recommendation related to what activities should be done.

### **Chapter III. Presentation and analysis of results**

#### **Introduction**

Burundi is progressing towards the process of establishing the TJ mechanisms. Seeing that putting in place TRC is imminent, if we believe the declarations of the Burundi leaders, it was necessary for THARS to find out what are the needs, expectations, aspirations and fears of the victims as related to the TJ mechanisms. The initiative is very pertinent that the victims are in most cases marginalized groups whose voices do not get far.

This research constitutes a way of creating a channel of communication between the policy making and partners on one hand and the victims on the other hand. In fact this research has contributed in giving a word to the victims as some of them told our psychologists that since the beginning of the conflicts, they had never had any opportunity to tell their stories. On the level of the results of this study, it is evident that the qualitative information exposed here concentrate the stronger tendencies of the reoccurring responses from the victims met in all the targated localities.

In addition, it is convenient to note that the victims do not have a clear understanding on what is meant by TJ. The need to be informed about the process of TJ is a reality among some survivals. One person from Marangara in the province of Ngozi expressed himself eloquently in these terms:

« Before putting in place the TJ and the TRC we want them to be informed all about those as we do not understand them »

The result of this study as mentioned above shows the strong tendencies of victims on the subject of the TJ process which is composed of truth, justice, material, moral, collective and symbolic reparations.

## **Description of the victims interviewed and general observation**

We collected the interviews from 323 survivors among whom 210 men and 113 women of different crises particularly those of 1972, 1988 and those from 1993 to 2008.

Among the survivors, 57, that is, 17.6% are victims of 1972, 162 survivors, that is 50.15% are victims of 1993. 11 survivors are of the Marangara massacres in 1988. 19 survivors are of Itaba massacres in 2002. 2 survivors are of 1965. 10 are of the massacres of Bugendana in 1996 and 62 are survivors of other crises in the years from 1994-2008.

On the ethnic point of view, 114 are Tutsi, 198 are Hutu, 6 are Twa (all men) and 5 are not identified according to ethnicity. Let us also mention that 41% of the survivors, all ethnic groups have been affected by the crises in different periods.

In the same way, one person could find her/himself in more than one category. This means that he/she could be returnee, that has lost loved ones and the same time has lost properties and endured torture, etc.

This means that these survivors have a double or more than one level of victimization but in regard to the results of the study, it is realized that these people do not have different needs, fears or aspiration in comparison to others concerning the TJ or the TRC.

Here is the grouping on the categorization level of the victims:

- 84 returnees,
- 119 internally displaced,
- 40 widows,
- 38 orphans,
- 3 victims of sexual violence,
- 20 victims of torture,
- 2 enrolled by force,
- 7 des amputated or other physical handicap caused by different crises
- 1 with one eye,
- 5 survivors with indelible scars (Kibimba massacre)

Let us mention that more than 90% of those categories of victims are also those who have lost their loved ones and material losses such as property, lands, cows, kiosks, fishing boats, etc.

### Regrouping of victims by Province :

Province Gender	Ngozi	Kayanza	Gitega	Makamba	Total	Proportion
Men	42	54	63	51	210	65%
Women	18	25	47	23	113	35%
Total	60	79	110	74	323	100%
Proportion	18.5%	24.5%	34%	23%	100%	-

### Number of victims by period:

Period/ Interval of time	Number/ Victims	Proportion	Observations ou comments
1965	2	0.7%	These survivors were met in Gitega province.
1972	57	17.6%	These survivors are regrouped in all the four provinces.
1988	11	3.4%	These are survivors of the Marangara massacres at Ngozi.
1993	162	50.15%	The victims of this year are more than those in other periods and are in all provinces.
1996	10	3.09%	These are only survivors of the Bugendana massacres (Tutsi massacres)
2002	19	5.88%	These are survivors of Itaba massacres (Hutu massacres)
1994 - 2008	62	19.19%	Survivors of this period except the years of 1996 and 2002 specified above

### The knowledge of the survivors on TJ and TRC

Since sometimes ago, different public or private actors along with media have been endeavoring to sensitize the Burundi population on the TJ mechanisms but an analysis of the result of our study allows to put show the following observations :

All the people interviewed and who have already heard about the TJ have only a vague knowledge about it. They do not have systematic information on the main elements of the TJ. Others have not knowledge whatsoever and are not interested at

all because they think it a concern of the administrative and the politicians. Others confuse the TJ and TRC and many times with the classic justice.

However, even though those persons have a vague knowledge, they understand the end result of the TJ because 46% of them, that is 150 of 323 interviewed reduce the notion of TJ to the search for peace and reconciliation.

Even though they have a vague knowledge, 49, 5 % of the survivors who were interviewed, have already heard about the TJ and the TRC. Except 4 people, who heard about it during a meeting with an administrative, all others heard about on the radio. The radio is therefore the principal source of information for the victims, even small as it seems, on the TJ in general and the TRC in particular. One of the interviewee said: *"I do not understand a lot when they talk about TJ and TRC except when I sometimes hear about it on the radios."*

Another one adds that he had heard about the TJ but that he does not understand how they function. Many victims, in contrary, affirmed that they have never heard anyone talk about those concepts let alone participate in a meeting where they make reference to that. These are 152 people on 323 which is 47% of the interviewees. A survivors explains this lack of knowledge in these terms:

*"I have not heard about these things and they do not concern me much. I am more interested in what I can feed my children. I go to the field and spend the whole day there and I do not even get a time to share with other friends. I do not have even a radio to listen to what is being said. Those things are for those who are rich." Another one adds : « I know nothing about this. What would I benefit if I knew these things?"*

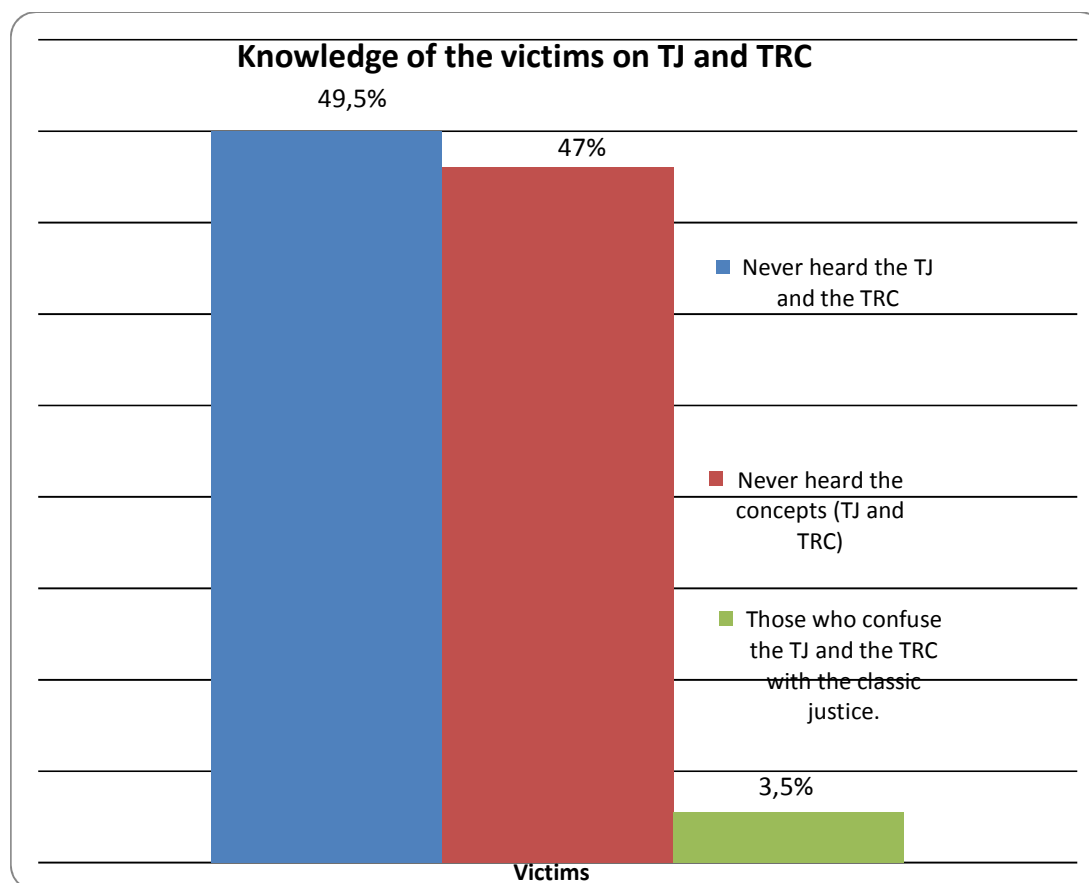
Being not far from those who confuse the concepts of the TJ and the classic justice, 3,5% of the interviewees, one of whom expressed herself like that, shows that the misunderstanding of the TJ by these victims is not merely a disinformation. At the contrary, it is because of the negligence connected to something like a frustration, but also because of the assumption related to the TJ that was manifest among the Batwa victim of Muhanga. They expressed their discomfort and disagreement related to the TJ because they thought it was responsible for the imprisonment of their neighbor.

One of them said: the TJ is bad because the perpetrators of atrocities are there in peace without being pursued. TJ is unjust because it discriminate the Twa. Our brother who just came back from Somalia was imprisoned so that the hierarchical leaders might take away his money, after accusing him unjustly that he had raped a young girl. He is rotting in the sell's prison without being judged.

For the confusion of the TJ and classic justice, another Tutsi man said: There is TJ because we displaced people are not respected because we are accused of not returning from the displaced camps and yet the reason we fled our home is still in place.

The same concept people have about the TJ exists when one talks about the TRC. Many people say that TRC is good but do not give explanation.

Schematically, here is how the knowledge of the victims presents itself on the TJ in general and on the TRC in particular:



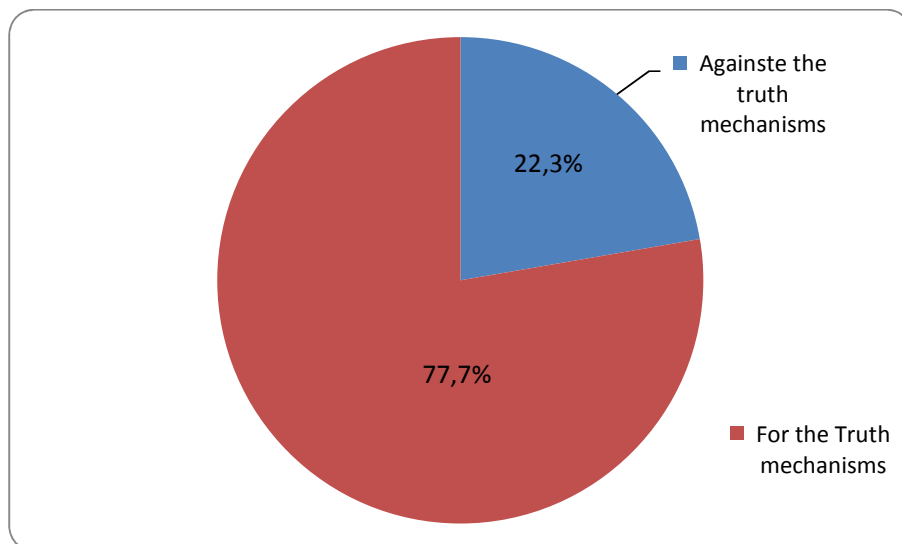
### Needs, aspirations and fears of victims on the mechanisms of truth and the TRC in particular.

#### Needs and aspirations of the victims

Two hundred fifty one (251) of the interviewees, that is 77.7%, want the truth on the Burundian conflict history, the origins of the conflict and all the events that grieved the country be known. 72 remaining people, that is, 22.3% think it is not necessary to know the truth or the establishment of the TRC. It is surprising that women are more skeptical of the truth mechanisms and the TRC in particular, than men in the proportions of 46% women and 9.5% of men, which is 52 women on 133 interviewed and 20 men on 210 interviewed. But in all the cases the responses show the need to

live in peace, to never go through the war in Burundi and especially to see their life conditions improved and their children living in peace.

### For or against the truth mechanisms



### For the victims who see the necessity of to know the truth, the aspirations and arguments are varied:

- For some, knowing the truth would permit the guaranty of the non-repetition because the people who have committed the crimes would change their minds and not redo the atrocity. One of the victims of Nyanza-Lac is clear on this subject and said:

*“If the truth is put in the open, those who committed atrocities in this country will realize they have been known then feel ashamed and will ask forgiveness; I believe this will motivate people not to do it again and thus we shall have peace.”* Another of Kibimba added : *“The wrong doers will understand they that they have done wrong”.*

These victims need that the truth be known and wish that the process may play a role in stopping the repetition of the crimes in Burundi. They also wished to know the perpetrators and that they may be prosecuted. In the same flow of ideas, some wanted the perpetrators to declare publicly and ask a pardon for the committed crimes. This would help the members of different communities to stop the globalization and the mutual accusations as it was testified by one victim in the internally displaced camp. *“When the truth will be put in public, I will no longer accuse people in globalization.”*

For others, if the truth was known, it could be easier to recover their goods that were looted during the conflict. They consider the truth as prelude to the restitution of the lost goods or the endemnization. One victim of Makamba indicated that the truth is necessary so that she might be rehabilitated in her rights and she said:

*«I hope I twill be a good time to recover my little plot and to have a place in the community as a citizen like others.»* Another one in Taba underlined: *“The fact that the crisis has taken away one who was feeding my children and that it is impossible to resurrect him, I will be glad if they give me an endemnity and then I will pardon them and this is the meaning of the truth in my opinion”.*

The victims therefore consider the knowledge of the truth as a favorable occasion to regain the all they have lost and look forward to being restored in their rights through the restitution and endemnization. There are those who see the knowledge of the truth from another angle which will offer them an occasion to take revenge against the perpetrators of their wish they should be get the deserved punishment. One victims in Makamba indicated that he would be comforted if he saw those who have killed his loved one being eliminated to pay the price for the evil they have committed.

Others finally would like to know the truth for the sake of the culture in general as this woman of Muhanga underlined. *“I want to know the truth because by this I will know the truth since I did not know why they told us that in 1972 we killed the Hutu, and I even did not know what has happened during that time”.* Another man said: *“I want to know the truth so that I may know what to tell my children”.*

Apart from these arguments which seem to be the same, one person told us that knowing the truth will allow the development because even the displaced people will overcome their fears and go to work on their properties in their hills of origin.

**For those who do not find any importance of knowing the truth and establishing the TRC, their arguments are also diverse:**

Up to 22.3% of the victims refute the truth mechanisms and give the following reasons:

For some, the TRC will revive the tensions and harbor hatred and revenge at the time when people were forgetting the evil and had started to slowly reconcile. The victims also mention the uselessness of the TRC because it will not bring back those who died. One survivor in the displaced camp of Ruhororo said: *“If we are not careful that truth might cause us to get back into conflict while we are living now in peace with one another”.*



Another one added that the activities of the TRC could disturb peace because it will bring back the painful memories. One person from the Muhanga displaced camp said that the discovery of the truth might wake up the demons of criminality and concluded in these terms: *“Unearthing the buried is meaningless”*.

For others the truth is inaccessible in certain circumstances and therefore it is not necessary to search for that which will not be found in all circumstances. And in these conditions, the government must assume the responsibility instead of bothering the victims to go to testify. A victim of 1972 explained : *“Many witnesses of 1972 are now dead others are very old and will find it hard to go to testify therefore not all the truth will be known”*.

Another victim said this: « When the perpetrators attacked they were many and had the same uniform. How will one know who shot your loved ones or looted your goods? What we did was simply to hide. What was destroyed by the soldiers should be repaid by the government because they belonged to it”.

Others simply do not want to spoil the good relationships that are existing among them and their perpetrators. This means that some elements of the truth will be hidden by the victims themselves; some of them have already reconciled among themselves and lead peaceful relationship among the families of victims and perpetrators. One Tutsi victims of 1993 made this declaration: *“It will be very hard for me to testify on what my neighbors did for me after 8 years of peaceful living together with them. Two of my daughters are married by Hutus and whenever there are ceremonies, I am always invited and I always attend. How will I go and testify against them? It will be viewed very negatively in the neighborhood”*.

The big question here is to know if truly the victims have reconciled with the perpetrators and they know the veracity of their declarations.

This doubt is based on two facts that say a lot on the sentiments residing among the victims. Some say they have forgiven because they had no other choices. Look at what they said:

*“I have even forgiven! What else could I do?”* Or *“I have forgiven them, God alone will judge them. Or “We do not need to search the truth that we already know. I know those who killed my husband and today will share food together, what else could we do?”* These ideas show a form of helplessness instead of truth forgiveness that comes from the heart.

On the other hand, there are those who have by conviction offered forgiveness because they said something thing like this : *“ It was a tragedy this is why there is no reason why I should not forgive them.”* Also some said: *“God said that whoever does not forgive will not be forgiven”*.

In conclusion, concerning those victims who claim that that they do not need to know the truth, we think they need it because those who forgave did it not because of their conviction but because they were frustrated and the fear of what would follow concerning the knowledge of the truth on what has taken place in the past.

Finally, there are those who contradict themselves in their expressions, and this is the case of this person: *“I do not support the stories of TRC, I would rather be comforted if one who stole my cattle and looted my goods came and asked forgiveness”*; this would be concretized only after the truth is known.

### **What can explain the mistrust of women compared to men vis-à-vis of the TRC?**

It is not easy to establish clear explanations of this gap between men and women in regards to TRC nevertheless we can come about some hypothesis based on interviews conducted on women. On one hand, this difference between men and women could maybe be explained by the fact that women underwent heavy deals for the conflict and are not confident in regards of the TRC, in this idea they prefer to keep the status quo, that is, this absence of violent conflicts observed nowadays. One of these women told us this: *“Do you know how it was tough for us during war. The women could not flee without her children. Did my husband not flee to Tanzania leaving me alone because he knew that I could not move without my children and especially knowing that I had no one to assist me?”*

On the other hand women are likely to be less curious about radio diffused information and thus have no information on the process. Referring on the Burundian culture, women have domestic activities as attribution and they don't have in this case enough time to find interest in other things, moreover, justice affairs that have an administrative and official form are particularly reserved for the man. This is clearly observed by this woman who stated that TRC was not bringing anything new to her and that this was the affair of her husband. She said: *“What is the importance of me knowing this information? Maybe my husband has a saying in the matter because He usually finds time to interact with the administrative people.”*

Clearly we see that this woman does not grasp the importance of TRC and has no time to interest herself on the matter because according to her this is the business of the husband.

What are the aspirations of the victims in regards to the form of expression of the truth to TRC?

Talking about the way of giving information in TRC or the testimony giving in TRC, 55% of the victims prefer testifying in public, 20% stand for the two forms of testifying that is public and private testifying according to circumstances or preferences of the victims or witnesses. 25% are for private testifying.

In regards to gender, more than 63% of women who took a stand on the matter, all ethnics combined, would opt for discreet testifying (non public testifying). Those who are for public testifying consider that this kind of act would permit to guaranty that the truth will not be deformed by the people in charge of receiving the testimonies and this would be a way to prevent giving false testimonies without means of being proven wrong. In addition to this they state that it would be suspicious and less logical for a person who is willing to reveal the truth prefers to make known his truth without being known.

Those who prefer a non-public testifying process are mostly afraid of the consequences that they could face if what they stated could be reported to some people especially powerful men in the administration and the rich and influential people.

### **Fear of victims in regards to TRC**

Even though 77.7% of the victims thirst to know the truth about what happened, scenes and circumstances of committed crimes in their respective communities, fear on the process that would bring to light this truth remains vivid. Some of the victims revealed some of this worries and the most frequent among people who faced atrocities are the following (gathering of worries expressed):

**Worries about security:** a non-negligible number of victims fear for their security. They fear that their lives may be in danger once they testify. The preoccupation about security was expressed by more than the two thirds of the consulted. This is likewise also for the witnesses. A victim in Matongo does not hide his fear in regards to witness protection; for him, the discovery of truth without a system of protection of the witnesses is likely to jeopardize their security.

Another survivor in the vengeance orchestrated by the militaries and the displaced on the Hutus who remained in their homes mentions that internal refugees must go back to their respective communities so that the truth discovered may strengthen good cohabitation and reconciliation among different ethnic communities. Otherwise, the pursue of truth on what really happened would be impossible.

**Mutual coverage of the Hutu and Tutsi elites:** a Twa had this to say: *“Hutus and Tutsis all together did evil and they share power I fear that they will tend to cover each other up”*.

The implication of some high ranked people of the country may constitute a handicap given the fact that these people were involved in crimes committed in Burundi. Thus these high ranked people are most likely to cover one another and hide truth to be exposed.

**Process made too political and absence of willingness:** Some other victims fear the political manipulation of the process by politicians and the absence of true desire or will of the elites because their responsibility in the conflict is, according to the victims evident. *“I fear that educated people will not back up this project because there are the ones who had a decisive role to play in the sense that peasants couldn't have decided by themselves to kill one another. Before the crisis we did not even know our ethnical backgrounds”.*

**Risk of elevating tension and jeopardize the existing peace:** there are victims who refuse the idea of the putting in place of the commission because they are afraid of the rising of the tension and thus compromise the existing peace. The accusations of some people to others may bring about hatred and disturb the peace so far achieved. This truth which is necessary for the sake of history may be dangerous for the population. If it is not followed by the asking of forgiveness it would have been useless and dangerous

**Confusion for people who are both victims and actors:** the situation could get complicated because the actors in the 1993 conflict could be the victims of the conflict of 1972 and vice-versa. Having them come first as survivors and then seeing them again as actors could put to shame the members of TRC.

**Incapacity of refunding stolen goods:** those on whom the responsibility of stealing is going to fall on will risk to feel less at ease if they are unable to pay back. This may bring about inefficacy in the process for some Burundians.

**Doubts concerning the creation of TRC :** some are skeptical on the process of putting in place the TRC. They remark that it took long to be and ask themselves if it will come to existence. A repatriated remarked: “I fear that the government is lying. What is spoken is not what is done. I don't think that the TRC will come to existence. Finally five people fear that the material needs of the victims are not going to be handled in the process of the TRC.

### **Needs, aspirations and fears in regards to mechanisms**

Victims met have different point of views in regards to the relevancy of considering judiciary mechanisms as means of mending wounds that stem from the painful past of Burundians. The rate of people who would not like to put their trust in justice

offices is high, beyond 51%, this seems to be contradictory if we analyze the rate of those who strongly desire to see the truth come to light which is at 77.7% (see results on aspirations in regards to TRC). Let us see what are the reasons that the victim put forward to justify their positions which seem contradictory in the sense that the plain majority wants to know the truth but still refuse to trust or put trust in the mechanisms of judiciary claiming.

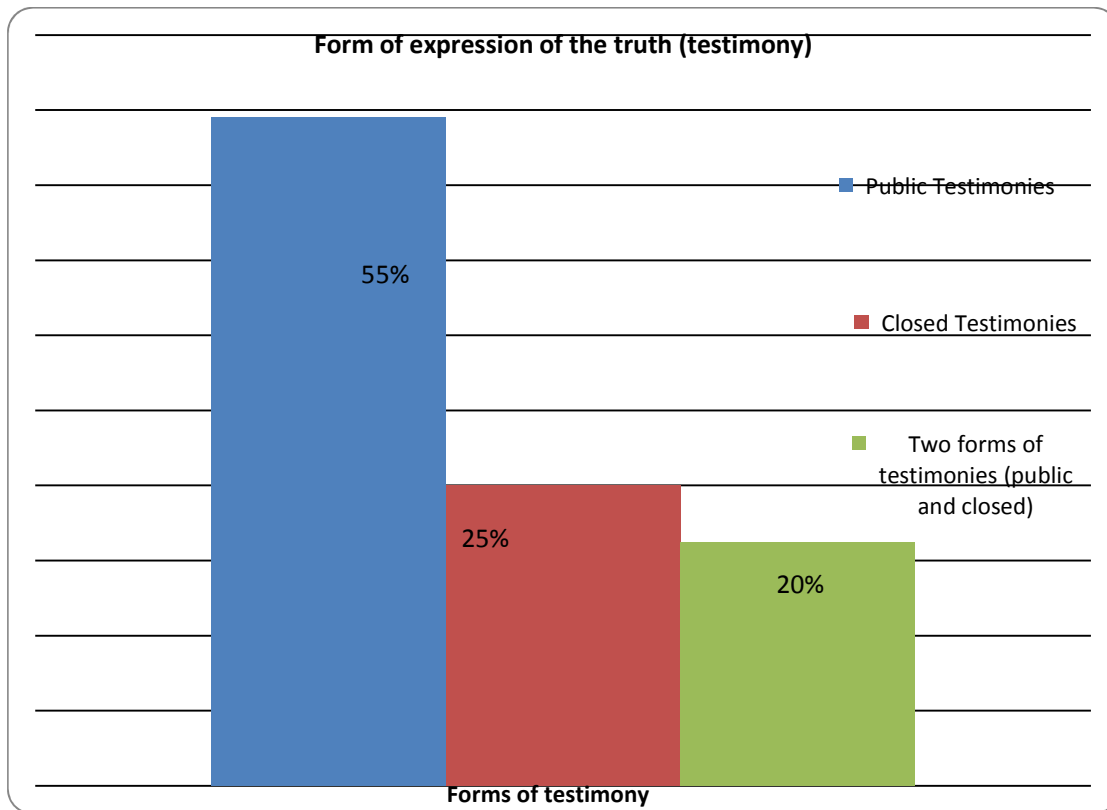
### **The advanced reasons are for instance**

**The absence of the knowledge of the actors:** this argument or idea is advanced by all the categories of victims without considering their ethnical background or gender. In effect, atrocities took place when the survivors were hiding somewhere, when they had fled to other localities. In this sense, the choice of not seeking judiciary mechanisms would answer to the logic of the methods of judiciary investigation which would encourage just to testify in criminal affairs just against a well identified person with obligation to describe with exactitude how the crime was committed if not with uncontestable proof. In judiciary matter, contradictory debate is the rule on which it is impossible to take one self out.

**Problematic of crimes committed by procurator:** another argument close to the non identification of the victims stated previously is based on the fact that those who committed crimes would have done them under a given order and are thus not completely responsible. The words of this repatriated of the commune of Ruhororo, province of Ngozi are categorical: *“do you think that those who killed, burned houses, or stole things did it just by themselves? No way, they were just executing the orders of their superiors”*

**Probable disturbance of security:** another category of survivors are against all trials of judiciary maneuvers because they fear that this may lead to their physical insecurity and it may jeopardize all that has been attained so far in matters of peace and reconciliation between the different ethnical groups and this may probably lead to a circle of vengeance in this country. This is well illustrated by the words of this victim: *“if the victims press charges in front of the judiciary system this will show that they kept a certain grief in them and that would be a heavy blow to the process of peace and security”*.

Another victim had this to say: *“If I press charges, that would risk to bring about hatred. I have transcended what occurred to me”*.



### **A justice of the strongest**

Some reject the idea of judiciary mechanisms because they may affect the less powerful, simple executants of orders instead of the real ones who have a certain influence on these judiciary mechanisms. On the other hand the victims of torture notes: *“Since high rank level of justice is in the hands of intellectuals, will they not cover up their mistakes? The intellectuals are lying to us. They are the ones who elaborated this program. I find that the only vulnerable citizens are the ones who are to be condemned.”*

### **Corruption of the judicial system**

In addition to this mutual protection of the elites, the corruption of the Burundian judicial systems is likely to hinder victims from seeking justice during the transitional justice. A victim of Nyanza Lac describes this as follows: *“Even though one takes into court his case we must recognize that the saying that the strongest and the richest is always appreciated as the right man especially in Burundi” or “the strong is always right. Do you think that I can pursuit in court a colonel or a big businessman and win? I think this would be wastage of my time”.*

Moreover, a big part of the victims shows lack of determination to testify in any jurisdiction that handles crimes of the past, because they consider that since it is impossible to reverse disappeared life to the people any action in the justice remain in vain. They claim to have forgiven their offenders. The statements of this victims of Muhanga, province of Kayanza, is in fact shared by a large number of the interviewed showing the true feelings that dwell in these people: *"I will never waste my time seeking for justice for what I endured. Do you think it will bring back my deceased children whom I lost during conflict? I have already forgiven them. They will answer to God"*.

### **Complexity and gravity of the prejudice endured**

Some other victims would hesitate to press charges because they say that the prejudice endured is so complex and justice alone can't propose a solution. Amputated men from Nyanza Lac commune, province of Makamba say that his situation is so complex: *"There are some crimes that can't get an adequate punishment. For instance, no one would give me back my amputated arm even though I know the person responsible of my situation. Even if I press charges I do not see what they can do to him, what difference would it make?"*.

### **Lessons to learn**

From all statements and arguments issued we can learn the following lessons: first by analyzing facial expression and gestures of the survivors it is clear that psychological pain is a reality nearly twenty years after, for some and more than forty years after, for others. This psychological suffering is manifested when they recall what happened to them or when they talk about their social and economic problems as a consequence of the conflict. In addition, at first sight, one would get the impression that the survivors have already enrolled themselves in the logic of forgiving and forgetting. However behind this appearance lie a form of resignation and a feeling of incapacity. Being in a situation where they can't do anything. They grant vengeance to a supernatural force that they state quite often, God.

In addition, fringe survivors' wishes to do economy instead of any judicial procedure for the Burundian justice would lack credibility. An interviewed person of the commune of Ruhororo Said: *"If nothing changes in the Burundian's judiciary structure, I could never trust it"*.

For instance , as regards to the case of those who would like to trust the jurisdictions set up under the JT frame, they are considering this option to prevent what has happened from happening again. Thus they give a judicial sanction a certain power of deterrence for generations to come. One of the survivors of Marangara noted *"I'm*

*afraid that if there is reconciliation without punishing criminals, there will be repetitive of the criminal acts”.*

Another indicates that: *“The justice should not sentence to death the criminals but may they be imprisoned to make them realize that what they did was actually not light”.* This puts in evidence that the purge of a sentence could bring the perpetrators to question and reflect on the inhumane nature of their actions.

In addition, another category of survivors said it is determined to submit its cases to competent tribunals to judge crimes during the conflicts for the sake of fairness. Indeed, this idea is especially defended by the survivors, mainly Hutu qui believe they had to pay for the causes harm to Tutsi but the reverse has not yet been produced. These words of a survivor in Muhanga province of Kayanza, are shared by many others: *“It is imperative that the Tutsi who put on fire our houses repair us as we have done it to them”.*

### **Needs, aspirations and fears of the victims in regards to mechanisms of reparation**

In general there are many forms of reparation. These are programs elaborated to mend or try to heal the wounds of the victims. These ones must be at the center of any mechanism of reparation.

Our interviewed expressed themselves on all the categories of measures of reparation just as set in the fundamental principles and directives concerning the right to ask for reparation on behalf of the victims of gross human rights violation. These reparations include for instance restitutions, indemnity, re-adaptation and guaranty of non-repetition of atrocity.

### **Physical and material reparation/Restitution and indemnity**

All the interviewed victims affirm that they have things they lost be it human or material loss in the different periods of crisis that our country went through. It is very rare to meet a victim who did not have any human or material loss.

However, all the victims recognize that it is rare, even impossible to reestablish the person back to his initial state (before the crisis) after many years of tears and desolation. They are all aware that a dead person cannot be resurrected and the majority does not agree that it is right to kill the one who killed because this does not bring back the lost one.

Also, for the reparation concerning the lost materials, the victims expressed the same impression on the largeness of the goods stolen, burned and spoiled during the crisis



of this nation since independence. They don't believe that many individuals are able to pay completely the wrong they inflicted to others. These are the words of a repatriated: *"my husband had to abandon all he had in Bujumbura and joined me. When the situation became hard to bear, we fled to Tanzania, leaving behind our house full of our goods. Among people who stole our goods some were of our family and many are poor; in fact we are richer than they are. They are not able to repay us. The government should handle this issue. But I don't think that even the government can be able to retribute all the lost goods."*

However all the victims consider that the reparation process is the best solution for them, to feel good and relatively well rehabilitated according to their right. One of the victims told us: *"Bad thoughts come to the mind when one is hungry; from, that moment you recall how you used to live. The people you lost and the importance they had for you. It is very vital to be consoled"*.

Thus, (91%) the victims that we met are in favor of the idea that stolen goods; spoiled goods by the criminals or offenders must be given back to the true owners and indemnity which would be determined in nature and in quantity by the government according to the cases.

But 5% of the victims think that it is useless to claim restitution of their goods. These victims say that they have already reconciled with their offenders and they are in good terms with them now. They find it irrelevant to ask them to repair the wrong they did today. One of the victims told us that they consider the services that they offer them and deeds of repentance and that in this sense it is a way to repair their wrong doing.

In order to console people who lost their loved ones killed by the soldiers or policemen and whom the victims failed to identify, the government should be the one to handle the issue of restitution of goods to the survivors. This idea is shared by 142 people who represent approximately 44% of the interviewed. These people suggest that the nature of the restitution should be in terms of: money for the families of the deceased, the houses constructions for orphans, providing a good education (fees) for orphans, constructing or building houses for the widows and widowers and loans of retirement for families close to the state employees who passed away.

### **Some particular groups of victims**

In matters of compensation and restitution, we will focus particularly on two categories of victims which are the repatriated and internal refugees or displaced who constitute the majority of the people interviewed.

For the repatriated, 100% of the ones we met claim to be given back their lands that they found occupied by other people when they come back in the country. One of them expresses himself in anger as following: *“It is a must to be given my land back, so that I can find what to feed my children. We can’t have peace with this stranger person who occupied my lands after killing my people, it is better we fight again. And for those people who are not well informed who want us to share our lands with people who are not even our family members, we’ll see where they will lead to finally.”*

Another one adds: *“if we do not regain back our land, nothing is going to be done because, the land, that’s life for us farmers. Do you think we got diplomas while in exile so as to have as salary like those who stayed here and are employed by the government?”*. These comments show just how the return of their land (land restitution) is a need for them and they seem to ignore the needs of residents who are occupying these lands, provided that they get back their lands.

Nevertheless, 25 displaced or internal refugees, representing 21%, don’t want to go back in their respective homes because of different reasons: some fear that the danger that made them flee is still there they are skeptical in regard to security guaranties. One of them noted that he survived at the very last minute and that he never thinks of returning back to the place of his grief, where he met death face to face. He continues like so: *“I escaped just because of God’s love, I almost died and I never think of returning where I experienced painful, dramatic and terrible events, where I confronted death face to face”*. These statements show that he has kept the scars of war that hinder him to think about going back to his home village.

Others say that they don’t want to go back in their respective home villages because they are used staying in the place where they are actually, that is in the sites of protection. Instead, they wish that the government can include them in the politic of creating villages so that their village can be transformed into a peace village

### **Re-adaptation**

At this level of reparation, the victims took a stand by wishing that the government may do all that is possible to assure medical and psychological care in favor of those whose physical and mental health were affected by the crisis. These are mostly women who after being raped got HIV, disabled people who need prosthesis not forgetting people who were traumatized.

### **Moral and psychological consolidation, symbolic and collective reparations**

At this level the victim we met expressed on the issue of constructing monuments in the memory of the lost, exhumation of the dead for a burial in dignity, organizing

ceremonies of mourning, cultural ceremonies for those who lost their loved ones but did not get the opportunity to cry or bury them. Fixing national period of mourning in the memory of victims of the different crisis and the construction of a unique monument or many monuments in memory of the people lost during war. Here we managed to gather the proportions (effectives) of victims who were the target of our research in matters of their aspirations.

A vast majority of the victims or survivors met (82%) expressed the desire of having a dignity burial for people who were buried in wrong places like in the forests or in toilet holes. They desired that their bodies be “unburied” or searched for and buried with dignity, and this should be followed by the end of mourning afterwards as it is in Burundian culture. The words of this woman survivor after the death of her husband and child have more to say: *“I did not bury my husband because we were fleeing for our lives. They took my child from my back and I didn’t know where they put him because I was unconscious after being thrown a stone on my head. I searched for three years looking for the remaining of my child and my husband but in vain. The government should organize a proper day for burial and of mourning for our loved ones”*.

During the interview, some victims cried when they recalled the dark episodes of what they lived during the cyclical crises that our country Burundi went through. One of our interviewed whose father got killed in 1972 had the picture of his father on the wall of the living room and when the mother came she took off the picture and kept it far. Since then she (the daughter) has never seen it. His mother said: *“You want to remind me the image of the one I lost and could not organize burial ceremonies”*.

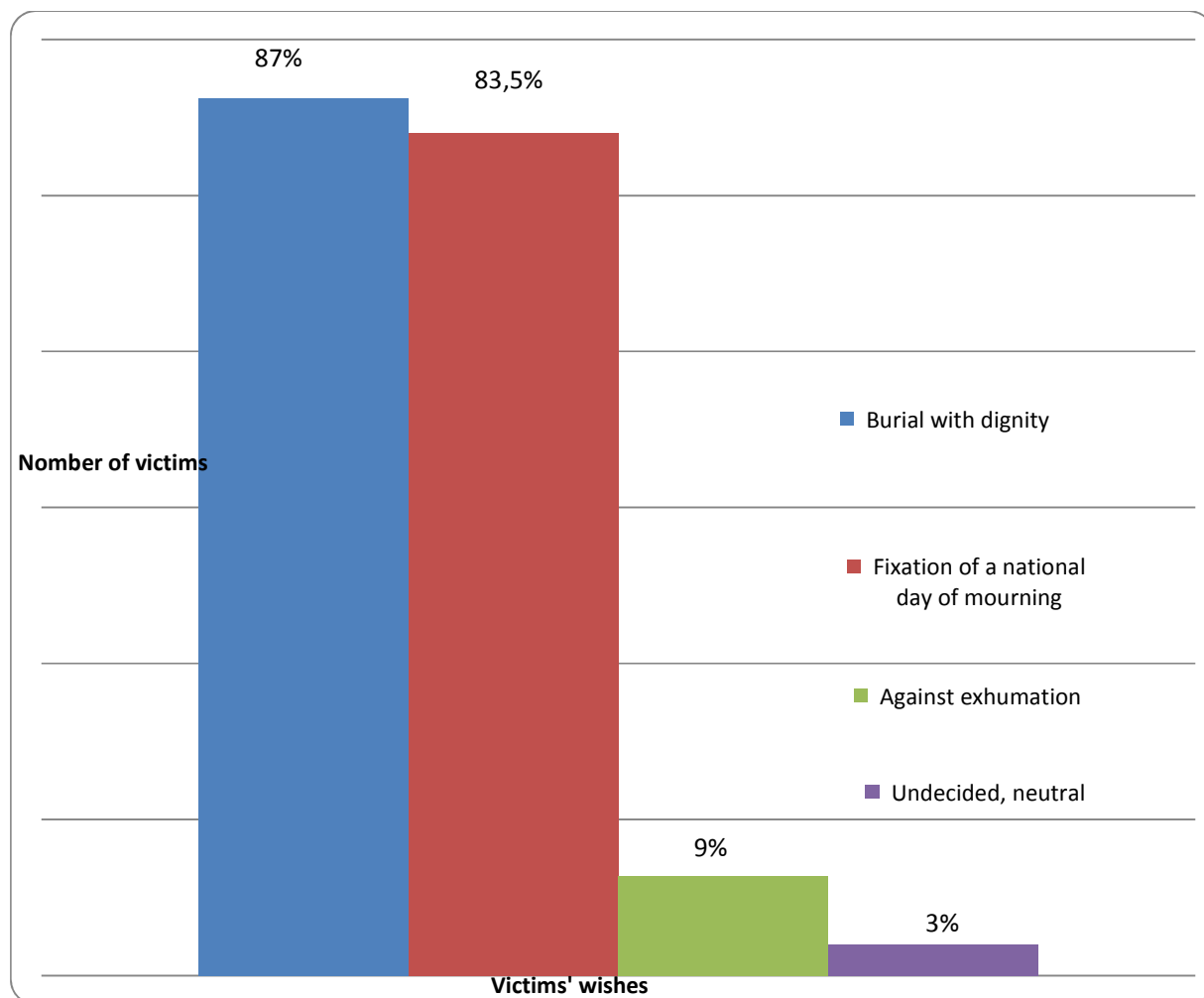
Victims take this issue very far and even 83, 5% wish that the government may fix a period of national mourning in memory of all the people who passed away during the crisis.

Nevertheless, some others estimate that it is not necessary to “unbury” those that are dead. These are some of their ideas: *“I think they should leave them where they are. The dead should remain in the soil and that settles it”*. She continued: *“If it is not just to leave as in sorrow and heartbroken the Unburying of the dead is irrelevant, this could even provoke hatred between people while our wounds are in the process of healing”*.

Thus, according to them, exhumation would be another form of traumatizing people and a way of piercing the wound of the victims or survivors. Others affirm that this would be against equity to all victims because some people’s bodies were thrown in the rivers and other bodies were never found and can’t be found. There is a victim who told us that the bodies had degenerated already. She continues on adding that their exhumation would provoke many problems and would bring about cycles of

vengeance susceptible to put the country on fire. In short, this is an image of how we can represent the considerations of the victims:

### For or against exhumation and inhumation in dignity of the dead



### Monument building

On the issue of building monuments for the memory of those that died, more than 90% are for this idea but diverge on the issue of one monument or many monuments. 180 people interviewed (56%) desire a unique monument for all Burundian while 82, that is 25% wish for many monuments among which a monument for the lost people that remained unidentified.

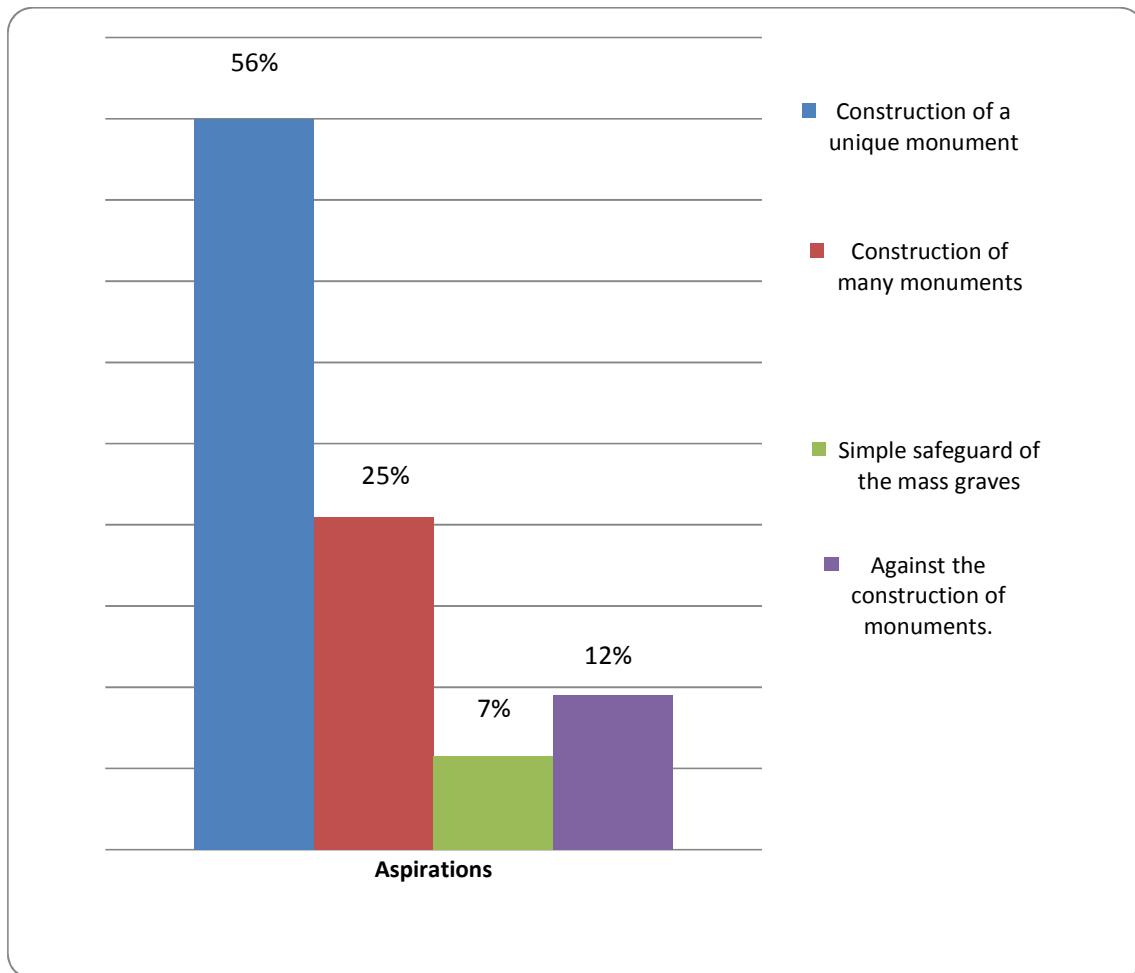
However, 38 people, 12% of the interviewed are completely against the construction of monuments that they consider as memories of drama and think that they would serve to encourage resentfulness and would traumatize victims again and again anytime they would look at them. This would be a wastage of fond that could be used in repairing and indemnizing the victims. They are those who are in favor of finding a common ground for burial and that this would be enough (23 victims).

For those who are for a unique monument, it is imperative not to think about many monuments for the sake of unity for all Burundians. Monuments that carry an ethnical character or aspect may provoke dividing teachings and ethnical. In order to permit reconciliation, one monument is needed so that all the people who died are considered first as Burundians before being part of any tribe; let it be Hutu, Tutsi, or Twa.

For those who support many monuments, it is important to construct many monuments according to the periods and years of the crisis. One of the survivors of the 1972 crisis states: *"We need many monuments, we did not face the same hurting experiences and less again at the same moment, in a same place or same year. I don't support that my family that was murdered by Tutsis have the same monument like the Tutsi who died"*.

They are the diverse aspirations in regards to the construction of monuments in the memory of the dead (Histogram below).

Monuments that carry an ethnical character may accelerate or perpetuate divisionism teachings



### **Fear for victims in regards to the reparation process**

Even though victims find reparation as a solution to handle the wrong deeds committed, they express some of their fears:

- Forced reparations may bring about frustrations and create hatred.
- Eventual injustices which could provoke other issues in process of reparation of the wrongs. If the government decides to refund people who lost their goods, people will tend to lie about the amount of goods they lost.
- The truth about 1972 is known by the authorities of the past period. If they don't testify, reparation will be compromised.
- Crimes that were initiated or done by "strong men" are likely not to be followed up or initiate any form of reparation. These are for instance crimes committed by the chief soldiers, the power holders of that period, business men in a corrupted system, ancient rebels and politicians who fled the country.

## **Needs, aspirations and fears in regard to the institutional reforms and to the non-repetition guaranty**

In order to bring the interviewed to identify measures to take in order to guarantee the non-repetition of conflicts in Burundi, it was asked of them first to identify institution that played a major or key role in the atrocities that our county went through.

What can be observed from this is the fact that survivors do not distinguish institutions and people representing these institutions. This makes it hard to verify whether these institutions were reformed or not or whether they truly meant to be adjusted in order to answer to the imperative of the no repetition (never again process).

On the other hand however, the local administration is identified as an institution that was involved in the massacre committed. However, almost all the respondents said that this structure changed because the administrators, having had a political mandate and thus temporal, has changed many times. It becomes thus difficult to effectively know if these structures were reformed and whether they are talking only about changing forces of the leaders. The questionnaires finally revealed to us that they were referring to the second hypothesis. Moreover, the incrimination of communal administration is stated mainly by internal refugees, in majority, Tutsis.

However, Hutus questioned and who expressed themselves on the matter accuse the military, police and justice to have participated in the injustices and massacres that were observed in the country.

The survivors, for instance the Batwa of the Muhanga commune accuse strongly the justice for its partiality but they don't refer to justice in the framework of transitional justice but they base their observation on the evaluation of how justice is actually rendered. We noticed that those who had unfavorable point of view toward justice, police and army affirm that these institutions have changed although they reveal some issues linked to corruption and human right violation.

This is the same point of view with those who had negative image of the communal administration. The statement of this survivor from Bugendana, in the province of Gitega reveals the general perception of post conflict institutions: *"We trust the institutions in place. Our nights are peaceful but there are thieves who destroy our crops. When they are caught they are put behind bars for a short time and then they are released. When they meet you, they say heart tearing words. Nevertheless, they don't only steal in the farms of the internal refugees. They are useless people who respect nothing"*.

Another survivor said: *“Now we share beer with the soldiers while back then they were like animals. Things have changed although there is no perfect man”*.

However, some are severe in regards to the police and accuse it to be too corrupted. A victim from Muhanga Kayanza said: *“Nothing changed because if you have been oppressed by someone and you call the police for intervention, you have to bribe them”*.

Also, the Batwa of Muhanga for example remains reluctant vis-a-vis the justice that they consider unjust to the weak. One of them speaks about a military of their family who is jailed: *“He was jailed because he is Twa and in the objective of stealing the money he gained while in Somalia because they knew that he had no one to defend him”*.

The main lesson to learn is that despite the taking of stands or positions, we realized that the reading of the past and present history of Burundi is done in the area of the victims through ethnical lenses. The identity declines, though victims keep claiming to have forgotten the past; but it resurfaces when they evoke the sensitive issues. Everything is good or bad according to the identity of the one judging.

After the analysis of this situation, survivors were asked to bet on the possibilities of an emerging new conflict or not. A great part, more than 60% of the interviewed said that a new conflict is possible in Burundi. The likelihood would be the absence of political dialogue or political freedom and the absence of respected elementary principles of the Human Rights.

Moreover, in the Southern region, in Nyanza Lac and Mabanda, the main probable cause of a new conflict could be land issues between former refugees and residents called “Abasangwa”.

Again, people interviewed don't seem to be inspired to talk about reforms, type of institutions to be proposed so as to guaranty the recidivism of sad events. This lack of inspiration is linked mostly on or to the fact that they consider that institutional reforms is not their business. A survivor of Nyanza Lac expresses his indifference in these terms: *“What matters to me is that war may not break in again, otherwise, administrative structures concern the leaders and it is none of our business”*.

Another one conveys practically the same thing but insist on the absence of trust he has in regards to politics: *“We on our side respect the one who does business. Whether the reforms are done or not we have no choice, all are the same, they only seek their interests”*.



The few survivors who manifested the desire on institutional reforms to put in place speak mainly about moral in administration and in the defense forces, in security and justice and the strict respect of Human rights.

#### **Chapter IV. Psychological state of the victims interviewed**

In the scope of what happened in the country, it is not irrelevant to seek and ask the question concerning the psychological state of victims. This section has the objective of showing the psychological state of victims because in our view, all the rest or remaining of the process depend on it. It is not easy to give responsibility to a group of people with psychological problems to monitor a process so complex of managing a painful past through mechanisms of transitional justice.

Indeed, even though the victims claim that they feel good after times of war and insecurity, psychologists who visited, spoke to them by analyzing and observing them managed to identify and diagnose in 17% of the victims met some psychological problems that we can classify in these essential points as followed:

##### **a) Psychological trauma:**

Some victims are still under choc in spite of the long period undergone after the crisis or conflicts. Conversations with psychologists have taken them back to the past events. Some expressed their emotions through tears; some showed signs of hopelessness like holding their head between their hands, instability, anger and humor disturbances revealing internal hopelessness of the concerned, etc.

Revealing symptoms of psychological trauma could be easily proven by feelings of not wanting to face some situations and the bringing back to life of traumatizing events. This victim explains her actual state of living in these words: *“I never think of going back to my home village, even when I remembered about it, it’s like I am living that scenario .God forbid! May I never return there (...).”*

This victim tries to forget (running away) her village in vain because she still experience the dramatic scene observed there. She is also undergoing a trust crisis because she feels always insecure. Her village inspires her fear and horror; she does not even think at all of any evolution to the security level, less on the possibility of cohabitation with those that stayed in her village.

##### **b) Despair:**

These victims don’t believe in the efficiency of the TRC especially in matters of reparation and compensation. They seem to have fallen in despair and hopelessness and have no positive view of the future. This type of despair is not less pathological and can lead the lacks of initiatives in life. Thus these victims keep on calling at every moment a divine intervention.

**c) Resignation:**

The reconciliation manifested is due to the necessities of living together. Analyzing the gravity of spoiled things, some victims have in mind that nothing can be repaired and thus it won't be of any beneficial.

**d) Grief:**

Since some did not bury their loved ones, there is a sense of prolonged grief that is still evident on the face of the victims. They believe that the government could do more to assist the victims of war especially in matters of reparation.

**e) Avoidance:**

There are those who try to act as though they are not aware of what happened they try to ignore events. At first sight, these victims claim that it is not necessary to talk about these events and that one should mind issues of today's moment. When they manage to get linked to their events, they give tons of information that are unexpected and their anger overflows.

**f) A weak resilience:**

We managed to remark in the victims a big psychological vulnerability. They stated that even a small wrong thing (painful) makes them remember painful events and all faults or error falls back on the crisis that struck our country and indirectly on the actors in the crisis.

Many events have occurred that can highly support that existence of the TRC. Talking about the crisis that struck our country, I don't think there is a person who is not a victim of a given situation. The TRC must be methodical and well planned because its task is immense.

The most important lesson we learned during this research is that people, even in the absence of TRC or any other national initiative manage to go beyond the hurting events at a certain rate that permit them to live together despite of the atrocities. In fact, when victims narrate their story, the experienced events are so horrible and shocking to the extent that one could think that victims and offenders will never live together. We managed for instance to gather confirmed information by both the Hutu and Tutsi and Twa of Bugendana concerning intermarriages and good interethnic cohabitation despite of the massacres of an ethnical character that occurred in these localities.

### Summarizing Table

The mechanisms of Transitional Justice needs and aspirations of the victims as expressed	Needs and aspirations of the victims	Fears	Observations and comments
1. TJ mechanism knowledge in general and in particular the TRC	<p>Be informed about the whole process of TJ in Burundi</p> <ul style="list-style-type: none"> <li>- Have sufficient information on the TRC process</li> </ul>	<p>TJ may be rushed and have a low participation of victims due to lack of information or lack of interest</p>	<p>It is the observation that the knowledge about the TJ mechanisms are limited among the victims. 49.5% of the victims interviewed have heard of TJ but have vague knowledge. The main source of information is the Radio. 47% have no idea and 3.5% TJ confuse concepts and TRC classic justice.</p>
2. Mechanisms of the truth	<ul style="list-style-type: none"> <li>- Know the truth about the painful events that struck the Burundi (the perpetrators, the circumstances, ideologies, periods, etc.).</li> <li>- The truth to recover lost assets</li> <li>- Knowledge of the truth instead of globalization</li> <li>- Knowledge of the truth whose role is a way that stops the repetition of crimes by the perpetrators (who are aware of the seriousness of their actions)</li> </ul> <p>Testimony in public (55%);</p> <ul style="list-style-type: none"> <li>- Testimonies not in public (25% of which women are the majority)</li> <li>- Two forms of testimony (public and in</li> </ul>	<ul style="list-style-type: none"> <li>- Concerns about the safety of victims and witnesses, but also perpetrators</li> <li>- Probable mutual coverage of Hutu and Tutsi elite to escape justice</li> <li>- Manipulation of the political process</li> <li>- Lack of willingness of the elites to participate.</li> <li>- The truth may be revive or reinforce the tensions and hatred and undermine the existing peace</li> </ul>	<p>-77.7% Want to know the truth about the history of the conflict in Burundi, 23.3% believe that it is not necessary, in order to safeguard the existing good cohabitation. The fact is that this lack of desire to know the truth is not out of conviction among the victims but rather from resignation and despair. They are skeptical about the result which will be brought out by the truth.</p>

	<p>privacy) depending on the circumstances and needs (wishes) of the victim (20%)</p>	<ul style="list-style-type: none"> <li>- Lack of knowledge of the perpetrators</li> <li>- Complexity of the case for people who are both victims and perpetrators</li> <li>- Abuses by military might remain unknown;</li> <li>- Continuation of crimes committed by men in uniform, establishing responsibilities is difficult and complex</li> </ul>	
<p>3. Judicial mechanisms</p>	<ul style="list-style-type: none"> <li>- The responsibilities in relation to the crimes are established</li> <li>- Those who have committed crimes become accountable for their actions or publicly ask forgiveness</li> <li>- Let justice be done for the interest of fairness</li> <li>- Protecting the government personalities who have been involved in serious crimes</li> <li>- That the judicial proceedings might not be taken seriously for fear that it may harm the existing good relations</li> </ul>	<ul style="list-style-type: none"> <li>- Not caring for the physical safety of victims and interfering with the steps of peaceful coexistence and reconciliation already taken</li> <li>- Fear that justice will not be administered to the powerful, but only perpetrate a justice that crushes the weak at the interest of the stronger</li> <li>- A less credible and corrupt judicial system</li> <li>- Witnesses (for some events) that are dead</li> <li>- Refusal to testify by the authorities in 1972 who hold the</li> </ul>	<p>- 51% of the interviewed victims do not wish to bring complaints. This is in ironic in view of the proportions of those who want the truth to be taken to clear (77.7%). Victims want to know the truth but give less importance to the prosecution. At first glance, one would feel that the victims are inscribed in the logic of forgiveness near oblivion. But it is clear that behind this appearance lies a kind of resignation and a sense of failure. As they feel unable to bring their perpetrators to justice, they entrust their vengeance to a supreme being, God.</p>

		truth about that time	
4. Reparation mechanisms	<ul style="list-style-type: none"> <li>- Physical repairs for restitution and compensation (91% of respondents) Ex: homes, land, cows, etc.)..</li> <li>- Moral and psychological support</li> <li>- Socio-economic reintegration of victims</li> <li>- Special medical care for disabled and traumatized</li> <li>- Restitution of land to returnees (100% of returnees)</li> <li>- Compensation, state compensation for victims who were murdered by the public officials including police officers,</li> </ul>	<ul style="list-style-type: none"> <li>- The bodies thrown into rivers will not be found for proper burial</li> <li>- Fear of security for the displaced to return to their hills</li> <li>- Forced reparation could generate discontent and inflame hatred</li> <li>- Ethnic monuments may perpetrate ethnic divisions</li> <li>- Injustice in awarding compensation</li> <li>- No compensation for victims of</li> </ul>	<ul style="list-style-type: none"> <li>- We noticed that victims kept their scars of the war and other crises in Burundi and especially in relation to human losses (loss of loved ones). For example, the displaced do not wish to return to their hills because they still have painful memories of the events experienced on these hills, causing avoidance of feelings associated by these places.</li> <li>-The symbolic and collective reparations are the most desired. Most victims are aware of the complexity of returning all</li> </ul>

	<p>gendarmes and military (44% of respondents)</p> <p><b>Symbolic reparations, psychological and collective:</b></p> <ul style="list-style-type: none"> <li>- Protection of graves</li> <li>- Burial with dignity of bodies thrown into mass graves, latrines, etc.. (87%)</li> <li>- Period of national grief and mourning ceremonies for missing people (83.5%)</li> </ul> <p><b>What about the construction of monuments:</b></p> <ul style="list-style-type: none"> <li>- Une Monument (56%)</li> <li>- Several monuments (25)</li> <li>- No buildings (12%)</li> <li>- Simple layout of graves (7%)</li> </ul> <p>* 78.9% of displaced persons wish to return to their hills, provided they have security guarantees</p> <p>21.1% want the sites to be transformed into peace village and stay there.</p>	<p>1972, many perpetrators are dead</p> <ul style="list-style-type: none"> <li>- The exhumation might provoke hatred and revenge (13%)</li> <li>- Waste of money that would be used in the granting of compensation used for the construction of buildings (12%)</li> </ul>	<p>looted, burned or damaged good during the war times.</p> <p>.</p>
<p>5. Institutional reforms and guarantees of non-repetition</p>	<ul style="list-style-type: none"> <li>- Improving the image of law enforcement and security agents as well as justice.</li> <li>- Agreement and dialogue between politicians and those promoting the</li> </ul>	<ul style="list-style-type: none"> <li>- Outbreaks of further violence related to the failure of dialogue on land conflicts, and poverty (unemployment, underemployment).</li> </ul>	<p>-The institutions are appreciated according to the ethnic lenses</p> <p>The victims are indifferent with respect to the reforms and show that there has been only a change of faces at the head of the institutions and not the real institutional</p>

	respect for human rights.		reforms.
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## Chapter V. Conclusions and Recommendations

Concerning the truth mechanisms, victims expressed the needs and showed many aspirations. Through their wishes and worries, we can conclude that the TRC may be:

- A body capable of repairing material needs for those who were affected by the different crisis
- A body that will manage to make peace reign and engage people on the path of reconciliation
- An impartial body which does not favor any group of people does not oppress the poor or the weak, a body which is not a political instrument.
- The TRC should press the Government to assume its responsibility in crimes that were committed by state services among which some are not that easy to identify like soldiers, police and bureau of investigation and give indemnity to people who were victimized in these circumstances.
- Offenders or actors must be known. The establishment of responsibilities must precede forgiveness and public witnessing is highly encouraged and desired.
- TRC must be capable to carry out investigation on crimes committed by “powerful men” in relation to their political posts that they are actually occupying or had once occupied in the past.
- In regards to judiciary mechanisms, victims are hesitating to press charges. This is explained by the lack of trust in the justice and the way it is rendered today. Victims also wish that there may be categorization of offenders before taking any judiciary act. It is possible that the levels of responsibility are not the same. There might have been those that planned on one side and those that executed on the other side.

Speaking about reparation, this remains necessary. Victims claim material reparation and individual reparation on one hand but also collective, symbolic and psychological reparation on the other hand. Even though some people don't understand the use of memory, it remains important for many and still is a right. What is important in reparations is that they may be done peaceful, meaning without creating frustrations linked to justice, force or the lack of equity in the process on one hand and thus permit to ease morally and psychologically the victims on the other hand.

For institutional reforms, there is lack of trust in the institutions which are accused to be corrupted. We also remark that there is perseverance of appreciation of institutions in regards to political belonging. Moreover, the absence of dialogue (political one) and the violations of human rights could bring about other problems to the nation.



## **Recommendations**

As it is mentioned in expected results and based on the results of the study, we propose recommendations as activities to be done of which if put into consideration could permit the process of transitional justice in general and that of the TRC in particular. These could help reach desired results and without which awareness for a good mental preparation for people implicated directly or indirectly in this process is not possible.

These recommendations and suggestions are addressed both to the Burundians government and to the non-governmental organizations be it national and international (NGO's) who are concerned by the success of the process of transitional justice in Burundi and who work in this domain. They are addressed also to organizations or the civil society that work in the domain of psychological follow up and any other person, moral or physical likely to contribute in the well-being or functioning of the process of TJ not forgetting the future members of TRC to come.

### **Regarding mechanisms of transitional justice in general**

In the scope of the results of the study, it is clear that victims and even the population as a whole are not informed about the process of transitional justice in Burundi. This implies consequently a risk of low active participation of the population in general and the victims in particular in this process.

Therefore:

- It is important to proceed to an awareness raising of a wide scale of the population in general and victims in particular in order to permit them to make their own process and thus facilitate an effective implication in the process of TJ and in particular the TRC. For the case of victims who should be in the centre of the process, it is important to proceed to an awareness raising of a wide scale of the population in general and victims in particular for the case of victims whose implication must be at the center of the process, it is advised that they should get supplementary sessions of psycho education in regards to the mechanisms of transitional justice.
- Victims must know and be well informed on the pillars of the TJ, the importance and finalities of the procedures in the management of the painful past of the nation, their role for the success of the process, etc. They must also explore and understand psychosocial dimensions of forgiveness and its steps towards reconciliation and the concept of positive peace (to educate the population to fight against structural violence that brings about direct violence). This recommendation is for the government of Burundi, civil society

organizations, as well as national and international NGO's who have to collaborate and work in synergy.

- It is necessary to take consequent and concrete measures so that where good cohabitation exist, the mechanisms of creating the TJ may not compromise it. A state program on education to peace, tolerance, mutual understanding and peaceful cohabitation in the profit of the population in general and community leaders in particular should be created and follow the process of TJ by considering or valuating what has been done so far by different actors in that matter.
- To the Burundian government, civil society and specially to organizations specialized in the psychosocial domain, it is recommended to consider the psychological dimension at every step for the communities and the local elected to create an awareness in regards to psychosocial problems and the attitudes needed to assure basic needs and prevent second trauma to victims or deep guilt to the offenders (this can hinder the mental health of these ones and could hinder cohabitation and reconciliation). In this perspective, it is important to put in place a system of care at the community level, but also assure psycho education of the victims to be self-reliant to integrate their pain and take care of themselves.
- When mistrust in regards to TJ arises, it is important to insist on the awareness of women. It is preferred to involve more of the female associations in creating general awareness in women victims of different crises in particular. These female associations should be for instance widows associations, associations for the defense of the rights of a woman, etc. This recommendation is addressed to the government, civil society and particularly women associations.
- The government, civil society organizations, NGO's and particularly those specialized in the domain of psychosocial care should make sure that every person involved in the TJMs and who will be in directed contact with the population be well trained in the technique of active listening, management of emotions and some basic conceptions on trauma; these are specially commissioners, judges, security agents, researchers, etc.
- Strengthen the results of this study by identifying completely all the victims who will be concerned by the TJMs.

## **Regarding the truth mechanisms**

- Assure the establishment of an independent TRC, strong and capable of assuring the application of these recommendations. It is the government to put in place this commission and the United Nations, NGO's, organizations of civil society should plead in this.
- Advocate the implication of the government of Burundi, in the law of TRC, and article that guaranties the respect of recommendations of the TRC and its independence in its duties or functioning.
- Encourage public to testifying but still respect the choice of a victim who would wish to talk in private. This is true especially for women who underwent sexual violence (in reference to the Burundian culture where sexual subjects are not addressed on in public).
- Create a state program of protection for the victims, witnesses, offenders who would feel threatened, this program should guaranty security for victims, witnesses and offenders before disposition, during and after TRC. In this work, the government of Burundi should be backed up by the United Nations and international cooperation.
- Provincial posts of the foreseen in the report KAVAKURE must be well equipped in order to be able to reach villages when necessary and thus facilitate the meeting of victims especially women
- Avail means and units of psychologists or other professionals of mental health who will offer psychological assistance to victims and witnesses but also offenders during all the period of the TRC. These psychologists would assure mental preparation of the victims and witnesses before testifying. They would have the duty of taking care of cases of second trauma at the moment of fact description and should assure the management of emotions during presentations at the moment of testifying and psychological stabilization after giving testimonies. These units of psychologists and other professionals of mental health should be agents of the TRC and at least one commissioner should be mental health expert.
- Have sessions of healing of memories in favor of people who will be having this psychological need. Encourage group therapies in the frame of psychotherapeutic approach for the people in need. This recommendation is for organizations specialized in mental health.

## **Regarding the judiciary mechanism**

For this kind of mechanisms, it is necessary to install a differentiated system:

- Create a special International Court for Burundi to deal with imprescriptibly crimes and other serious violations of the Human Rights done by men called "the strong men".

- Create special chambers inside local courts to deal with less severe crimes different from the preceding.
- Finally, elaborate an adequate mediation form for Burundi by implicating community structures for conflict management the Bashingantahe, local elected leaders, peace clubs, etc ...
- In addition, the government must ensure compliance with the principle of fair trial especially for widows and orphans without defenses that can lead complaints against the so-called strong men. There will be certainly those who will not be able to afford to pay lawyers when needed. This should be handled by the justice and the government.

### **Regarding reparations**

- Create a solidarity fund for the benefit of victims which will serve in providing scholarship to the orphans, construction of houses for widows/widowers, health care that is specialized like for example prosthesis for the handicapped victims of war, etc. This recommendation is addressed to the government but also to national organizations as well as international bodies that can back up financially this plan.
- Categorization of victims by the TRC and criteria for estimation of indemnities to be given to the victims
- Restitution of lands to the ex-refugees who left their lands in their respective villages is a necessity and the work already achieved by the CNTB should be revisited for cases that are affected and who expresses disagreement or unhandled. The TRC must take into consideration cases that have already been taken by this commission and give recommendations in regards to contested resolutions by one or the other or even both sides in conflict.
- Promote psychological, symbolic and collective reparations like building of monuments and burial with dignity of the victims' bodies piled up in mass graves. In the view of the current socio-economic context, these monuments should not be of very expensive buildings.
- The memory is very important and even a must, it should be fixed a period of commemoration for the victims who have previously expressed the desire but also educate them on the role of memory for these to take effect last

### **Regarding institutional reforms and guaranties of the non-repetition of events**

The government should go beyond reform of ethnical rebalance and concentrate more on professionalization of institutions and the promotion of principle for better leadership. Targeted institutions include justice, police, army, etc.

- To cope with the lack of credibility of some institutions in the eyes of a certain category of the population, there should be organized sittings between the local population and the institutions singled out as corrupt.
- Keep away from public administration people who are soaked in with serious crimes of human rights violations (vetting).
- Given that the victims regarded as if a new conflict would be expected to occur from a political intolerance or lack of dialogue, the government should engage in a political dialogue with all legally recognized parties in Burundi to agree on points of divergence.

## **ANNEXES**

**IDENTIFICATION OF THE VICTIM**

I. Identity:

Female/Male

Full Name .....

Father's name .....

Name of Parent .....

Hill birth .....

Hill residence .....

Common .....

Province .....

Ethnic .....

Date of Birth .....

Level of education or occupation .....

II. Category victim

Repatriated:

Orphan:

IDP:

VOT:

Widow:

The enlisted by force:

Those who have lost their loved ones:

Those who have suffered material losses (real estate, land, etc...)

Other (specify): .....

Period covered:

III. Position of the victim:

The victim is ready to file a complaint with the TRC:  
The victim has not yet decided to file the complaint:  
The victim did not want to file a complaint at the TRC:

How the victim feels after the crises that have hit?

Observation

## **Guidelines for interview in English**

### **A Series**

1. General Question: What do you think of those who committed crimes during the repeated crises in the Burundi?

What should be done to ensure that violence does not come back?

2. About the Transitional Justice

a) Have you ever heard of TJ?

b) And the TRC? Can you say that you understand these concepts?

c) By what source do you have this knowledge?

3. Is it necessary that the truth be clarified? Yes/No

4. If yes, what do you need to know? What and how can it serve you as a victim?

5. Would you bring your contribution to the process? Under what conditions? How would you like the truth to be known?

- For meetings behind closed doors

- By public meetings

6. Do you think there could be negative consequences in relation to the disclosure of the

Truth? What are your fears?

### **B Series**

7. a) Given that you have suffered during the crisis, can you bring complaints?

b) Or would you prefer to forget what you have experienced and try to get along with

those who have caused you trouble? Yes/No. Why?

8. If the perpetrators are identified? Would you:

- Prefer that they be imprisoned



- Prefer that justice pronounces the death penalty against them
- Prefer they ask forgiveness individually
- Prefer they ask forgiveness publicly
- Prefer that they be pardoned

9. Can you forgive? Under what conditions?

### **C Series**

10. a) You as a victim, what do you think they do for you to find your psychological balance?

b) What would it do compared to losses? (Material and human loss).

11. Have you had a chance to cry and mourn for the loved ones who were killed during the crisis? If not, what would you suggest?

12. a) How would you like to be treated the places where the remains of the bodies of your relatives who died during the violence experienced by the country?

- Those who are buried in mass graves?

- What about the monuments already erected or those to come?

b) Is it necessary to erect monuments that characterize the different times of crises that the country has experienced?

### **D Series**

13. What are the institutions that have been most involved in the violence of the past that have made you a victim?

14. a) Have the institutions soaked in violence changed? Yes/No

b) Do you have confidence in existing institutions? Yes/No

c) What would you suggest to increase confidence?

15. Who would you want to accompany you during the TRC process?

- State Institutions

- Religious Institution

- The United Nations

- Institutions of civil society

- The traditional community structures

16. a) In your opinion, is it likely that a new attack or other violence erupt in Burundi?

b) What should be done to prevent such violence?