

BURUNDI

Update to Justice on trial Appeal Cases and new Appeal Cases on Insurgency and counter-insurgency perpetuate human rights abuses.

Introduction

One of the tragedies of the ongoing human rights crisis in Burundi is that, in many cases, individual victims have become anonymous statistics. Virtually every day, people are brutally killed, forced to flee their homes, arbitrarily arrested or are subjected to other abuses at the hands of government forces or armed opposition groups. In many cases, victims are never named or even counted.

Between December 1997 and September 1998 hundreds of people - many of them unarmed civilians - were killed in Burundi. Thousands more have been forced to leave their homes and are internally displaced or have fled to neighbouring countries, joining the hundreds of thousands of others who are already in exile or are displaced inside Burundi. Soldiers of the Burundian army have deliberately and arbitrarily killed hundreds of civilians - virtually all of them Hutu. Scores of other killings of unarmed civilians have been committed by members of the various armed opposition groups and other militia active in Burundi. Few of those responsible have been arrested and brought to justice.

During 1998, Amnesty International has published two major reports documenting the organization's concerns about the human rights situation in Burundi [Burundi: Justice on trial (AI Index: AFR 16/13/98, 30 July 1998) and Burundi: Insurgency and counter-insurgency perpetuate human rights abuses (AI Index: AFR 16/34/98, 19 November 1998). These and other reports by Amnesty International on the human rights situation in Burundi are available in French and English from Amnesty International, International Secretariat, 1 Easton Street, London, WC1X 8DJ.].

In order to illustrate and individualise some of these concerns, Amnesty International has produced a number of cases for appeal in connection with both reports. This document contains new information on the Appeal Cases published in August 1998, in connection with the report Burundi: Justice on trial, and a new series of Appeal Cases which are being published in connection with the report Burundi: Insurgency and counter-insurgency perpetuate human rights abuses, published on 19 November 1998. The cases have been chosen to highlight to the international community the varied patterns of abuses being perpetrated on the civilian population in Burundi and in order to help members of Amnesty International and others to campaign against the abuses. All these cases are representative of

hundreds of others. Please refer to both reports for further information on the human rights abuses in these Appeal Cases and on other areas of concern to Amnesty International.

Amnesty International would like to thank all those who sent appeals on behalf of the individuals featured in the Justice on trial Appeal Cases. Appeals should continue to be sent in some cases; please see below for details.

Amnesty International members and others - organizations and individuals - should use these cases to lobby their own governments and the government of Burundi to take action on these particular individual cases and on the protection of human rights in general. Please see the section "What you can do" in each case for recommended actions.

Update N°1.

Appeal Cases: Justice on Trial

This document updates information given in the document, Burundi: Justice on trial, Appeal Cases (AFR 16/16/98) published in August 1998. Anyone seeking further information on these, or other cases, should refer to the original document or to the report Burundi: Justice on Trial (AFR 16/13/98) [Both Burundi: Justice on Trial (AFR 16/13/98) and Burundi: Justice on Trial, Appeal Cases (AFR 16/16/98) are available in French and English from Amnesty International, International Secretariat, 1 Easton Street, London, WC1X 8DJ, United Kingdom.] published on 30 July 1998.

JEAN MINANI

In August 1998, Amnesty International expressed concern that Jean Minani appeared to be being tried mainly on the basis of information extracted under torture. If convicted, he would have faced the death penalty. In October 1998, Jean Minani was acquitted of all charges and released from detention. Although the State Prosecution (Ministère public) announced that there would be an appeal against the acquittal, no appeal was lodged within the eight day period allowed by law.

Jean Minani was arrested in March 1995 on suspicion of killing Lieutenant Colonel Lucien Sakubu, a former Mayor of Bujumbura. Following his arrest, he was severely beaten, and confessed under torture to the killing. He later retracted the statement on the grounds that it was made under duress. Shortly after his arrest, Amnesty International representatives met and interviewed Jean Minani in detention. He had visible scars and open wounds from the torture.

Jean Minani spent over three years in prison awaiting trial. He appeared briefly in court in May and July 1998. Photographs of his injuries resulting from torture, taken by Amnesty International representatives, were submitted as evidence during his trial. At a final hearing in October 1998, the witness for the prosecution retracted her previous statement, made in 1995, incriminating Jean Minani, claiming she had been threatened and forced to make the statement against him. Two witnesses for the defence were also heard. The lawyer for the defence argued that statements made under torture or duress could not be accepted in court as evidence. Jean Minani was then acquitted.

Amnesty International welcomes the fact that Jean Minani's statement extracted under torture was not admitted in court and hopes that this case will set a positive precedent for future trials in Burundi. Amnesty International has appealed to the government of Burundi to remove those responsible for the torture of Jean Minani from positions of authority and to bring them to justice in accordance with international standards for fair trial. Many thanks to those who sent appeals on behalf of Jean Minani. No further appeals are necessary.

ABBE PATRICE VYINGOMA

In August 1998, Amnesty International expressed concern that Abbé Patrice Vyingoma had been arrested because of his humanitarian work in the community. He was arrested in 1996 and accused of distributing food and clothes to members of an armed opposition group. Abbé Vyingoma claimed he was merely distributing aid to the local population in need. Church workers who came forward as defence witnesses and who supported his statement were arrested. They were accused of giving false statements, tried and sentenced to two months' imprisonment.

On 6 October 1998, he was convicted of complicity with armed groups, although he still denies the charge. Abbé Patrice Vyingoma was sentenced to two years and three months in prison, which was the exact length of time he had already spent in prison; he was therefore immediately released.

Many thanks to those who sent appeals on behalf of Abbé Patrice Vyingoma. No further appeals are necessary.

PLACIDE WIMANA AND CORNEILLE KARIKURUBU

Both Placide Wimana and Corneille Karikurubu were among a group of 51 prisoners who were transferred from Mpimba central prison, Bujumbura to Rumonge prison in Bururi province in late October 1998. According to official sources the reason for the transfer is to reduce overcrowding in Mpimba. Of those transferred, 39 are prisoners under sentence of death, who have had their sentence confirmed by the Cassation Chamber of the Supreme Court. They include Placide Wimana and Corneille Karikurubu.

Human rights groups monitoring this and other transfers had been told that prisoners would be transferred to prisons nearer their homes - thus making it easier for their families to visit, potentially bringing much needed additional food and other basic necessities. (At present, prisoners who submit appeals to the Cassation Chamber of the Supreme Court are transferred to Bujumbura for the duration of the cassation process.) However, most of the transfers out of Mpimba have been to Rumonge prison, which suffers from less overcrowding than other prisons. Conditions though are very harsh in the prison and the prison is particularly difficult to access because of conflict in the surrounding area.

In August 1998, Amnesty International expressed concern that Placide Wimana and Corneille Karikurubu had been sentenced to death after unfair trials. Please continue to appeal for clemency for Placide Wimana and Corneille Karikurubu. Please appeal to the Burundian authorities to address life threatening conditions of detention, and to ensure that prisoners under sentence of death are not subjected to harsher conditions than other prisoners or detainees. Appeals should be sent to: Major Pierre BUYOYA, President Fax: 257 22 74 90, Tlx: 5036 PRESIBU Mr Terence SINUNGURUZA, Minister of Justice Fax: 257 21 86 10 Mr Eugène NINDORERA, Minister for Human Rights, Institutional Reform and Relations with the National Assembly Fax: 257 21 38 47

GAËTAN BWAMPAYE

Gaëtan Bwampaye's death sentence was confirmed by the Cassation chamber of the Supreme Court in October 1998. His Cassation appeal had been heard in September. He may now appeal for presidential clemency.

Gaëtan Bwampaye was sentenced to death after a grossly unfair trial in August 1997. He was convicted of participation in the massacres which followed the assassination of President Melchior Ndadaye in October 1993. During his trial, his family was harassed and his house burnt down. Some defence witnesses were arrested and beaten after giving evidence in court. Although he was assisted by a lawyer for most of his trial, at the final hearing and at the summing up of evidence, he was not assisted by a lawyer.

He is still held at Mpimba central prison.

Please continue to raise Gaëtan Bwampaye's case with the Burundian authorities. Please appeal for President Buyoya to grant clemency when the case comes before him, and ask him to take the unfairness of the trial into consideration when reviewing the appeal for clemency. Appeals should be sent to: Major Pierre BUYOYA, President Fax: 257 22 74 90, Tlx: 5036 PRESIBU Mr Terence SINUNGURUZA, Minister of Justice Fax: 257 21 86 10 Mr Eugène NINDORERA, Minister for Human Rights, Institutional Reform and Relations with the National Assembly Fax: 257 21 38 47

ONGOING APPEAL CASES

Amnesty International's concerns about the cases of Laurent Bimenyumurenyi, Stanilas Machini, and Marie Rose Umahora, featured in the original Appeal Cases, are unchanged. Many thanks to all those who have already sent appeals on their behalf; please continue to do so.

Please continue to send appeals to the Burundi government as originally recommended. Please note that faxes to the Minister of Justice should now be sent to the following number: +257 21 86 10. Armed opposition abuses

Attack on a camp for the displaced

On the night of 12 - 13 August 1998, five people were killed by members of an armed opposition group when they attacked Nabubu camp for the internally displaced in Bubanza province. The motive behind the attack appears to have been to gain provisions for the group. It is unclear which armed group carried out the attack.

The combatants reportedly attacked the camp around midnight, killing one person living on the outskirts of the camp who came out to see what the noise was. Two other people living in the camp, who are not known to have been armed, were also killed in the camp. Around 43 homes were reportedly burnt and others looted

Following the attack on the camp, the attackers descended into Bubanza town and looted shops in and around the market place. Two civilians, who are not known to have been armed, were killed in the town and many more were injured. Many inhabitants in the town were reportedly armed, and at least one of those injured was shot and wounded after he fired on the combatants to prevent them from looting his property.

Despite an official statement to the contrary, soldiers are not known to have intervened to end the attack, although there is a military camp nearby and the attack lasted for two hours.

Abuses by armed opposition groups

Since late 1994, the Forces pour la défense de la démocratie (FDD), Forces for the Defence of Democracy, the armed wing of the Hutu-dominated Conseil National pour la défense de la démocratie (CNDD) National Council for the Defence of Democracy, has been fighting Tutsi-dominated government forces in open war. The armed wings of other Hutu opposition parties, the Parti pour la libération du peuple hutu (PALIPEHUTU), Party for the Liberation of the Hutu People, and the Front pour la libération nationale (FROLINA), Front for National Liberation, are also engaged in conflict with government forces. The conflict and other political violence have claimed at least 150,000 lives since 1993, most of them civilian.

According to Amnesty International's research, it is clear that the majority of abuses have been committed by government agents. However, armed opposition groups have also been responsible for abuses including killings of scores of civilians. In many cases these appear to be reprisal or punishment killings of alleged collaborators or potential informants, or indiscriminate killings carried out during other armed group activities. Armed opposition groups have also reportedly been responsible for forcible recruitment, the recruitment of young children, rape and hostage taking. They have also been accused of other criminal acts including looting. These atrocities are in contravention of Article 3 of the Geneva Conventions, which requires all persons not taking active part in the hostilities to be treated humanely and prohibits killings, torture, taking of hostages and humiliating and degrading treatment of such persons.

In some cases - in particular in the case of looting - it is not clear whether those responsible are members of armed opposition groups, or are groups of individuals acting in criminal gangs. It is sometimes not clear which of the armed opposition groups fighting in Burundi has responsibility for a particular attack or human rights abuse. There are consistent reports of collaboration on the ground between the different groups.

Background information

Approximately 600,000 people are now reported to be internally displaced in Burundi as a result either of the ongoing armed conflict, general insecurity or the massacres following the assassination, in October 1993, of President Melchior Ndadaye, which forced thousands to flee their homes. Camps for the internally displaced, predominantly inhabited by Tutsi, are particularly vulnerable to attack by Hutu-dominated armed opposition groups.

Although Major Pierre Buyoya promised to end human rights violations when he came to power after a coup d'état in July 1996, Amnesty International has documented thousands of cases of extrajudicial execution, "disappearance", arbitrary arrest and torture since that date.

Most of these abuses occur in the context of the internal armed conflict. Critics and opponents of the government have also been harassed, arrested and tortured, with the aim of eliminating effective political opposition.

Since February 1996, hundreds of people charged with politically-motivated violence have been tried in Burundi. Over 260 death sentences have been passed since February 1996 after grossly unfair trials, and six people were executed on 31 July 1997. Amnesty International welcomes moves by the Government of Burundi to bring to justice those responsible for human rights abuses. However, it is concerned at the failure of virtually all the trials and detention proceedings to comply with international fair trial and human rights standards. Moreover, whereas members of both the Hutu and Tutsi ethnic groups have been involved in killings over the years, virtually all those detained or tried in connection with political violence are Hutu or supporters of political opposition groups. Ending impunity for crimes of political violence means prosecuting all those responsible.

For further information please refer to Amnesty International's report Burundi: Insurgency and counter-insurgency perpetuate human rights abuses (AI Index: AFR 16/34/98) or contact the International Secretariat at 1 Easton Street, London WC1X 8DJ, United Kingdom

WHAT YOU CAN DO

Please publicise the attack on Nabubu camp, and distribute this appeal widely among academics and students, human rights activists, lawyers and journalists, asking them to publicise the case and to write appeals to the main armed groups in Burundi: - expressing concern about the attack on Nabubu camp by an armed group in which five people were killed; - calling on all armed groups to refrain from carrying out attacks on unarmed civilians, inside and outside camps for the internally displaced; - asking the leaders of armed groups to make it clear to their members that attacks on unarmed civilians will not be tolerated; - calling for all allegations of abuses to be investigated, and for those found responsible to be removed from any position which brings them into contact with civilians; - urging them to instruct all combatants to abide by international humanitarian law, in particular Common Article 3 of the 1949 Geneva Conventions which specifically prohibits all parties to a conflict from targeting people taking no active part in the hostilities; in particular from carrying out acts of violence, ill-treatment or mutilation, or torture including rape, as well as hostage taking.

Please write, preferably in French, to: CNDD: Jérôme Ndiho, CNDD Spokesperson, Rue de la Source 26, Boite 6, 1300 Wavre, Belgium FROLINA: Joseph Karumba, PO Box 77051, Dar es Salaam, Tanzania PALIPEHUTU: Dr Etienne Karatasi, PO Box 50 DK, 8310 Tranbjerg, Denmark

Send a copy of your letter(s) to your own government and urge them to be vigilant in monitoring the human rights situation in Burundi and in calling on all sides in the conflict to ensure that unarmed civilians do not suffer human rights abuses.

Massacres of civilians

At least 100 civilians killed in Bururi province

Bagaye, Barampama, Baryuwabo, Emanuel Bazombanze, Bucumi, Budereye, Habonimana, Hirana, Kaburugutu, Kigo Nikodemu, Mugano, Murayi, Ndayiragije Nehemia, Nijimbere, Nikodemu, Terensio Nitunga, Nkwirikiye, Gabriel Ntibahiriwe, Nzigo, Ruda, Ruhindanya, Ruhozi, Sifa, Terensio and at least 75 others, including a number of women, were killed on 20 February 1998 in Gasanda colline (administrative unit), Bururi province, by government soldiers.

They had been regrouped (forcibly relocated) at a military post in the area because of armed conflict in the locality. Soldiers at the position allowed them to return to their fields to harvest crops, at their request. However, when they went to the fields, they were shot by the soldiers who had accompanied them. Only one person survived.

Following the massacre, the chef de zone (district official) was also killed by the soldiers. He had been regrouped with the others, but had not returned to the fields. The circumstances of his death are not clear; according to one version he was killed when he asked permission from the soldiers to bury the bodies; according to another version, he was killed because he refused to bury the bodies when requested to do so by soldiers. Three soldiers are reported to have been arrested in connection with the killings, although the status of the investigations against them is not clear.

Massacres of civilians in Burundi

The massacre described above is only one of hundreds of other massacres carried out in the context of the internal conflict in Burundi. The decades-long struggle for power between Tutsi and Hutu elites in Burundi has led to the death of hundreds of thousands of people, most of them civilians.

Large scale killings of unarmed civilians, primarily by government forces, have continued throughout 1998. In particular, there are frequent reports of killings from Bururi and Makamba provinces in the south and from the province of Rural Bujumbura, around the capital. The majority of killings are in conflict zones such as these, making access to and verification of information particularly difficult.

However, there are clear and well-established patterns of killings. Following reports of military activity by the Hutu-dominated armed groups, or reports of their presence in an area, the Tutsi-dominated security forces carry out large scale reprisal killings of the local Hutu population. Scores of unarmed civilians have also been killed because the security forces have failed to distinguish between combatants and civilians. Children who could not possibly be suspected of being members of armed groups, have been killed in massacres during military operations.

Amnesty International welcomes the fact that some members of the security forces have been tried for their part in human rights violations. However, such cases are the exception rather than the rule, and the majority of allegations of violations remain uninvestigated. Furthermore, the few soldiers who have been tried and convicted of involvement in grave human rights violations, such as killings of civilians, have received significantly lighter sentences than those given by civilian courts. The provision of "mitigating circumstances" appears to be used to play down grave human rights violations carried out by members of the armed forces.

As long as members of the government forces continue to enjoy almost total impunity for the violations they commit, there can be no long term peaceful political solution to the conflict or guarantee of respect for human rights in Burundi. The Burundi government is required under the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions to institute "a thorough, prompt and impartial investigation into all suspected cases of extra-legal, arbitrary or summary executions".

Amnesty International calls on the Burundi authorities to respect this obligation and to take other immediate steps to protect the civilian population from human rights violations. The government should issue a public statement, making it clear that attacks on civilians and other human rights violations by the security forces will not go unpunished.

Ending impunity

Ending impunity for crimes of political violence means prosecuting all those responsible. Justice must be done and must be seen to be done, if impunity is to be addressed and confidence is to be restored in the judicial process and rule of law.

Since February 1996, hundreds of people charged with politically-motivated violence have been tried in Burundi. The majority of trials have been of Hutu civilians accused of participating in the massacres of primarily Tutsi civilians which followed the assassination of President Melchior Ndadaye in October 1993. Other political trials are continuing. Over 8,000 people, mainly Hutu, are in detention awaiting trial.

Amnesty International welcomes moves by the Government of Burundi to bring to justice those responsible for human rights abuses. However, it is concerned at the failure of virtually all the trials and detention proceedings to comply with international fair trial and human rights standards. Moreover, whereas members of both the Hutu and Tutsi ethnic groups have been involved in killings over the years, virtually all those detained or tried in connection with political violence are Hutu or supporters of political opposition groups.

For further information please refer to Amnesty International's report Burundi: Insurgency and counter-insurgency perpetuate human rights abuses (AI Index: AFR 16/34/98) or contact the International Secretariat at 1 Easton Street, London WC1X 8DJ, United Kingdom

WHAT YOU CAN DO

Please publicise the massacre of at least 100 civilians in Bururi, and distribute the case widely among the medical profession, academics and students, human rights activists, journalists, and lawyers, asking them to publicise the case and to write appeals: - expressing concern at the massacre of at least 100 civilians by soldiers on 20 February 1998 in Gasanda colline, Bururi province; - calling for the results of any investigation into the massacre to be made public and for those found responsible to be brought to justice in accordance with international standards of fairness; - urging the Burundi authorities to take immediate steps to protect the civilian population from further indiscriminate killings and other human rights abuses by the security forces and opposition groups; - asking the authorities to bring to justice, in accordance with international standards of fairness, all those responsible for human rights abuses.

Please write, preferably in French, to: Major Pierre BUYOYA, President BP 1870 Bujumbura, Burundi; Fax: 257 22 74 90, Tlx: 5036 PRESIBU Lieutenant-Col. Alfred NKURUNZIZA, Minister of Defence BP 1870 Bujumbura, Burundi Fax: 257 22 39 59 / 21 75 05 Tlx: 5146MDMBDI / 5049MDNBDI Mr Terence SINUNGURUZA, Minister of Justice BP 1880 Bujumbura, Burundi; Fax: 257 21 86 10 Please check with your post office whether post to Burundi is working.

Send a copy of your letter to the Burundian authorities to your own government and urge them to be vigilant in monitoring Burundi's human rights record and in calling on the Burundian authorities to adhere to the international treaties they have ratified. Explain that this case is illustrative of many more.

"Disappearances" Etienne Mvuyekure

Etienne Mvuyekure, former Secretary General of the political opposition party, the Rassemblement du Peuple Burundais (RPB), Rally for Burundi People, "disappeared" soon after his arrest on 2 November 1997. Amnesty International fears he may have been killed in custody. He was reportedly arrested as a result of accusations made against him of possible links with an armed opposition group.

Etienne Mvuyekure was arrested in the Rweza district of Kavumu colline (administrative unit), in Bujumbura by a commander of the Muyira Zone military position and taken to a nearby military barracks known as the bataillon para. He was reportedly severely beaten before being taken to the barracks.

Although the authorities have denied that he was transferred to Mpimba central prison, he was seen there for one day and then reportedly returned to the camp. When relatives and others went to the barracks and asked to see him, they were told that he had been released. He has not been seen since and Amnesty International fears he may have been killed in custody.

Amnesty International has launched appeals on behalf of Etienne Mvuyekure and raised the case directly with the government, who have responded that, as he is no longer at the barracks, he must have been released. No real investigation appears to have taken place to establish his whereabouts or to guarantee his safety.

"Disappearances" in Burundi

There are numerous reports of the "disappearance" of detainees shortly after their arrest, often when the arrests are carried out by soldiers. The lack of control over arrest and detention procedures and the climate of impunity in the country facilitate these "disappearances". Many of these reports are impossible to confirm, due to lack of access by relatives to detainees, the refusal of the authorities to disclose places of detention and lack of access to areas of the country through insecurity.

Relatives may be told without further explanation that the detainee is no longer held, creating fear that the detainee has been killed. In some cases, this fear is well-founded. In others, the detainee may have been transferred to a different place of detention and may subsequently "reappear". As detainees often depend on their families to supplement their meals, such isolation can have severe consequences. These detainees are also more vulnerable to torture and ill-treatment.

Amnesty International is concerned at the frequency with which it receives reports of "disappearances". It believes that people regularly "disappear" and their bodies are hidden at military positions, particularly in zones of conflict. Many recent reports have come from the province of Rural Bujumbura, documenting cases of women and children who have been arrested as they return from the fields and who are accused of collaborating with armed groups -on the grounds that they have food on them and must therefore be feeding combatants. A number of "disappearances" from prisons have also been reported.

The UN Declaration on the Protection of all Persons from Enforced Disappearance [General Assembly resolution 47/133 of 18 December 1992.] sets out a government's obligation to investigate cases of enforced disappearance, "whenever there are reasonable grounds to believe that an enforced disappearance has been committed...even if there has been no formal complaint". The Government of Burundi has failed in its responsibility to investigate cases of "disappearance" and to bring to justice those responsible for such practices.

Background information Although Major Pierre Buyoya promised to end human rights violations when he came to power after a coup d'état in July 1996, Amnesty International has documented thousands of cases of extrajudicial execution, "disappearance", arbitrary arrest and torture since that date. Most of these abuses occur in the context of the internal armed conflict between the Tutsi-dominated government forces and Hutu-dominated armed opposition groups. Critics and opponents of the government have also been harassed, arrested and tortured, with the aim of eliminating effective political opposition.

More than 9,000 civilians, mostly Hutu, are held in various prisons and detention centres around the country. The majority are detained without charge or trial, and torture and ill-treatment of detainees is routine. Over 260 death sentences have been passed since February 1996 after grossly unfair trials. Six people were executed on 31 July 1997.

For further information please consult Amnesty International's report Burundi: Justice on trial (AI Index:AFR 16/13/98).

WHAT YOU CAN DO

Please publicise the case of Etienne Mvuyekure and distribute it widely among the medical profession, academics and students, human rights activists, journalists, and lawyers, asking them to publicise the case and to write appeals: - expressing concern at the "disappearance" of Etienne Mvuyekure in November 1997, which constitutes a grave human rights violation; - asking for an immediate investigation by the authorities to establish his whereabouts and for the findings to be made public; - calling for those found to have carried out or condoned human rights violations against Etienne Mvuyekure to be brought to justice in accordance with international standards of fairness; - urging the Government of Burundi to take

immediate steps to prevent "disappearances", such as ensuring that the families are kept informed of transfers of detainees from one place to another, promptly investigating all reports of "disappearances" and ensuring that no detainees are held in secret, or unofficial detention centres.

Please write, preferably in French, to: Major Pierre BUYOYA, President BP 1870 Bujumbura, Burundi; Fax: 257 22 74 90, Tlx: 5036 PRESIBU Mr Terence SINUNGURUZA, Minister of Justice BP 1880 Bujumbura, Burundi; Fax: 257 21 86 10 Lieutenant-Col. Alfred NKURUNZIZA, Minister of Defence BP 1870 Bujumbura, Burundi Fax: 257 22 39 59/21 75 05 Tlx: 5146MDMBDI / 5049MDNBDI Please check with your post office whether post to Burundi is working.

Send a copy of your letter(s) to the Burundian authorities to your own government and urge them to be vigilant in monitoring Burundi's human rights record and in calling on the Burundian authorities to adhere to the international treaties they have ratified. Explain that this case is illustrative of many more.

Deaths in detention

Detainees in Gitega province

On 1 July 1998, Spéciose Butore, Didace Bukoru, Jean Ndagamyé, Karidou Mugabonihera and Anaclet Bambara were killed in a detention cell in Rwisabi zone, Mutaho commune, Gitega province. They were arrested by local administration officials on or around 26 June 1998 in Nyabisaka colline (administrative unit), Gitega Province, and were all accused of collaboration with armed groups.

It is not known whether there was any substantiating evidence to support the accusations. In many cases, people are arrested purely on the basis of a denunciation and without further investigation.

On or around 30 June 1998, another detainee, Bigirimana, who was arrested on 21 May 1998, is reported to have been killed in a communal cell in Bukirasazi commune, Gitega province. The reason for his arrest is not known to Amnesty International.

Amnesty International published an Urgent Action on behalf of these detainees, appealing to the Government of Burundi to launch an immediate investigation into the cases. No response has been received, which heightens concerns that those responsible for these killings have acted with impunity.

Other deaths in detention in Gitega province

Amnesty International has received several reports of extrajudicial executions carried out by members of the armed forces or other law enforcement agencies in Gitega province, many of which have taken place after arrest.

For example, on 25 December 1997, Raphaël Donomyi, aged around 70, is reported to have been arrested at home in Gishubi commune and detained in the cachot communal (area cell). He died in detention on 26 December 1997, although the circumstances of his death are not clear.

Another man, Léopold Baraunyeretse, a teacher, was accused of collaboration with armed groups and arrested by soldiers on 27 January 1998 at Bukoro primary school and taken to Gishubi communal cell. He was shot and killed on 31 January 1998. According to officials who returned the body to the family, he was shot as he tried to escape.

On 19 April 1998, Claude, an activist in the political opposition party Front pour la démocratie au Burundi (FRODEBU), was arrested by soldiers at Mubuga, Gitega province. His body was found shortly afterwards. No investigation is known to have been carried out into the apparent extrajudicial execution and the motive is unknown.

Impunity

Amnesty International believes that the lack of control by the Burundi authorities over arrest and detention procedures facilitates deaths in detention such as these. Many other reports of deaths in detention received by the organization are impossible to confirm due to lack of access to detainees for relatives, the refusal of the authorities to disclose places of detention and lack of access to areas of insecurity.

Furthermore, as long as members of the government forces continue to enjoy almost total impunity for the violations they commit, there can be no long term peaceful political solution or guarantee of respect for human rights in Burundi.

The Burundi government is required under the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions to institute "a thorough, prompt and impartial investigation into all suspected cases of extra-legal, arbitrary or summary executions". Amnesty International calls on the Burundi authorities to respect this obligation and to take immediate steps to protect the civilian population from deaths in detention and other human rights violations committed during arrest and in detention.

Background information

Although Major Pierre Buyoya promised to end human rights violations when he came to power after a coup d'état in July 1996, Amnesty International has documented thousands of cases of extrajudicial execution, "disappearance", arbitrary arrest, torture and other human rights violations since that date. Most of these abuses occur in the context of the internal armed conflict between the Tutsi-dominated government forces and Hutu-dominated armed opposition groups. Critics and opponents of the government have also been harassed, arrested and tortured, with the aim of eliminating effective political opposition.

More than 9,000 civilians, mostly Hutu, are held in various prisons and detention centres around Burundi. The majority are held without charge or trial, and many arrests take place on the basis of unsubstantiated denunciation. Detainees are very rarely given the opportunity to challenge the basis for their pre-trial detention due to the lack of judicial controls. Prison conditions in Burundi are harsh and aggravated by severe overcrowding. Conditions, which are sometimes life-threatening, often amount to cruel, inhuman or degrading treatment.

Torture and ill-treatment of detainees is routine, particularly in the early stages of detention. Detainees accused of participation in or collaboration with armed groups are routinely tortured, often to extract information or a confession. Over 260 death sentences have been passed since February 1996 after grossly unfair trials. Six people were executed on 31 July 1997.

For further information please refer to Amnesty International's report, *Burundi: Insurgency and counter-insurgency perpetuate human rights abuses* (AI Index: AFR 16/34/98) or contact the International Secretariat at 1 Easton Street, London WC1X 8DJ, United Kingdom

WHAT YOU CAN DO

Please publicise these six cases of deaths in detention in Gitega, and distribute this widely among the medical profession, academics and students, human rights activists, journalists, and lawyers, asking them to publicise the case and to write appeals: - expressing concern that Spéciose Butore, Didace Bukoru, Jean Ndabagamyé, Karidou Mugabonihera and Anaclet Bambara were reportedly extrajudicially executed on 1 July 1998 in Rwisabi zone, Mutaho commune, Gitega province and Bigirimana in Bukirasazi commune, Gitega province on or around 30 June 1998; - urging that these cases be immediately investigated and that the results of the investigation be made public; - calling for those found to have committed or condoned human rights violations in connection with these cases to be arrested and brought to justice in accordance with international standards of fairness; - urging that immediate access be granted to humanitarian and human rights organizations to all places of detention; - calling

on the authorities to take a public position against impunity, by making it clear to members of the security forces that anyone found responsible for human rights violations will be brought to justice.

Please write, preferably in French, to: Major Pierre BUYOYA, President BP 1870 Bujumbura, Burundi; Fax: 257 22 74 90, Tlx: 5036 PRESIBU Mr Terence SINUNGURUZA, Minister of Justice BP 1880 Bujumbura, Burundi; Fax: 257 21 86 10 Governor of Gitega Province, Hôtel de ville, Gitega, Burundi Telegrams: Gouverneur de la Province, Gitega, Burundi Please check with your post office whether post to Burundi is working.

Send a copy of your letter(s) to your own government and urge them to be vigilant in monitoring Burundi's human rights record and Burundi's adherence to the international treaties it has ratified. Massacres of civilians

13 civilians killed in Makamba province

Jean Ngendabanyikwa, aged 38, and Jumaine Seterine, a 28 year-old woman, were bayoneted to death by soldiers in Makamba province on 20 July 1998. Five others were killed in the same attack, including two children, a 14 year-old boy called Ntahomvukiye and a 9 year-old girl called Faines Nimpaye. A young girl called Neema and a woman called Jacqueline Bukura were shot and killed by soldiers along with three others in Gikumba, Makamba province, on 28 July 1998.

The killings are reported to have been in reprisal for casualties suffered by the army during fighting in the area with an armed opposition group, the Forces pour la défense de la démocratie (FDD), Forces for the Defence of Democracy. The FDD is the armed wing of the Hutu-dominated Conseil National pour la défense de la démocratie (CNDD), National Council for the Defence of Democracy, which has been fighting government forces in open war since late 1994.

Massacres of civilians in Burundi

The massacres described above are illustrative of hundreds of other massacres carried out in the context of the internal conflict in Burundi. The decades-long struggle for power between Tutsi and Hutu elites in Burundi has led to the death of hundreds of thousands of people, most of them civilians.

Large scale killings of civilians, primarily by government security forces, have continued throughout 1998. In particular, there are frequent reports of killings from Makamba and Bururi provinces in the south and from the province of Rural Bujumbura, around the capital.

The majority of killings are in conflict zones such as these, making access to and verification of information particularly difficult.

However, there are clear and well-established patterns of killings. Following reports of military activity by the Hutu-dominated armed groups (such as the FDD), or reports of their presence in an area, the Tutsi-dominated security forces carry out large scale reprisal killings of the local Hutu population. Scores of unarmed civilians have also been killed because members of the security forces have failed to distinguish between combatants and civilians. Young children, who could not possibly be suspected of being members of armed groups, have been killed in massacres during military operations. Scores of other civilians have been killed, sometimes indiscriminately, because the local population is accused of having failed to provide information on armed groups, or of having protected them in some way. Some killings carried out by the security forces appear to be a tactic of intimidation against the population.

Amnesty International welcomes the fact that some members of the security forces have been tried for their part in serious human rights violations. However, such cases are the exception rather than the rule, and the majority of allegations and violations remain uninvestigated. As long as members of the government forces continue to enjoy almost total impunity for the violations they commit, there can be no long term peaceful political solution to the conflict or guarantee of respect for human rights in Burundi.

The Burundi government is required under the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions to institute "a thorough, prompt and impartial investigation into all suspected cases of extra-legal, arbitrary or summary executions". Amnesty International calls on the Burundi authorities to respect this obligation and to take other immediate steps to protect the civilian population from human rights violations. The government should issue a public statement, making it clear that attacks on civilians and other human rights violations by the security forces will not go unpunished.

Ending impunity

Ending impunity for crimes of political violence means prosecuting all those responsible, not just members of particular opposition groups or one ethnic group. Justice must be done and must be seen to be done, if impunity is to be addressed and confidence to be restored in the judicial process and rule of law.

Since February 1996, hundreds of people charged with politically-motivated violence have been tried in Burundi. The majority of trials have been of Hutu civilians accused of participating in the massacres of primarily Tutsi civilians which followed the assassination of President Melchior Ndadaye in October 1993. Other political trials -of opponents of the

government, of people accused often arbitrarily of collaboration with or belonging to Hutu-dominated armed opposition groups, and of those accused of the assassination of President Ndadaye - are continuing. Over 9,000 people, mainly Hutu, are in detention awaiting trial.

Amnesty International welcomes moves by the Government of Burundi to bring to justice those responsible for human rights abuses. However, it is concerned at the failure of virtually all the trials and detention proceedings to comply with international fair trial and human rights standards. Moreover, whereas members of both the Hutu and Tutsi ethnic groups have been involved in killings over the years, virtually all those detained or tried in connection with political violence are Hutu or supporters of political opposition groups.

For further information please refer to Amnesty International's report Burundi: Insurgency and counter-insurgency perpetuate human rights abuses (AI Index: AFR 16/34/98) or contact the International Secretariat at 1 Easton Street, London WC1X 8DJ, United Kingdom

WHAT YOU CAN DO

Please publicise the massacres of these 13 people in Makamba province, and distribute the case widely among schools, childrens' groups, academics and students, human rights activists, journalists, and lawyers, asking them to publicise the case and to write appeals: - expressing concern at the massacre of 13 civilians, including women and children, by soldiers between 20 and 28 July 1998 in Makamba; - calling for a thorough and independent investigation into the massacres, for the results of the investigation to be made public and for those found responsible to be brought to justice in accordance with international standards of fairness; - urging the Burundi authorities to take immediate steps to protect the civilian population from further indiscriminate killings and other human rights abuses by the security forces and opposition groups; - asking the authorities to bring to justice, in accordance with international standards of fairness, all those responsible for human rights abuses.

Please write, preferably in French, to: Major Pierre BUYOYA, President BP 1870 Bujumbura, Burundi; Fax: 257 22 74 90, Tlx: 5036 PRESIBU Lieutenant-Col. Alfred NKURUNZIZA, Minister of Defence BP 1870 Bujumbura, Burundi Fax: 257 22 39 59 / 21 75 05 Tlx: 5146MDMBDI / 5049MDNBDI Mr Terence SINUNGURUZA, Minister of Justice BP 1880 Bujumbura, Burundi; Fax: 257 21 86 10 Please check with your post office whether post to Burundi is working.

Send a copy of your letter to the Burundian authorities to your own government and urge them to be vigilant in monitoring Burundi's human rights record and in calling on the Burundian authorities to adhere to the international treaties they have ratified. Explain that this case is illustrative of many more.

Refugees in Tanzania

Florence, aged 23

Florence, aged 23, fled Burundi in January 1998 and is a refugee in Tanzania with her two year-old daughter.

Florence fled after her husband, a farmer, was apparently killed by Burundi soldiers on 28 December 1997. Around 20 soldiers came to the house where they were staying, arrested her husband and took him away. In the weeks leading up to her husband's arrest and killing, there had been a number of arrests by soldiers on the colline (administrative unit), mostly at night. There appeared to be no motive for the arrests. Those arrested were taken to a military camp nearby and shots were heard shortly afterwards. Although no bodies were found, none of the men have re-appeared. Florence believes her husband, like the others, was shot and killed shortly after his arrest.

In October 1997, Florence and her husband fled their home in Mwange colline, Rumonge commune, in Bururi province, when soldiers came to Mwange in a military operation to clear the area of civilians. According to her testimony, scores of people were reportedly killed during the operation, including Marie Nduwimina, an old woman, and Emmanuel Ntahonwakiye.

In December, after her husband was apparently killed, Florence hid in the bush for one month, coming home only at night. She fled to Tanzania on 28 January 1998 with her baby daughter. Since arriving in Tanzania, she has had no news of the rest of her family and she fears that, if she returns to Burundi, she will also be killed. She needs protection in Tanzania until it is safe for her to return.

Burundian refugees in Tanzania

The decades-long struggle for power between Tutsi and Hutu elites in Burundi has led to the deaths of hundreds of thousands of people and has caused massive population displacement. Out of a total population estimated at about five-and-a-half million, one in ten Burundians have been forced to abandon their homes. Approximately 600,000 people are now reported to be internally displaced within the country, and over 500,000 Burundians have sought refuge in neighbouring countries or elsewhere. There are now over 260,000 Burundian refugees in Tanzania. Another 200,000 Burundians who fled in 1972, are no longer considered by the United Nations High Commissioner for Refugees (UNHCR) as refugees, and are living in settlements in Tanzania.

During 1998, refugees have continued to arrive in Tanzania, primarily fleeing from the southern provinces of Makamba and Bururi into the Kigoma region of Tanzania where there are refugee camps. In the majority of cases, those fleeing from the south appear to have fled as a direct result either of the ongoing conflict or insecurity, or killings carried out by the security forces. More refugees have also arrived from Kirundo and Ngozi provinces in the north, giving intimidation and harassment as the reasons for fleeing. Many, particularly young people, have fled fearing arbitrary arrest and potentially "disappearance".

The Burundian government has made repeated calls for refugees to return, saying they may do so in safety, and in 1997 and 1998, thousands of Burundian refugees took the decision to return home. Clearly every refugee has the right to make a fully voluntary choice to return home, whatever the risks he or she may face on return. However, the standards of international human rights law require that no person be expected or forced to return to a country where they may be at risk of serious human rights violations. Major human rights abuses are still widespread in Burundi, and the safety of returning refugees cannot be guaranteed.

Along with other unarmed civilians, refugees returning to Burundi risk being deliberately and arbitrarily killed by Burundian government forces or armed opposition groups. Human rights violations, including extrajudicial executions, arbitrary arrests and "disappearances" committed by the security forces occur routinely throughout the country, including in areas to which returnees may be forced to go.

Amnesty International welcomes the efforts made by the Tanzanian authorities to protect Burundi refugees in Tanzania. However, despite the fact that UNHCR is not currently promoting voluntary repatriation to Burundi, a number of tripartite meetings on repatriation between Tanzania, Burundi and UNHCR were held in 1998. In 1997, there were dozens of cases of forcible returns of Burundian refugees from Tanzania. Elsewhere in the Great Lakes region, the principles of refugee protection have been severely undermined, for example, in the mass refoulement of hundreds of thousands of Rwandese refugees from the Democratic Republic of Congo (DRC) and Tanzania and the forcible mass expulsion of thousands of Burundian refugees from the DRC in late 1996.

The presence of Burundian refugees in Tanzania also continues to cause tensions with the local communities, and government and local authorities have sometimes encouraged anti-refugee sentiments among the population. In late 1997 and early 1998, the Tanzanian authorities forced hundreds of Burundian nationals living outside camps to move into the camps. These so-called "round-up" operations uprooted families who had, in many cases, been living in Tanzania since 1972 and who had integrated into local communities. In September 1997 at least 4,000 people were arrested around Kigoma.

Amnesty International urges other states which are party to the UN Refugee Convention to significantly contribute to sharing with Tanzania the responsibility of ensuring that the needs and protection requirements of the refugee community in Tanzania are met.

For further information please refer to Amnesty International's report Burundi: Insurgency and counter-insurgency perpetuate human rights abuses (AI Index: AFR 16/34/98) or contact the International Secretariat at 1 Easton Street, London WC1X 8DJ, United Kingdom

WHAT YOU CAN DO

Please publicise the case of Florence and other Burundi refugees in Tanzania, and distribute this appeal widely among academics and students, women's, children's and refugee organisations, human rights activists and journalists, asking them to publicise the case.

Please write appeals, preferably in English, to the Tanzanian Minister of Home Affairs: Mr Ali Ameir Muhammed, Ministry of Home Affairs, PO Box 9223, Dar es Salaam, Tanzania: - expressing concern about the events which made Florence flee Burundi, including the killing of her husband by the Burundi security forces, and about the large-scale grave human rights violations still being committed in Burundi; - welcoming the efforts made by the Tanzanian authorities to protect Burundi refugees in Tanzania; - urging the Tanzanian authorities not to forcibly return any refugees to Burundi, either by force or by other means of coercion, while the situation in Burundi remains unsafe; - reminding the Tanzanian authorities of their legal obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the Organisation of African Unity (OAU) Refugee Convention to protect refugees and not to return them to a country where they would be at risk; - explain that you are also asking your own government to support Tanzania in hosting large numbers of refugees.

Please also write to your own government: - explaining the human rights crisis in Burundi and the situation of Burundi refugees in Tanzania, citing the case of Florence; - urging them to contribute to sharing the responsibility of states, such as Tanzania, who are hosting large numbers of refugees, to ensure that the needs and protection requirements of the refugee community are met, through the provision of financial and logistical support as well as adequate resettlement places.

Source: Amnesty International, International Secretariat, 1 Easton Street, WC1X 8DJ, London, United Kingdom