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African Unity for action to
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rights in Burundi and Rwanda**

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Appeal to the Organization of African Unity for action to promote and protect human rights in Burundi and Rwanda

"Africa and, indeed, the World in general would like to know the perpetrators of this heinous crime and the magnitude of these brutal murders and massacres which no doubt constitute a crime against humanity. It is also my strong view that as soon as those responsible will have been identified, all the necessary measures should be taken to bring them to justice and punishment administered in accordance with international law."

This is an extract from a message by Dr Salim Ahmed Salim, Secretary General of the Organization of African Unity (OAU), dated 24 May 1994 to the United Nations Commission on Human Rights on the occasion of its special session on Rwanda. The same statement could have been made in connection with the violence in neighbouring Burundi, and, indeed, the OAU Secretary General has called for an end to impunity throughout the region.

In this appeal, Amnesty International is highlighting the work done by the OAU to bring an end to the human rights and humanitarian crises in Rwanda and Burundi. At the same time, Amnesty International is making recommendations to the OAU which when implemented will create a climate for lasting peace based on the protection and promotion of human rights in the two countries.

The human rights situation in Burundi is critical. Mass killings have continued unabated since late 1993 when at least 50,000 were massacred following an attempted coup in October 1993 which resulted in the assassination of President Melchior Ndadaye by members of the Tutsi-dominated armed forces. Hundreds and possibly thousands more were killed during 1994. Thousands of people have been murdered since January 1995 -- men and women, young and old, Hutu and Tutsi. Each killing fuels the cycle of hatred and revenge.

In late March and early April 1995 at least 1,000 people were slaughtered, most just because of their ethnic origin or where they lived. In the worst single incident, 400 or more Hutu villagers were shot, slashed and clubbed to death by soldiers and Tutsi militants in Gasorwe in the northeast of the country in early April. Other victims were

Tutsi civilians murdered by armed Hutu gangs in and around the capital, Bujumbura. Others were Rwandese refugees who had fled from the carnage in their own country, only to meet death in a desolate refugee camp in northern Burundi.

Those responsible for these killings -- and for the hundreds of thousands of other political murders over the past 30 years -- have never been identified by any formal investigation or brought to justice. Many of the killers are members of the Tutsi-dominated security forces who have committed widespread human rights violations against Hutu. Other killers are Hutu and Tutsi civilian gangs, whose activities the Burundi government has failed to curb.

In this climate both sides are taking the law into their own hands, partly out of mistrust of national institutions and partly to pursue their own political objectives. Extremists are inciting further rounds of killings in a spiral of vengeance.

The entire world was shocked by the scale of the slaughter which occurred in Rwanda between April and July 1994. An estimated one million people, most of them Tutsi killed by Hutu militia and members of the security forces, were massacred. Moderate Hutu were also amongst the first targets. Members and supporters of the former government planned, ordered or condoned the massacres.

Unless those responsible for the genocide and other crimes against humanity are identified and promptly brought to justice in legal proceedings which satisfy international standards for fair trial without the death penalty, there will be no justice for their victims. More than 40,000 people accused of involvement in the April to July 1994 massacres have been detained since July 1994. Most of them face a blanket charge of "genocide" without being formally charged, and none has been brought to trial. Several hundred detainees are thought to have died from ill-treatment and harsh prison conditions.

Thousands more Rwandese have been killed or "disappeared" since the current government came to power in July 1994. For example, up to several thousand displaced persons in Kibeho camp were killed in April 1995 by gunshots, machetes or trampled to death when government soldiers opened fire on residents of the camp. Armed elements within the camp are also reported to have killed civilians.

The OAU and human rights during conflicts

The Charter which established the OAU states that one of the purposes of the organization is to promote African cooperation with due regard for the United Nations (UN) Charter and the Universal Declaration of Human Rights. Nevertheless, for its first

quarter century the OAU Assembly of Heads of State and Government (Assembly), a political body which meets once a year in June, took few steps to protect human rights, apart from the adoption of the African Charter on Human and Peoples' Rights (African Charter) and support for refugees. The Assembly has never adopted a resolution condemning human rights violations in an OAU member state. The OAU Council of Ministers, a political body which meets twice a year, in January or February and in June, began in 1994 to address human rights violations in certain states. The current OAU Secretary General, Dr. Salim Ahmed Salim, has been active in addressing human rights violations.

In the face of large numbers of armed conflicts in Africa accompanied by widespread human rights violations, including extrajudicial executions and torture, in June 1993 the Assembly established the Mechanism for the Prevention, Management and Resolution of Conflicts (Conflict Resolution Mechanism), a political body of 11 states whose membership changes each year. The Central Organ of the Conflict Resolution Mechanism meets once a year at the head of state and government level, twice a year at the ministerial level and once a month in Addis Ababa at the ambassadorial level. It was designed to prevent conflicts, and where they have occurred, to undertake peace-making and peace-building to resolve them, through such methods as civilian and military observers and monitors, guided by the purposes and principles of the OAU Charter.

The African Commission on Human and Peoples' Rights (African Commission), an expert body established under the African Charter, has publicly condemned human rights violations in a number of African countries in recent years.

The response of the OAU to human rights violations in Burundi and Rwanda

Burundi

On 22 October 1993, the day after the attempted coup in Burundi, the Conflict Resolution Mechanism met in an emergency session and demanded that those responsible "respect the sanctity of human life" and "desist from any further action which would exacerbate tension and plunge the country into violence and bloodshed". The Secretary General participated in a regional summit in the Rwandese capital, Kigali, to address the situation and on 1 November 1993 the Conflict Resolution Mechanism met in a second emergency session at which it called upon member states to contribute troops to an international stabilization force with the consent of the government.

In late 1993 the OAU Secretary General appointed a Senegalese Ambassador, Papa Louis Fall, as his representative in Burundi. The OAU proposed sending a mission, *Mission de protection et d'observation pour le rétablissement de la confiance au Burundi* (MIPROBU), Protection and Observation Mission to Re-establish Confidence in Burundi, consisting of 180 soldiers and 20 civilians to assist the country in returning to stability. After opponents of the Burundi government demonstrated in Bujumbura against the mission, the OAU sent a 15-person team to Burundi to try to "build bridges of peace" between different sectors of society and a technical mission of military officers visited Burundi to examine the technical problems which the proposed mission would face. Eventually, the mission was renamed *Mission internationale d'observation au Burundi* (MIOB), International Observer Mission in Burundi, and a 47-person team now consisting mostly of military officers, was sent to Burundi.

The primary role of MIOB is to assist in the resolution of conflict, but it has visited several massacre sites. Little information is available about MIOB's achievements since it does not publish reports about its activities. Insecurity and dependence on Burundi military escorts are reported to hamper MIOB's work, particularly when the observers visit areas outside the capital. In March 1995 the Conflict Resolution Mechanism authorized the expansion of MIOB to 67, subject to consent of the government, and is seeking people with a human rights background to strengthen its civilian component.

Some of the political bodies of the OAU have taken other steps in response to the situation in Burundi and the flow of refugees out of that country. The Secretary General has frequently visited the country, sent a fact-finding mission and convened or participated in regional summits to address the situation. The Conflict Resolution Mechanism has repeatedly expressed its concerns about massacres and called for the international community to act. The Council of Ministers condemned the massacres in Burundi at its January-February 1994 session and adopted resolutions concerning Burundi at its June 1994 and February 1995 sessions, but the Assembly did not adopt a resolution on Burundi at its June 1994 session.

Rwanda

The OAU played an important role in facilitating peace talks between the Rwandese Patriotic Front and the Government of Rwanda, headed by President Juvénal Habyarimana, and the drafting of the Arusha Accords designed to resolve the armed conflict which began in 1990. An important component of these agreements were human rights provisions. The OAU sent a force of approximately 50 soldiers to monitor the cease-fire. The soldiers eventually linked with a UN force. After mass killings began in Rwanda on 7 April 1994 the OAU Conflict Resolution Mechanism on 14 April 1995

called for "an immediate end of the massacres, wanton killings and senseless violence still taking place in the country", appealed for international humanitarian assistance and for the parties to respect the Arusha Accords. The killings followed the shooting down of a plane carrying the Presidents of Rwanda and Burundi on 6 April 1994 on their way back from a conference sponsored by the OAU to address the situations in each country.

The OAU Secretary General has repeatedly condemned the killings taking place in Rwanda and called for those responsible for crimes against humanity to be brought to justice and punished "in accordance with international law". He frequently visited the country, appointed a special representative and convened regional summit meetings. He deplored the decision in April 1994 by the UN Security Council to reduce the authorized strength of UNAMIR and urged that it be rescinded. He appealed for African states to contribute to UNAMIR when the Security Council decided to increase the size of UNAMIR and called for the establishment of an international criminal tribunal to bring those responsible for crimes against humanity to justice. The Conflict Resolution Mechanism took similar steps to support these efforts.

The Council of Ministers in June 1994 strongly condemned "the massacres and systematic killings which have taken place and continue to take place in Rwanda", called for "an end to these heinous crimes which constitute a crime against humanity" and supported the call of the Conflict Resolution Mechanism for "the perpetrators to be identified, tried and punished in accordance with international law". The Assembly did not adopt a resolution on Rwanda at its June 1994 session.

The African Commission at its April 1994 session condemned "very strongly the cycle of violence and the massacre of innocent civilians by the different armed factions", called upon all parties "to respect the African Charter on Human and Peoples' Rights, the principles of Humanitarian Law as well as the activities of humanitarian organizations operating in the field" and invited its newly appointed Special Rapporteur on extrajudicial, summary or arbitrary executions "to pay special attention to the situation in Rwanda and report back to the 16th session" in October 1994. However, Amnesty International is concerned that as of the 17th session of the African Commission in March 1995 the Special Rapporteur was unable to visit Rwanda and has not reported on the situation in that country.

Amnesty International recommendations to the Assembly and the Council of Ministers

Recommendations applicable to both countries

- The OAU should ensure that human rights are an essential component of its work in resolving conflicts. The Assembly and Council of Ministers could urge the Conflict Resolution Mechanism to make its work more effective by incorporating human rights protection into all its work in conflict resolution since many of the conflicts in Africa today cannot be resolved without addressing the human rights violations which accompany them.
- The Assembly should publicly and regularly address violations of human rights in member states. It could demonstrate its support for the work of other organs of the OAU in Burundi and Rwanda by adopting resolutions commending these endeavours, condemning the human rights violations in both countries, urging all states to guarantee the right to seek asylum and not to send asylum applicants back to countries where they would face serious human rights violations.

Recommendations applicable to Burundi

- Amnesty International welcomes the proposal to extend the mandate of the OAU mission in Burundi, to increase the personnel of MIOB and particularly to strengthen its civilian component. (These measures were recommended by the Central Organ of the OAU Conflict Resolution Mechanism at its meeting in Tunis on 20 April 1995.)
- The OAU should review the mandate of the MIOB to ensure that it is able to operate with sufficient freedom and independence to carry out thorough investigations into reports of human rights violations by the security forces in Burundi. It should ensure that the mandate includes an explicit commitment to protecting and promoting human rights. The mission should issue public reports on its findings. The MIOB should work closely with any UN human rights mission in Burundi.
- Consideration should also be given to including a thorough police training program as part of the OAU mission. The mission could also provide OAU police observers. The aim should be to ensure that law and order functions are carried out by a force which respects human rights.

Recommendations applicable to Rwanda

- The OAU Assembly and Council of Ministers could increase the effectiveness of the OAU's efforts in Rwanda by asking member states to cooperate with the International Tribunal for Rwanda by adopting necessary legislation, gathering evidence and arresting suspects who may be in their countries (in accordance with UN Security Council Resolution 978).
- The Assembly and the Council of Ministers should appeal to all states to assist in the reconstruction of a judicial system in Rwanda which is fair and excludes the death penalty, for example, by giving material assistance or by seconding appropriately qualified lawyers, judges and prosecutors to help Rwandese judicial personnel to process the thousands of pending cases.
- The Assembly and the Council of Ministers should urge the Special Rapporteur on extrajudicial, summary or arbitrary executions appointed by the African Commission to visit Burundi and Rwanda as a matter of priority in cooperation with the UN Centre for Human Rights.