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Burundi: Commission must investigate conduct of security forces

The commission of inquiry set up to investigate crimes and killings which took place around the 2010 elections, as announced on 1 May by President Nkurunziza, must also investigate the conduct of Burundi's security forces, Amnesty International said today.

The commission of inquiry should urgently redress the Burundian government's failure to fulfil past promises to investigate allegations of torture and other ill-treatment by Burundi's intelligence service in late June and early July 2010 and prosecute those responsible.

From 23 June to 5 July 2010, human rights observers – including Amnesty International – documented allegations of torture of 12 individuals committed by Burundi's National Intelligence Service (SNR). Those tortured were members of opposition parties arrested on allegations of threatening state security after several grenade attacks. Physical and psychological torture was used to extract information.

The Burundian government did not act on its commitment made in August 2010 to investigate these cases and sanction those responsible in accordance with the law. Those suspected of being implicated in these human rights violations remain in function.

The announced commission of inquiry gives the Burundian government another opportunity to uphold the law by investigating and prosecuting these human rights violations and to ensure there is no impunity for these crimes. Torture was criminalized in Burundi's 2009 penal code.

The Burundian government should:

- Appoint members of the commission of inquiry based on their recognized impartiality, competence and integrity.
- Publish a decree clearly outlining the scope, composition and methodology of the commission and ensure the final report is made public.
- Mandate the commission to take evidence from alleged victims of torture or other ill-treatment and protect such people from harassment and intimidation.
- Empower the commission to summon and take evidence from officials, including those in the police and intelligence service.
- Provide the commission with sufficient resources to be able to fulfil its mandate.
- Ensure the commission files interim reports to facilitate the prompt opening of criminal or disciplinary proceedings, including against police and intelligence officers.

The announced commission of inquiry should reach out to Burundians by making a public statement affirming the timeframe for cases under investigation and confirming that its findings will be made public.

A separate commission of inquiry into extra-judicial executions started work on 25 April 2011 and is expected to report its findings on 25 May 2011. It will establish whether state security forces, including the army and the police, were responsible for extra-judicial executions.

The commission of inquiry should investigate all recent allegations of extra-judicial killings, including those which took place after the commission was created on 26 October 2010. The UN documented 11 cases of possible extra-judicial executions between August and November 2010 and nine cases in February and March 2011.

Impunity for past human rights violations is a longstanding problem in Burundi. The absence of justice for crimes under international law committed in the past contributes to an environment where security forces continue to commit human rights violations.

The Arusha Accord and subsequent agreements provide for a Truth and Reconciliation Commission (TRC) and a Special Tribunal, but progress towards them has stalled on numerous occasions. Negotiations between the Burundian government and the UN have failed to agree on the independence of the Special Tribunal's prosecutor and the sequencing and relationship between the TRC and the Special Tribunal. Delays in presenting the report of the national consultations on transitional justice to the President also acted as a stumbling block.

In his speech on 1 May, President Nkurunziza reaffirmed his commitment to move forward with the creation of transitional justice mechanisms. He promised that "all would be revealed" underscoring the truth-telling dimension, but made no mention of Burundi's obligation to prosecute crimes under international law.