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Public Statement

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Burundi: Extrajudicial executions in Muyinga: former refugees were among the victims

Amnesty International is concerned that the government of Burundi has failed to fully investigate and bring to justice all those responsible -- including senior military officers -- for allegedly ordering the extrajudicial execution of at least 16 people in the province of Muyinga (north-east Burundi) in August 2006. The organisation is also concerned that among the victims were former refugees who returned to Burundi from Tanzania on the belief that it was safe to do so.

Between May and August 2006, more than 30 people were arbitrarily arrested by the military, acting in conjunction with the intelligence service and local administration, and were reportedly transported to the military camp of Mukoni (province of Muyinga). The authorities alleged that the 30 people were suspected of having links with the armed opposition movement, the FNL (Forces nationales de libération - National Liberation Forces). In late July, the bodies of at least 16 of the arrested men were seen by the local people floating in local rivers. The men had been reportedly executed. The fate and whereabouts of the other individuals are not known to Amnesty International.

Three middle ranking members of the security forces, such as the head of the intelligence service in Muyinga have been arrested in the course of the investigations into this case. Amnesty International understands that an arrest warrant for the head of the fourth military region was issued on 14 October by the public prosecutor of Ngozi, but it has not been executed.

Amnesty International is particularly concerned that the extrajudicial executions took place in the province of Muyinga, one of the main provinces of return for Burundi refugees still in exile in Tanzania. Now, according to international standards, refugees must be able to return home in safety. In particular, physical safety includes the right to freedom from torture and ill-treatment.

On 17 July Donatien Kizito, a resident of Giteranyi commune was arrested and detained at the military camp of Muyinga. He was reportedly executed on 7 August. Donatien Kizito was a refugee in Tanzania at Lukole camp from 1994 until January 2006, when he returned to Burundi. Amnesty International understands that other people who had been refugees in Tanzania were executed on the same day as Donatien Kizito. Their names are Dieudonné Bamporubusa, Arthémon Bucumi and Selemani Minani.

Amnesty International urges the Burundi authorities to:

- o make clear to all members of the security forces that forced disappearances and extrajudicial executions of people will not be tolerated under any circumstances; and that officials with chain-of-command responsibility who order or tolerate extrajudicial executions by those under their command should be held criminally responsible for these acts;
- o ensure that these extrajudicial executions and disappearances are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out these investigations;
- o ensure that those responsible are brought before a civilian court and that wherever such people happen to be and wherever the crime was committed. The perpetrators should not be allowed to benefit from any legal measures exempting them from criminal prosecution or conviction;
- o ensure that dependants of the victims obtain fair and adequate redress from the state, including financial compensation;
- o ensure the return and the reinsertion of refugees respects international standards in particular human rights standards; and to provide formal and adequate guarantees and assurance for the safety of repatriating refugees.

Background

Amnesty International understands that among the people reportedly executed were also Venant Kwizera, Claver

Karikumaguru, Balthazar Habimana, Melchiade Dede, Saïdi Nduwimana, Roger Baranderetse, Jean Mirenzo, Kassim Abdul Gasongo, Selemani Cishahayo, Tharcisse Miburo, Jean Marie Havyarimana and Félix Havyarimana.

The province of Muyinga neighbours the district of Ngara in Tanzania. According to the United Nations High Commissioner for Refugees (UNHCR), the district has around 43 000 Burundian refugees living in camps. Overall, Tanzania hosts about 193 000 Burundian refugees in UNHCR-managed camps. For its part, the Tanzanian government estimates that at least 200,000 Burundians are living in old settlements, while another 200,000-300,000 unregistered refugees, mainly of Burundian and Congolese origin, live scattered in rural and urban areas. In June 2006, after facilitating the repatriation of Burundian refugees for several years, the governments of Burundi and of Tanzania with the UNHCR support decided to launch the promotion of voluntary repatriation to Burundi. According to UNHCR guidelines, it is an essential precondition of voluntary repatriation that there be: "an overall, general improvement in the situation in the country of origin so that return in safety and with dignity becomes possible for a large majority of refugees -- all parties must be committed to fully respect its voluntary character -- the country of origin must have provided a formal guarantee, or adequate assurances for the safety of repatriating refugees, as appropriate".

In September, the government appointed a commission of inquiry to investigate these extrajudicial executions. But this commission is not independent and does not have the necessary power to carry out its mandate. On 26 October, the public prosecutor of Muyinga, who was a member of this commission and was also committed to investigate into this case, was informed by his hierarchy that he was transferred to the province of Rutana, officially for his personal security.