

EXTRA 03/97 Refoulement / Extrajudicial executions /
Fear of refoulement / Fear for safety

14 January 1997

BURUNDI / TANZANIA Burundi refugees

Amnesty International is deeply concerned at the extrajudicial execution of 122 of the 126 Burundi refugees forcibly returned from Tanzania on 10 January 1997 and shot by Burundi government soldiers the same day. The killings heighten fears for the safety of other Burundi refugees in Tanzania who may face *refoulement*. In the absence of any safeguards, all returnees are at risk of arbitrary arrest, torture, "disappearance" and extrajudicial execution in Burundi.

On or around 5 January, 48 Burundi refugees were forcibly returned from Tanzania and were arrested on their arrival in Burundi, reportedly on suspicion of belonging to an armed group. They were taken to Muyinga military camp where they were reportedly tortured before being extrajudicially executed the next day.

There are conflicting reports of the circumstances of the latest killings. According to the Burundi authorities, who have acknowledged that their security forces carried out the killings on 10 January and have announced the arrest of those allegedly responsible, members of the security forces were overwhelmed by the numbers of refugees and panicked, fatally shooting 122 of the 126 refugees.

Some reports have stated the returnees were shot as they tried to escape from a military detention centre. According to an official of the UNHCR, the refugees were a "special category" as they were alleged to have been involved in violent disturbances in the camps and the Burundi soldiers fatally shot 122 of the refugees after a woman refugee threw a grenade, which did not explode. Four refugees are thought to have escaped unharmed although their subsequent fate is unclear.

Other sources have indicated that the Tanzanian security forces handed over the refugees to the Burundi security forces, who then systematically executed the refugees in small groups, accounting for the lack of wounded survivors.

There are around 200,000 Burundi refugees in Tanzania. Fears that more will be expelled are heightened by a statement from the Tanzania Minister of Home Affairs which orders all Burundi refugees in Tanzania to return to their camps by 18 January. It is not clear what will happen to those who do not, or cannot, comply with this order. There are fears that the order to return to the camps may be a precursor to forcible repatriation.

Despite the massacre of the returnees and the ongoing serious human rights situation in Burundi, the Tanzania authorities, who have denied forcibly returning refugees to Burundi, are asserting that it is safe for Burundi refugees to return and are encouraging them to do so. While Tanzania has offered protection to large numbers of Burundi refugees over the past year, there have also been reports of thousands being forcibly expelled and thousands more being denied entry into the country. The Burundi/Tanzania border has officially been closed since March 1995. Some refugees have been ill-treated and even killed by Tanzanian forces, others have been killed in Burundi. There are also reports of some Burundians drowning (in the river on the border) in the panic which has ensued when forcible returns are carried out. Some reports suggest there

are ongoing forcible returns of small numbers of refugees, many of whom are feared to have been subsequently extrajudicially executed.

Amnesty International has already raised its concerns about particular risks faced by Burundi returnees to their country. For further information see EXTRA 179/96, 14 November 1996, AFR 16/33/96 and EXTRA 172/96, 7 November, AFR 16/30/96 and update, 28 November.

RECOMMENDED ACTION: Please send telegrams/faxes in French or your own language (currently no post to Burundi): TO AUTHORITIES IN BURUNDI:

- expressing deep concern at the extrajudicial execution of 122 Burundi returnees from Tanzania on 10 January and at reports of the torture and killing of 48 Burundi returnees at Muyinga military camp around 6 January;
- calling for an immediate impartial and independent investigation into these killings and for those responsible to be brought to justice in accordance with international standards of fairness;
- calling on the authorities to take immediate measures to protect returnees and others from human rights violations.

President

Major Pierre Buyoya
Président de la République

Fax: +257 22 7490

Telegrams: Major Buyoya, Bujumbura, Burundi

Salutation: Monsieur le Président/Dear President

Minister for Reintegration and Resettlement of the Displaced and Returnees
Madame Anne BARIYUNTURA

Ministre à la Réinsertion et à la Réinstallation des Déplacés et des Rapatriés

Fax: +257 21 2629

Telegrams: Ministre a la Reinsertion, Bujumbura, Burundi

Salutation: Madame le Ministre

Minister of Justice

Gervais Rubashamiheto
Ministre de la Justice et Garde des sceaux

Fax: +257 22 2148

Telegrams: Ministre Rubashamiheto, Bujumbura, Burundi

Salutation: Monsieur le Ministre/Dear Minister

TO AUTHORITIES IN TANZANIA: Please send telegrams/faxes/express/airmail letters in English or your own language:

- expressing deep concern at the forcible repatriation of 126 Burundi refugees from Tanzania, 122 of whom were extrajudicially executed on return, and at reports of the torture and killing of 48 Burundi refugees around 6 January following their forcible repatriation from Tanzania;
- highlight the grave human rights situation in Burundi and state that AI considers all returnees to be at serious risk of human rights violations including extrajudicial execution and "disappearance";
- reminding them of their international obligation not to forcibly return anyone who is at risk of human rights violations on their return, referring to the principle of non-*refoulement* set out in the 1951 Convention relating to the Status of Refugees, the Organization of African Unity 1969 Refugee Convention, and other international human rights treaties;
- urging the authorities to give public instructions to all Tanzanian government and security officials not to forcibly return any Burundi refugees.

President

His Excellency Ndugu Benjamin William MKAPA

Office of the President

State House, PO Box 9120

Dar es Salaam, Tanzania

Telegrams: President, Dar es Salaam, Tanzania

Salutation: Dear President of the United Republic

Edgar MAOKOLA Majogo

Office of the Ministry of Defence

PO Box 9544, Dar es Salaam, Tanzania

Telegrams: Defence Minister, Dar es Salaam, Tanzania

Salutation: Dear Minister

The Hon. Ndudgu Ali Amer MOHAMMED

Minister of Home Affairs

PO Box 9000, Dar es Salaam, Tanzania

Telegrams: Home Affairs Minister, Dar es Salaam, Tanzania

Telex: 41231

Salutation: Dear Minister

and to diplomatic representatives of BURUNDI / TANZANIA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 February 1997.