

TABLE OF CONTENTS

1. Introduction1
 2. Background3
 3. Extrajudicial executions in November and December 19915
 - 3.1 Killings at Kanyosha Minor Seminary5
 - 3.2 Killings of prisoners at Bubanza gendarmerie7
 - 3.3 The killing of Isidore Ciza's household, including children8
 - 3.4 Call for an independent and impartial investigation9
 4. Reported "disappearances"11
 - 4.1 Obedi Bambanze and Saïdi Hussein11
 - 4.2 Renovat Ndikumana, a Burundi Press Agency journalist12
 5. Reports of torture, and harsh prison conditions12
- APPENDIX: Maps of Africa and Burundi

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@Appeals for an inquiry into army and gendarmerie killings and other recent human rights violations

1. Introduction

A wounded employee of a Roman Catholic boarding school shelters between two priests, but is bayoneted to death by a soldier. Prisoners who are tightly tied with their arms behind their backs are killed with a bayonet thrust through their mouths or a blow to their heads. A household of six, including four children between eight months and six years of age are deliberately killed when soldiers hurl a grenade through their front door after searching the house. All these incidents occurred in Burundi at the end of November or during December 1991, when soldiers and Gendarmes were responsible for hundreds of extrajudicial executions in the aftermath of a series of violent attacks by insurgents.

No soldiers or Gendarmes have been detained or brought to justice in connection with the three incidents mentioned above. Indeed, only two or three soldiers appear to have been detained in total - in connection with the "disappearance" and suspected murder of one civilian, among the hundreds who were deliberately killed. There has been no proper inquiry into killings by the army and consequently no action to prevent a repetition of the extrajudicial executions in the future. Thus, a cycle established in Burundi over more than 25 years is being perpetuated, of killings and massacres by the army and gendarmerie which are repeatedly unpunished. This is why, after a visit to Burundi by Amnesty International representatives in February 1992, the human rights organization called on President Pierre Buyoya in a letter at the end of March 1992 to initiate a public, independent inquiry into reports of human rights violations. Amnesty International called specifically for investigations into the three incidents mentioned above (details of which are presented on pages 4 to 6 below). The organization also urged that steps be taken urgently to stop torture, which was endemic throughout 1991, and to establish what has happened to several dozen individuals who "disappeared" following their arrest in November or December 1991.

By April 1992 Amnesty International had not received a response from President Buyoya. It hopes still to receive a positive response. Because of the scale of the killings of prisoners and unarmed civilians at the end of 1991, as well as the seriousness of other abuses committed, Amnesty International is now publishing details of some recent cases.

The government stated in January 1992 that 551 people died in violence last November and December 1991, but has rejected claims by human rights workers that extrajudicial executions occurred at all -- and ridiculed one report by a delegation which visited the country in December that 3,000 had been killed.

Although Amnesty International's representatives in Burundi last February were not able to establish how many people died, it seems likely that the total was much higher than the 551 admitted by the government. Some independent sources in Burundi have suggested that about 1,000 unarmed civilians, virtually all of them Hutu, were killed by members of the security forces during the violence in November

Burundi: Army and gendarmerie killings and other human rights violations

and December 1991. After political violence and counter-insurgency operations in the past, many thousands died. At least 5,000 in 1988, according to the authorities, but possibly more than 10,000, and as many as 100,000 in 1972.

Hundreds of people arrested for political reasons at the end of 1991 are still detained, as well about 60 who had been arrested before the outbreak of violence.

2. Background

The human rights crisis at the end of 1991 occurred after insurgents carried out a series of attacks, starting on 23 November 1991, on military and civilian targets in the capital, Bujumbura, and in Bubanza and Cibitoke provinces in the northwest of the country. The insurgents were mostly members of the country's majority Hutu ethnic group, whereas the armed forces are composed mainly of members of the minority Tutsi ethnic group, which has ruled Burundi for many years.

Armed Hutu insurgents carried out attacks on military and other installations in the capital, Bujumbura, and in the northwestern provinces of Bubanza and Cibitoke during the week following 23 November 1991. Although most of the attacks were against members of the security forces the insurgents also injured and killed several dozen Tutsi, including Rwandese refugees. The insurgents, who were reportedly armed with a few automatic guns, grenades and non-military weapons such as clubs, machetes and spears, are also reported to have attacked Hutu who did not support them. The authorities and others in Burundi believe that the insurgents were members of the clandestine opposition party known as the *Parti pour la libération du peuple hutu* (PALIPEHUTU), Hutu People's Liberation Party. The PALIPEHUTU leadership in exile denies that its members had carried out the attack.

Soon after the attacks had started government troops launched counter-insurgency operations in the three provinces. As part of the operations they carried out reprisal attacks against Hutu who were suspected, mostly without evidence, of supporting or sympathizing with the insurgents. Many Hutu were extrajudicially executed when soldiers used guns and bayonets to kill their victims.

After members of the security forces had managed to repulse the insurgents, they arrested large numbers of Hutu. Most of those who were arrested were beaten and bayonets were used to injure some of them. Dozens of people reportedly died from such injuries. After their arrest many had their arms tied so tightly behind their backs that their elbows met. As a result of this painful form of restraint, some developed paralysis or gangrene in their arms. Those arrested were taken to military barracks and gendarmerie detention centres where most of the ill-treatment reportedly took place. Although many of those arrested in connection with the insurgency were released by the end of 1991, by April 1992 about 500 people were still in custody, mostly held without charge or trial.

Before the violence at the end of November and in December 1991 several hundred Hutu in the provinces of Cibitoke, Gitega and Muyinga had been arrested, especially between August and November 1991, in connection with PALIPEHUTU activities. Many of them were apparently arrested on the basis of unsubstantiated evidence, such as denunciations by their personal enemies. The authorities accused those arrested of involvement in or knowledge of a plot by PALIPEHUTU to carry out armed attacks. About 60 of those arrested before 23 November 1991 were still in custody by May 1992. The authorities told

Burundi: Army and gendarmerie killings and other human rights violations

Amnesty International representatives in February 1992 that they would soon be tried but they did not specify when.

In February 1992 Amnesty International representatives visited Burundi to collect information about human rights violations which occurred during 1991 and to seek information about the authorities' response to reports about the violations. Officials told them that several soldiers were already under arrest in connection with abuses committed in the aftermath of the violent armed attacks launched by insurgents on 23 November 1991. Amnesty International was informed that in other cases commanders or entire units suspected of committing abuses had been transferred, but that no further action had been taken to bring them to justice. One member of the security forces said by the authorities to be under arrest was Commander of the gendarmerie in Gatumba Brigade in late 1991. He was arrested in connection with the reported killing of **Antoine Muhitira**, a Hutu bus owner, at the beginning of December 1991. By May 1992 it was not clear whether the commander had been charged with a specific offence or when he would be brought to trial.

3. Extrajudicial executions in November and December 1991

Insurgents are reported to have targeted unarmed civilians, mainly Tutsi and some of them refugees from neighbouring Rwanda, for killing in Cibitoke and Bubanza provinces. The most numerous extrajudicial executions by soldiers are reported to have been in Bukinanyana district in Cibitoke province and in Musaga zone on the southern edge of Bujumbura.

The three cases of killings mentioned in the introduction are examples in which Amnesty International has been able to obtain some comments from official military sources to contrast with information from other eye-witnesses and unofficial sources. Amnesty International has singled out the three incidents to bring them to the attention of the Burundi authorities because there appear to be witnesses or other evidence which a public inquiry could consult.

3.1 Killings at Kanyosha Minor Seminary

Eleven people were killed by government troops on 27 November 1991 at Kanyosha seminary, a Roman Catholic boarding secondary school, on the outskirts of Bujumbura. Amnesty International representatives received information from eye-witnesses and in the course of a meeting at the military staff headquarters also received an account of what was said by military sources to have happened. The two accounts are contradictory and an independent investigation is required to establish what actually happened.

Those killed were agricultural workers at the seminary who lived in an out-building situated in fields about 80 metres from the seminary's main building. After an attack by insurgents on the nearby military camp, soldiers evidently pursued armed rebels. At the military staff headquarters, Amnesty International's representatives were told that the insurgents who were shooting at the soldiers used the workers as a human shield ("bouclier humain"), either deliberately or coincidentally placing the workers between themselves and the pursuing soldiers. It was said that it had been impossible for the soldiers to dislodge the rebels from behind the workers, who were consequently killed in cross-fire.

Testimony from eye-witnesses presents a different story. At about 6 am, while the workers were still in

the out-building where they lived because of the shooting outside, soldiers arrived in pursuit of the assailants. Arriving at the out-building the soldiers ordered the workers out of the building and made some of them kneel on the ground. The soldiers are said to have then deliberately shot the workers, some inside and others outside the building. It is clear that soldiers did go into the building, for its corrugated iron roof was riddled with bullets shot from inside the building. Ten of the 13 workers were killed on the spot. When soldiers left to pursue the rebels, two injured survivors ran towards the main seminary buildings. Seeing them, soldiers opened fire, but missed them. Soldiers then searched the seminary for the wounded workers. They found one of the workers, already suffering from a bullet wound, sheltering in the pupils' refectory between two priests. Despite protests from the priests, who said they knew the wounded man was one of their workers, a soldier bayoneted him to death. This was clearly an extrajudicial execution of someone who was *hors de combat*, a killing prohibited by a humanitarian law and international human rights standards.

The bodies of the 10 who had been shot dead and the one who was bayoneted were taken away by soldiers and buried or otherwise disposed of in secret. The other two survivors were in February 1992 recovering from injuries inflicted on them by the soldiers.

3.2 Killings of prisoners at Bubanza gendarmerie brigade

From the end of November until the end of December 1991 dozens of prisoners are reported to have been deliberately killed at Bubanza Brigade (the gendarmerie headquarters and detention centre in Bubanza town for the province of the same name). Eye-witnesses have described how virtually every prisoner was tortured, how some were left to die from injuries or starvation, and how others were killed. Most of the latter are reported to have been stabbed to death with bayonets, some through the mouth. Others were reportedly clubbed to death after being gagged. The human rights violations occurred despite orders issued by the armed forces high command that prisoners were to be well treated. Orders were also issued that prisoners were to be referred to the *Brigade spéciale de recherche* (BSR), Special Investigative Brigade. Nevertheless, prisoners were held, interrogated, tortured and killed in a number of military barracks and gendarmerie brigades.

For example, a teacher called **Byibuza** was reportedly arrested by soldiers and bundled into a vehicle on 10 December 1991 near Karambira, on the road to Bubanza: he and about 15 other prisoners had their arms tied tightly, so that their elbows met behind their backs, and were subjected to severe beatings. After they had reached Bubanza Brigade the beatings continued. Byibuza reportedly died when he was gagged and a member of the gendarmerie hit him on the forehead with a piece of piping. Another prisoner by the name of **Nyantimbona** was also said to have been killed in the same way. The gagging was reportedly intended to stop those being killed from making loud cries as a result of pain.

There have been reports that other prisoners buried the bodies of dozens of execution victims in or near the Brigade, although the identities of most of those killed are not known to Amnesty International. It is important that an impartial inquiry be carried out urgently to establish how many prisoners were killed and their identities; those responsible should be identified and brought to justice. Such an inquiry should also be required to identify safeguards whose introduction could prevent such killings in the future. For example, it seems that, in most cases, prisoners arriving at this detention centre did not have their identities noted in a register, with the result that there may have been no record of their detention there. Nor were detainees seen by any independent authority while held at the Brigade: one purpose of regular

Burundi: Army and gendarmerie killings and other human rights violations

visits to such detention centres by a procuracy official and other independent bodies is to check on the number, identities and conditions of prisoners and prevent their ill-treatment. Evidently, in a time of crisis it may be difficult to ensure that normal detention procedures are observed. However, it is vital that at least minimum safeguards are available and observed to prevent torture or killings of prisoners.

3.3 The killing of Isidore Ciza's household, including children

Amnesty International first brought the killing of six members of **Isidore Ciza's** family by government soldiers to the attention of the Burundi authorities in early December 1991. We are concerned that to date no steps appear to have been taken to carry out an independent and impartial investigation into the incident, which took place on 26 November 1991, and to identify and bring those responsible to justice.

According to reports, six soldiers travelling in an armoured vehicle went to Isidore Ciza's home at Muzinda, about 15 kilometres north of Bujumbura, and threw a grenade at his minibus in the compound. In the absence of Isidore Ciza himself, they searched his house, apparently looking for weapons, while seven members of his family were made to stay in the compound. No weapons were found. After the search the soldiers ordered members of the household back into the house, then threw a grenade into it, almost instantly killing Isidore Ciza's first wife, **Maria Mawazo**, a housemaid, a six-year-old girl, two boys aged four and five and an eight-month-old baby. The soldiers are then reported to have entered the house and shot the children at close range to ensure they were dead. Only **Beatrice Tabu**, Isidore Ciza's second wife, survived. Learning of the killings, Isidore Ciza fled to Bujumbura on 25 November 1991 where he was arrested on 9 December 1991 and subjected to severe beatings and torture. For several days he suffered further severe ill-treatment and starvation at Bubanza National gendarmerie brigade, before being transferred to Bubanza Prison. He was still held without trial by April 1992. In this case, as in the Kanyosha Seminary killings, the military authorities have suggested that civilians were killed in the cross-fire. This was evidently not the case.

3.4 Call for an independent and impartial investigation

Amnesty International representatives received substantial evidence about numerous cases of prisoners being deliberately killed by the armed forces, which had not been the subject of any sort of independent inquiry, with the result that those responsible have not been brought to justice. The information obtained in February 1992 by Amnesty International representatives shows that the armed forces' present system of investigating deaths is inadequate to establish the truth. This effectively allows members of the security forces to commit human rights violations which are crimes under Burundi law with impunity.

The deliberate killing of prisoners, together with the killing of anyone else who is *hors de combat*, is a grave violation of humanitarian law, as well of the most fundamental of human rights. Such killings have been the subject of numerous condemnations by the international community, with the result that in 1989 the United Nations adopted a series of **Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions** (resolution 1989/65 of the Economic and Social Council). These principles indicate in particular that "there shall be thorough, prompt and impartial

Burundi: Army and gendarmerie killings and other human rights violations

investigations of all suspected cases of extra-legal, arbitrary and summary executions".

There have been hundreds of deaths in Burundi recently which should be the subject of such inquiries. Amnesty International is also concerned about reports of widespread torture and other forms of cruel, inhuman or degrading treatment and dozens of unexplained "disappearances" perpetrated by members of the Burundi security forces. Amnesty International considers it a matter of the utmost urgency that the Burundi Government, together with the High Command of the armed forces and the judicial authorities, should initiate a full, independent and public inquiry into the human rights violations which occurred in the aftermath of the November 1991 rebel attack. In each of the cases cited in this report, Amnesty International believes that it will be possible to interview eye-witnesses and to make an independent assessment of the version of the incidents so far offered by the armed forces.

Public inquiries may, of course, place witnesses in jeopardy. Indeed, Amnesty International representatives heard of cases involving individuals who had witnessed human rights violations, testified to others about them and subsequently had suffered reprisals or threatened by soldiers or others. For this reason we urge that the government and those undertaking any such inquiry should take steps to guarantee the personal safety of such witnesses.

4. Reported "disappearances"

Hundreds of people who were arrested in November and December 1991 are believed to have been secretly executed in barracks and other places. In many cases there have been no eye-witness confirmation of what happened to those arrested, who have in effect "disappeared".

Amnesty International is pressing the authorities for information about several dozen people who "disappeared" following their arrest by members of the security forces soon after 23 November 1991. Their names have been brought to the attention of the Burundi authorities but no investigations appear to have been carried out so far to establish their whereabouts or fate. When Amnesty International's representatives expressed concern about reported "disappearances" to judicial officials in February 1992, it was clear that there was no established procedure to discover the whereabouts of people who are unaccounted for following their arrest, although Amnesty International brought a case of this sort to the authorities' attention in 1989 and urged that a suitable procedure be set up. By February 1992 no official investigations had started into reports of "disappearances". Furthermore, it seemed that there was no intention to carry out any such investigations. Among the dozens of cases being investigated by Amnesty International, the following three are particularly well-known in Burundi, especially as there was some official confirmation that the first two were taken into custody.

4.1 Obedi Bambanze and Saïdi Hussein

Soon after the first rebel attacks on 23 November 1991, a young man named **Obedi Bambanze** and an elderly man called **Saïdi Hussein** were shown on Burundi television making statements that they were accomplices of the insurgents. The two men were at that time in custody. During their stay in Burundi, Amnesty International representatives asked to meet the two men but they were told by the Procuracy and prison authorities that the two men were not in custody; neither were they reported to have been released. There appeared to be no procedure to trace their whereabouts or to establish which branch of the security

Burundi: Army and gendarmerie killings and other human rights violations

forces was holding them when they "disappeared". The lack of such a procedure has the effect of allowing impunity to the unit concerned in the case that prisoners die or are deliberately killed. The representatives received reports from unofficial sources that the two men had died in custody. If this were to be true, it would strongly suggest that they were victims of extrajudicial execution.

4.2 Renovat Ndikumana, a Burundi Press Agency journalist

Renovat Ndikumana, a sub-editor at the Burundi Press Agency in Bujumbura, was resident in Bujumbura's Musaga zone. Independent sources in Bujumbura say that he was arrested by government soldiers at the end of November 1991 while on his way to work. The specific reason for his arrest is not known. He has not been seen since and does not appear on lists of prisoners still in custody provided to Amnesty International representatives. By February 1992 he was not in custody, according to the Procuracy, nor was he known to have been released. Amnesty International is concerned for his safety in view of reports suggesting that some prisoners were killed in detention and request that his case and other reported "disappearances" should be urgently investigated.

5. Reports of torture, and harsh prison conditions

Even before rebels launched attacks on 23 November 1991, torture was being used systematically against suspected PALIPEHUTU supporters, more than 60 of whom were already in custody. Although Amnesty International received reports about the torture of political prisoners under interrogation throughout the 1980s, the evidence made available to the organization's representatives in February 1992 was shocking and suggested that the torture of prisoners in gendarmerie custody was systematic and endemic. The evidence for this comes from testimony of both prisoners still in custody and others who had been released, and is backed up by the scars shown by former torture victims, mainly caused by ropes biting into the flesh of their arms and bayonet wounds. It is evident that the bayonet, widely used for killing unarmed civilians and prisoners, is also in general use by gendarmes as an instrument of torture.

Virtually all political detainees claim they were beaten at the time of their arrest and that others were beaten while being detained or interrogated in detention centres of the gendarmerie and the *Police de sécurité publique* (PSP), Public Security Police. Various forms of torture and ill-treatment are reported. Many had their arms tied tightly, so that their elbows met behind their backs and the ropes or cords cut into their arms. Some of the victims of this type of restraining apparently developed gangrene. Others have paralysed arms as a result: it is feared that some may never recover full use of their arms. Despite the visible evidence of this kind of tying, Amnesty International representatives were told by military officials that soldiers used hand-cuffs and not ropes or cords to restrain prisoners. During interrogation some detainees were reportedly beaten severely on the soles of their feet, on their backs and hands, and made to kneel for long periods, sometimes on bottle tops and pebbles. According to information given to Amnesty International representatives, members of the security forces used bayonets, piping, truncheons and machetes to inflict injuries on detainees, sometimes resulting in deaths. In spite of the existence of substantial evidence of torture, the authorities are not known to have taken any steps in recent years to prevent it. Planned reforms of the Code of Penal Procedure reportedly give little or no priority to safeguarding detainees against torture. Burundi's new Constitution which was voted by referendum in March 1992 bans torture but there is need for a public inquiry to establish how torture can be prevented in practice.

Burundi: Army and gendarmerie killings and other human rights violations

Amnesty International representatives obtained lists of nearly 500 political prisoners, many of whom appear to have had the blanket charge of "endangering the security of the state" ("*atteinte à la sûreté de l'Etat*") brought against them.

Amnesty International is concerned that magistrates have ordered that political prisoners should be kept in isolation cells until investigations are over and without any time limit being set for the end of the investigations. In most cases these prisoners are confined in tiny cells measuring about two metres by one-and-a-half metres with four prisoners in each cell. These detention conditions are degrading and appear to constitute a form of punishment in their own right. Furthermore, they are likely to continue for an indefinite period. Amnesty International urges the Burundi authorities to take action to end these harsh conditions by ending the practice of confining untried political prisoners to punishment cells.