

AI INDEX: AFR 16/04/96  
8 MARCH 1996

BURUNDI: ADEQUATE RESOURCES NECESSARY FOR UN COMMISSION OF INQUIRY  
INVESTIGATING HUMAN RIGHTS ABUSES

Governments and intergovernmental organizations should act now to provide adequate resources and protection for the United Nations (UN) commission of inquiry currently investigating grave human rights abuses in Burundi, Amnesty International said today.

“We are seriously concerned that the commission may be unable to complete its work due to a lack of resources and political support,” the organization said.

“It is only when these are achieved that the commission will be able to bring perpetrators of human rights crimes to justice and the cycle of impunity will be ended.”

The commission was set up on 28 August 1995 by the UN Security Council, and its five members were appointed by the UN Secretary General in September. Its main mandate is to establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other serious acts of violence which followed. It is also required to recommend legal, political and administrative measures to bring the perpetrators of the crimes to justice, and end the cycle of impunity.

Amnesty International is concerned that witnesses, particularly those who could provide evidence against the Burundi government forces, will be frightened from doing so unless the security of members of the commission is entrusted to impartial and independent guards. Moreover, the commission should be given resources to enable it to set up a witness protection program.

The organization has learned that security for members of the commission is carried out by members of the Organization of African Unity (OAU) observer mission whose movements are restricted and closely monitored by Burundi government forces. Burundi government forces were responsible for the coup attempt and assassination of President Melchior Ndadaye in October 1993 and have been responsible for a large number of the massacres and other human rights violations being investigated by the commission.

Amnesty International is also concerned that the UN has failed to ensure a proper budget and financial footing for the commission. The organization calls on the UN Secretary General to make public the commission's preliminary report to enable governments and other potential funding organizations to know and provide the commission's requirements.

“Governments, intergovernmental and other organizations will find it difficult to provide resources which they are not made specifically aware of,” Amnesty International said. “Funding sources would also like to know the progress so far made by the commission.”

Amnesty International is calling on all governments and intergovernmental organizations -- particularly the UN, the European Union and the OAU -- to ensure that the commission has all the human and material resources it requires to carry out and complete its inquiry in the shortest time possible.

The organization is also urging the Burundi authorities to ensure that the judiciary or the security forces do not undermine the commission's work. Burundi state institutions should pledge to cooperate fully with the commission of inquiry and implement its recommendations.

In addition, it is appealing to the Burundi authorities and the international community to ensure that Burundi obtains adequate human and material resources -- including foreign investigators, prosecutors, judges and defence lawyers -- to ensure that all those accused of serious crimes obtain a fair trial.

## **BACKGROUND**

The commission of inquiry issued its preliminary report to the UN Secretary General on 20 December 1995. Although the report itself has not been made public, the Secretary General disclosed some of the concerns of the commission's members in a letter to the President of the Security Council. The commission said that it had received many requests for deposition of testimonies and had established lists of potential witnesses. It had interviewed prisoners and initiated a study of the judicial system.

In the report members of the commission expressed concern that due to the time which had elapsed since the events under investigation, perpetrators, witnesses and victims may have become refugees, displaced or died; evidence may have been lost, suppressed or altered; or evidence previously gathered may not conform to judicial standards. The commission finds it difficult to obtain truthful, objective and reliable testimony.

The commission said it was mostly concerned about security. In its Resolution 1049 (1996) dated 5 March 1996 the UN Security Council "reminded the Government of Burundi of its responsibility to ensure security and protection for members and personnel of the commission".

In December 1995, the commission expressed concern about inadequate resources: it needs more trained investigators, support staff and material resources. The Secretary General asked the Security Council President to bring this matter to the attention of the Council. In February 1996, the UN Special Rapporteur for Burundi expressed concern that the members of the commission did not have adequate security either for themselves or for the confidential documents they handle. He added that the commission required more investigators and other support staff. In its Resolution 1049, the UN Security Council "invites Member States to provide adequate voluntary financing for the commission".

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