

£Burundi: @Struggle for Survival
Immediate action vital to stop killings

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1. INTRODUCTION

A pall of smoke darkened the sky above Bujumbura, the capital city of Burundi, late in the afternoon of Friday 24 March 1995. The smoke rose from dozens of fires -- the burning homes of Hutu families who lived in the last two ethnically mixed suburbs in the capital. While gangs of Tutsi youths systematically set fire to the houses, soldiers watched impassively from armoured vehicles parked in circles. Crowds of Hutu fled in terror. They squeezed into cars and buses, taking with them as much as they could carry. Customs officials at the Burundi-Zaire border reported that tens of thousands of refugees crossed into Zaire in just 48 hours.

However, many did not escape. Witnesses saw about 100 bullet-riddled corpses lying by the roadside. "Most were young men, but there were women, whole families too," one reported. Residents of the two suburbs, Bwiza and Buyenzi, said hundreds of bodies had been carried away in trucks at dawn. These killings were one more episode in Burundi's continuing human rights emergency.

The human rights situation in Burundi is critical. The mass killings which claimed 50,000 lives in Burundi in late 1993 and the genocide which engulfed neighbouring Rwanda in 1994 show the danger. Killings are continuing and this report, based on research carried out by Amnesty International delegates in Burundi in March 1995, documents the pattern of human rights violations and recommends action to prevent further abuses.

Thousands of people have been brutally murdered since January 1995 -- men and women, young and old, Hutu and Tutsi. Each death is a personal tragedy: in the climate of lawlessness that pervades Burundi, each killing fuels the cycle of hatred and revenge.

In late March and early April 1995 at least 1,000 people were slaughtered, most just because of their ethnic origin or where they lived. In the worst single incident, 400 or more Hutu villagers were shot, slashed and clubbed to death by soldiers and Tutsi militants in Gasorwe in the northeast of the country in early April. Elsewhere, Tutsi civilians were murdered by armed Hutu groups. Other victims were Rwandese refugees who had fled from the carnage in their own country, only to meet a brutal death in a desolate refugee camp in northern Burundi.

Those responsible for these killings -- and for the hundreds of thousands of other political murders over the past 30 years -- have never been identified by any formal investigation or brought to justice. Many of the killers are members of the Tutsi-dominated security forces who are supposed to protect the citizens of Burundi, but in fact have committed widespread human rights violations against Hutu. The Hutu majority of the population mistrusts and fears the security forces.

Virtually nothing has been done to ensure that the armed forces are impartial and held to account for their actions. Virtually nothing has been done to prevent Hutu and Tutsi in positions of influence from encouraging and exploiting tensions between the two communities.

Respect for the rule of law has collapsed as a result of the government's failure to control the armed forces or to prevent Hutu and Tutsi extremists from arming themselves. The judiciary is not only largely inactive; it is Tutsi-dominated and is viewed by Hutu as neither independent nor impartial.

In this climate both sides are taking the law into their own hands, partly out of mistrust of national institutions and partly to pursue their own political objectives. Extremists are inciting further rounds of killings in a spiral of vengeance.

Firearms are proliferating within both communities and the crime rate and political violence have soared. One of the government's top priorities is to disarm the civilian population, but disarmament operations have been one-sided and have resulted in mass killings and detentions of Hutu by the Tutsi-dominated security forces.

Traditionally, Hutu and Tutsi lived side by side, although there were proportionally more urbanized Tutsi than Hutu. The two communities now increasingly live in mutually hostile areas, both in towns and in the countryside. The population is sharply -- and visibly -- polarized. Each village, each hill, each quarter of Bujumbura is becoming either Hutu or Tutsi through a process of "ethnic cleansing" in which members of the unwanted ethnic group are forced from their homes by violence and intimidation. Those who fear outright war between Burundi's two communities point out that this segregation makes it easier to identify "the enemy" and enables forces to use heavy weapons without risking killing their own side.

Human rights concerns

The overriding human rights concern in Burundi is the mass murder of defenceless civilians.

Extrajudicial executions by the army are continuing unabated. Most of the victims are Hutu. Operations ostensibly aimed at disarming the population frequently lead to deliberate killings of civilians by soldiers. Attacks on soldiers by armed Hutu groups or the threat of attacks have been used as a pretext for killing unarmed civilians. Often the army and Tutsi militias or displaced people act in concert to attack Hutu civilians. Tutsi youth gangs known as *sans échec* (without fail) and *sans défaite* (without defeat) have attacked and killed Hutu in Bujumbura and elsewhere, for example during "ethnic cleansing" operations. Prominent members of the Hutu community have been murdered in a clear campaign to eliminate potential Hutu leaders and opponents of extremism.

Armed Hutu groups, usually referred to as *bandes armées* (armed bands), "*maquisards*" ("guerillas") or more recently, *Intagoheka* ("those who do not blink"), have stepped up violent attacks in Burundi and have launched armed incursions from Zaire and Tanzania. They set up ambushes in which Tutsi civilians are killed. In a pattern of killings and reprisal killings, Hutu militias wreak vengeance on innocent Tutsi bystanders.

Amnesty International believes that one of the main reasons for the periodic massacres in Burundi is the fact that those responsible are allowed to commit mass murder with complete impunity. No one has been convicted for the massacres of at least 50,000 mostly Tutsi civilians which followed the killing of President Ndadaye and other senior politicians during a coup attempt in October 1993. No one has been held to account for the thousands of mostly Hutu civilians murdered in the past 18 months.

In the relatively few cases where people have been arrested in connection with such killings, the detainees -- almost all Hutu -- have been held without charge or trial for long periods and no progress has been made in bringing them to trial. Hundreds of other Hutu have been held without charge following disarmament operations or on suspicion of belonging to Hutu gangs.

Political detainees have been tortured. The Amnesty International delegates who visited Burundi in March 1995 interviewed prisoners who bore clear marks of torture. The commander of the unit running the prison told the delegates that "more or less violent means" (*des moyens plus ou moins forts*) would be used.

Amnesty International is also concerned about "disappearances" and about the government's failure to abolish the death penalty despite the majority political party's promises to do so during the election campaign.

The Burundi authorities should act now to stop the killings and to end the impunity that breeds further violence. Since October 1993 Amnesty International has issued repeated appeals for action to prevent further human rights violations. A year and a half later, a few practical measures have been taken but action to reduce the level of human rights abuses has been painfully slow. As the months pass, the failure to bring to justice those responsible for previous massacres or to take steps to reduce killings of Hutu civilians by the security forces further strengthens the hands of extremists from both sides. Yet concerted action with support from the international community could be effective in averting another human rights crisis in Burundi.

This report contains specific recommendations which Amnesty International believes could succeed in reducing the level of human rights abuses in Burundi and preventing a further human rights crisis. The recommendations focus on steps the Burundi government and military authorities should take to prevent their forces violating human rights and to break the cycle of impunity for those who have committed abuses. They also urge the international community to take immediate action to deter abuses, to investigate past and current abuses, to stop the supply of weapons and training likely to be used to commit abuses and to guarantee protection for refugees and internally displaced people.

Amnesty International's work on Burundi

Amnesty International has worked on Burundi for many years. During and after the 1993 massacres Amnesty International members from all over the world participated in a campaign aimed at preventing further mass human rights abuses in Burundi. In May 1994 Amnesty International published a report, *Burundi: Time for international action to end a cycle of mass murder*. Amnesty International members mobilized their communities to appeal to the government of Burundi, political leaders and the security forces to stop perpetrating or condoning human rights abuses. They called on the international community to take action. A Special Session of the UN Commission on Human Rights was convened in May 1994 to consider the genocide in Rwanda. Amnesty International urged it also to consider the mass killings in Burundi, but it did not do so. When a clandestine radio station (*Radio Rutomorangingo*, Radio Truth) began broadcasting inflammatory messages in July 1994, Amnesty International called for measures to prevent a repetition of the catastrophe which had engulfed Rwanda.

Amnesty International delegates have repeatedly visited Burundi, most recently in March and May 1995. The March 1995 delegates interviewed prisoners who had been tortured and met the relatives of people who had recently been victims of mass killings. This report is largely based on their findings.

During their mission, the Amnesty International delegates were confronted every day with the consequences of a culture of impunity. People were extremely reluctant to talk unless they had nothing to lose. Many said that complaining about relatives who had been killed or "disappeared" would put them in danger without any hope that it would lead to justice. Many referred to previous waves of political killings, especially those in 1972. They said they were still waiting for justice to be done and for an end to the abuse of human rights.

2. THE CYCLE OF VIOLENCE

Burundi has been plagued by a power struggle between the elites of its two main ethnic groups that has led to the deaths of hundreds of thousands of men, women and children over the past 30 years. The conflict over the privileges of power has been translated into ethnic violence by leaders prepared to manipulate and incite their followers regardless of the human cost. The authorities have allowed the rule of law to crumble and have perpetuated the violence by letting the killers get away with murder.

The ethnic mix in Burundi's six-million population echoes that in neighbouring Rwanda, although there has never been an official census. Hutu form approximately 80 to 85 per cent of the population, and Tutsi about 14 to 20 per cent. Members of the minority Tutsi ethnic group have traditionally controlled the country and its armed forces. Tutsi also dominate the judiciary, the educational system and the news media.

Repeated Hutu challenges to Tutsi domination have each time been swiftly followed by armed force reprisals against Hutu civilians. Waves of killings occurred in Burundi in 1965, 1969, 1972, 1988 and 1991. In 1972 more than 80,000 people, most of them Hutu, were massacred by the armed forces. A Hutu revolt in 1988 left some 20,000 people dead before order was restored.

Members of both the Hutu and Tutsi elites have repeatedly incited violence and blamed the other side for all the bloodshed. The armed forces themselves, ostensibly sent to flash points to quell the violence, have

played a major part in the escalation of violence by carrying out systematic reprisal attacks and killings of Hutu.

In the early 1990s a democratization process began and 1993 saw Burundi's first ever presidential elections. A Hutu-dominated government came to power headed by President Melchior Ndadaye. The elections appeared to herald a new era and changed the political balance but Tutsi remained in control of the armed forces.

Less than four months later in October 1993 Burundi was plunged into a political and human rights crisis when soldiers assassinated President Ndadaye and attempted to overthrow his government. The coup attempt sparked widespread killings. In previous massacres most of the victims had been Hutu. This time most were Tutsi killed by Hutu government supporters. Members of the armed forces became involved in the violence, usually to avenge the killings of Tutsi and sometimes in direct clashes with armed Hutu gangs. An estimated 50,000 people were killed in October and November 1993. The actual number may never be known. More than 700,000 people fled to neighbouring countries and about 250,000 were displaced inside Burundi.

The coup attempt failed after it became evident that it had been condemned worldwide and that external support would not be forthcoming. Surviving members of the government emerged to reconstitute an executive and in January 1994 Cyprien Ntaryamira was appointed President by the National Assembly.

Tragedy struck once more when on 6 April 1994 President Ntaryamira died in a plane crash alongside President Juvénal Habyarimana of Rwanda. Killings by armed Hutu and Tutsi groups and the armed forces escalated in Burundi, although on nothing like the scale of the genocide in Rwanda.

After months of bitter disagreements between the Hutu-dominated ruling party, the *Front pour la démocratie au Burundi* (FRODEBU), Front for Democracy in Burundi, and the Tutsi-dominated opposition, politicians negotiated power-sharing arrangements. These culminated in an agreement reached in September 1994 known as the Convention of Government. The Convention suspended the elected government of 1993 and substituted a transitional government to hold power until 1998. It limited the powers of the National Assembly and of the President.

The shadow of the 1994 genocide in Rwanda is ever present in political debate in Burundi. Moderates point to the terrible dangers of ethnic conflict to urge restraint while others use the Rwandese catastrophe to argue for "self-defence" and to further stoke the flames of hatred. The coming to power of a government supported by a Tutsi-dominated army in Rwanda has enhanced the confidence of Tutsi political groups in Burundi but has increased the fears of Hutu groups. There are also widespread allegations that exiled Rwandese Hutu groups responsible for the genocide are assisting extremist Hutu groups from Burundi.

Political context

The government of Burundi has limited control over the army and has been forced to make repeated concessions to the opposition. Whole areas of the capital city Bujumbura and of the country are in effect run by armed militias. Ernest Kabushemeye, a Hutu government minister, was gunned down in broad daylight in mid-March 1995.

Both the ruling party, FRODEBU, and the largest opposition party, the *Union pour le progrès national* (UPRONA), Union for National Progress, are under constant pressure from more extreme groups on either side. FRODEBU -- the predominantly Hutu party that won the first democratic elections in July 1993 -- is accused by its opponents of secretly supporting Hutu extremist parties linked to armed Hutu opposition groups in exile and Hutu militias within Burundi. These armed Hutu groups are suspected of having ties to exiled Rwandese Hutu militias responsible for the genocide in Rwanda. UPRONA is similarly accused of clandestine links with extremist Tutsi parties which aid and abet Tutsi militias and youth gangs. The Tutsi-dominated security forces, especially the army, reportedly collude in attacks on Hutu civilians by Tutsi militias.

Under the September 1994 power-sharing agreement, FRODEBU has 55 per cent of government posts. Opposition parties -- UPRONA and other smaller Tutsi-dominated parties -- have 45 per cent of government posts. The agreement also means that the President, Sylvestre Ntibantunganya, has also ceded much of his power to the Prime Minister and the Vice-President in charge of security. Both these posts are held by members of the opposition. Many of the powers of the President and the National Assembly now rest with the opposition-dominated National Security Council.

Opposition-led strikes and violence forced the President to dismiss the President of the National Assembly in December 1994 and the Prime Minister in February 1995. Concessions by FRODEBU have led to a sense of betrayal and mistrust among sectors of the Hutu population. Many Hutu have defected to more extreme groups such as the *Conseil national pour la défense de la démocratie* (CNDD), National Council for the Defence of Democracy, led by a former Minister of Interior in the FRODEBU government, Leonard Nyangoma, and its armed wing, the *Forces pour la défense de la démocratie* (FDD), Forces for the Defence of Democracy. Other extremist parties include the *Parti pour la libération du peuple Hutu* (PALIPEHUTU), Hutu People's Liberation Party, and the *Front de Libération nationale* (FROLINA), National Liberation Front. These are alleged to have links with former Rwandese government troops and *Interahamwe* militias responsible for the genocide in Rwanda.

Tutsi extremist parties include the *Parti pour le redressement national* (PARENA), National Recovery Party, led by former President Jean-Baptiste Bagaza. He owns a newspaper, *La Nation*, which has consistently circulated inflammatory material urging attacks on Hutu. Tutsi armed youth militias known as *sans échec* and *sans défaite* have targeted prominent Hutus, circulated "death lists" and participated in massacres.

A National Debate on the future of the country is supposed to take place under the terms of the September power-sharing agreement. A technical commission which excludes both Hutu and Tutsi extremist parties is currently preparing the agenda for the National Debate. However, little progress has apparently been made and there is no guarantee that human rights concerns will be on its agenda.

The security forces

The main branches of the security forces are the army, the gendarmerie, the *Police de sécurité publique* (PSP), public security police, and the Immigration and Documentation services. All but the Documentation service are heavily dominated by Tutsi. The army and the gendarmerie have both been involved in widespread human rights violations.

The military and government authorities have failed to define the circumstances in which the army is used to quell violence internally, nor its role in arrests and detentions. Whether operational guidelines exist to prevent human rights violations by soldiers is equally unknown. One apparent cause of the October 1993 coup attempt was President Ndadaye's attempt to separate the role of the army from that of the gendarmerie and to enhance ethnic and regional balance in the security forces.

The gendarmerie, and in particular the *Brigade spéciale de recherche* (BSR) Special Investigation Brigade, has been responsible for numerous arbitrary arrests and unlawful detentions. Many of those detained by the BSR have been tortured; many have been held for long periods without charge before being transferred to civilian prisons.

Refugees and displaced people

An estimated 3.8 million men, women and children in central Africa have been forced from their homes by political violence. Economic and political life in Rwanda, Burundi, Zaire, Tanzania and Uganda is drastically affected by waves of refugees and internally displaced people desperately seeking safety and a means to survive. Both the Zairian and Tanzanian governments have closed their borders and have frequently threatened to send back the huge numbers of refugees from Burundi and Rwanda, claiming

that they cannot cope with sheltering any more people. This contravenes their obligations under international law not to return refugees to countries where they risk serious human rights violations.

Within Burundi, there are over 200,000 people living in camps for the internally displaced. Most are Tutsi who fled from their homes during the massacres of October and November 1993. They complain that their conditions are far worse than those for Hutu refugees who have come to Burundi from Rwanda, who receive aid and protection from UN agencies. In several well-documented incidents, Tutsi from displaced people's camps have collaborated with members of the security forces in attacks on Hutu civilians.

Over 200,000 refugees from Rwanda are living in camps in northern Burundi. An unknown number more are living in the community. Rwandese refugees have been killed in attacks by both Burundi Tutsi soldiers and by Hutu rebels; thousands have uprooted themselves once more and fled to Zaire and Tanzania.

Waves of refugees from Burundi left the country after massacres in 1972 and 1988. Many Hutu refugees from this earlier period returned to Burundi after the June 1993 elections: some 60,000 have still to be resettled.

Hundreds of thousands of mostly Hutu refugees have fled from the violence since October 1993: most are in camps in eastern Zaire and in Tanzania. There have been reports of serious human rights abuses within the camps, where conditions are sometimes extremely harsh.

Between 24 and 26 March, hundreds of people were killed in Bujumbura. Thousands fled over the border to the eastern Zairian border town of Uvira. On 27 March the United Nations High Commissioner for Refugees (UNHCR) said that a total of 23,500 had arrived, about half of them Zairian nationals who had lived in Bujumbura.

In the last week of March, an attack on the Majuri refugee camp in Burundi's Ngozi province which sheltered mainly Rwandese Hutus sparked new fears and started a flow of Rwandese refugees who wanted to leave Burundi and go to Tanzania. A few thousand managed to cross the border before Tanzania closed the border on 31 March. About 50,000 were left stranded. Despite pressure from UNHCR and other agencies, the border remains closed. Tanzania claims that it has no more capacity to shelter refugees and that these Rwandese refugees have already found protection in Burundi. The refugees eventually returned to camps in northeast Burundi, where they remain at risk of further attacks.

3. MASS KILLINGS

An old man, barefoot and shaking with fear, mutters repeatedly to himself "Why did I have to be born a Hutu?" Another villager describes what has just happened: "They killed men, women, children... because they were Hutus. They started killing on a nearby hill and then worked through the village, killing people mostly with guns." (Reuters 4 April 1995, Kizi, northern Burundi)

Burundi has been racked by almost continuous violence since October 1993 when soldiers assassinated the country's first democratically elected President. When the killings abated at the end of 1993, an estimated 50,000 people had lost their lives.

Every day killings are reported in Burundi. Grenades are thrown into crowded marketplaces. Families are shot in their homes at night. People are bludgeoned or stoned to death on the streets. If killings happen in the capital, or if foreigners die, they are more likely to be recorded than if the victims are rural villagers. Many tragic deaths therefore go unreported. Sometimes it is impossible to know whether the killers were politically motivated or simply criminals. Often there are conflicting reports as to how many people died and who the killers were. What is common to all these violent deaths is that the authorities make no efforts to punish the killers.

Both Hutu and Tutsi communities in Burundi are more and more heavily armed. Both are taking the law into their own hands, confident that their actions will attract no censure or discipline.

It is impossible to gauge how many people have been killed in political violence in Burundi since October

1993. The number brought to justice for politically motivated killings is, however, well known. None.

Killings by the army during disarmament operations

"What is the point of seizing three guns and at the same time killing tens of innocent people?"
(Government official, speaking to Amnesty International delegates, March 1995.)

One of the government's top priorities is to disarm the civilian population. Disarmament is one of the few policy issues on which the government and opposition are in agreement, and foreign governments have lent support to the effort.

The proliferation of increasingly heavy weaponry is exacerbating insecurity in the country. However, the disarmament operations carried out by the army have been brutal and one-sided, and have increased the level of human rights violations. The army has apparently regarded disarmament as a licence to use unrestrained lethal force and has killed hundreds of unarmed people in the course of the operations. In practice, only Hutu strongholds, such as the Kamenge suburb of Bujumbura, have been targeted for disarmament.

There are also persistent allegations that Tutsi soldiers have used disarmament operations to target the families of Hutu people they believe were involved in killing Tutsi in October and November 1993.

A discernible pattern has emerged over the last 18 months. Tutsi militias attack Hutu areas, and Hutu militias then defend the areas using weapons they have bought, or sometimes made. The army then intervenes and deliberately kills unarmed Hutu civilians, particularly the young and the educated.

On 6 March 1994 soldiers massacred more than 200 unarmed Hutu -- women, men and children -- during a night raid on the Kamenge zone of Bujumbura. The army denied responsibility but witnesses pointed to the use of bayonets and the swiftness of the killings as evidence of military involvement. An army officer's identity card was reportedly found at the site. Army commanders had ignored calls made by the government the previous day for the security forces to leave the area and to stop attacks on civilians.

There were sporadic reprisal killings by both sides over the following weeks. On 21 March the security forces entered Kamenge, and its neighbouring suburbs of Cibitoke and Kinama, on a disarmament operation. Soldiers sealed off the area and there were widespread reports that several hundred unarmed victims, including children, were extrajudicially executed by the army.

On 14 September the security forces again entered Kamenge in force. They rounded up several hundred civilians in the playground of a school, in a "screening" exercise to identify those suspected of involvement in armed opposition. The corpses of 13 of those rounded up were found by members of a local human rights group two days later near Bujumbura international airport, a few miles from the capital. Eye-witnesses said that the bodies had been dumped by two gendarmerie vehicles driven by soldiers on the afternoon of 14 September. The victims included Alexis Bandyatuyaga, a journalist, and Innocent Sindayihebura, a doctor. The bodies had clearly been beaten before death and assaulted with sharp weapons, probably bayonets. Three of the victims had their skulls crushed. At least five other people "disappeared" at around the same time, including Jacqueline Mutamuliza and Jean-Baptiste Tugirisoni, a bank worker.

Disarmament operations by the army are continuing, but as long as they are used as a pretext for committing human rights violations, they will aggravate the climate of insecurity, not relieve it.

Killings by the army, supported by Tutsi civilians

"The pigs were left to live, while the children were left to die."

These are the words of a US diplomat who investigated a massacre in Kayanza province in January 1995. He said he had seen the bodies of three children, together with those of their mother and

grandmother, which had been thrown by their attackers amidst banana trees beside a pigsty.

A 70-year-old-man, Ntawurushwashaka Louis -- his name translates as "nobody wants to be miserable" -- was one of those attacked. He had four deep machete wounds to his head. A pregnant woman testified that a group of 15 soldiers in uniform had surrounded her house and shot at her on 8 January at 4.45pm. She escaped but her husband and baby daughter Micheline had their skulls split open by soldiers and civilian accomplices.

At least 70 people were killed in Butaganzwa *commune* (district), Kayanza province, in attacks during January 1995. A list of the deceased gives names, ages, gender and the *colline* (hill) where they lived. Even this bare list makes chilling reading. There are three babies of less than six months -- two girls and a boy. There are 15 children aged between two and 10. The oldest recorded victim, Stony Nitibarutaye, was 85. Just over half the victims were women and girls.

The killings were reportedly committed by the army, aided and abetted by Tutsi from a nearby camp for the displaced. According to several accounts, in the weeks before the attacks started, the military contingent in nearby Buraniro was replaced and Tutsi were transferred into the displaced persons' camp. The number of displaced in the camp allegedly rose from around 300 to over 2,000. Witnesses reported that after the killings Tutsi from the displaced persons' camp returned carrying goods they had looted from the homes of fleeing Hutu families.

The diplomat who visited the area in January told Amnesty International's delegates in March 1995 that there had been hardly any official reaction to his report on the massacre. He said that the provincial governor had denied everything, and that the local military commander had been transferred, but that no action had been taken to investigate the killings or to bring those responsible to justice.

In late March and early April 1995 massacres were reported with such frequency that observers feared that the country was sliding towards outright intercommunal conflict on a scale comparable to the genocide in Rwanda. Certain members of the government talked openly of asking the international community to intervene militarily, while others warned that such an intervention would inevitably lead to war.

The violence was worst in the north of the country and in the capital (see "ethnic cleansing", below). Hundreds of Hutu civilians, many of them women and children, were massacred by troops and Tutsi armed groups in the Gasorwe district of Muringa province in northern Burundi. Villagers from Kizi village were reported to have buried 201 bodies and to have said that many more were lying in the bush. According to aid organizations, 400 people were killed. The army said that only some 20 Hutu gunmen and civilian hostages held by the gunmen were killed in clashes with troops. After this incident in late March, widely reported in the world's news media, the government announced it would set up an inquiry. For the first time, a national commission of inquiry was held to investigate the killings. A report on the inquiry said that both the army and armed groups were responsible for killings but did not name the perpetrators.

In the neighbouring province of Karuzi, 225 people were reported to have been killed by soldiers and Tutsi militants in the commune of Mutumba on 29 March. One hundred and fifty of the victims were apparently children and adolescents. The village was looted and burned down. According to press reports, on the very same day 37 other people were killed in one nearby spot by the army, because they suspected the presence of armed Hutu gangs.

Killings during "ethnic cleansing"

The Hutu and Tutsi communities -- who used to live side by side -- have almost entirely separated into segregated zones in the past 18 months. When massacres broke out after the assassination of the Hutu President in October 1993, hundreds of thousands of Tutsi fled to displaced persons' camps and to the safety of the capital Bujumbura, the one place in Burundi where Tutsi form a significant proportion of the population, if not a majority.

The process of "ethnic cleansing" -- forcing members of the unwanted ethnic group from their homes through violence and intimidation -- has taken place all over the country. In general, it appears that town centres are turned into Tutsi areas, while Hutu are concentrated in the surrounding hills. Tutsi civilians have been killed by Hutu armed groups; Hutu civilians have been killed by Tutsi militias, aided and abetted by the security forces.

In Bujumbura the process can be seen at its clearest. For example, in early 1994, Tutsi were killed and forced out of the Hutu-dominated zones of Kamenge and Kinama, while in Tutsi-dominated Musaga and Nyakabiga zones Hutu were killed and driven out. Zairians and Senegalese have also been attacked. At least 200 Zairians were killed in clashes in Bujumbura during the weekend of 25/26 March 1995, according to the office of the Zairian Prime Minister.

By March 1995 there were only two mixed quarters left -- Bwiza and Buyenzi. The "ethnic cleansing" of Bwiza and Buyenzi on 24 and 25 March left an estimated 500 dead, and 40,000 to 50,000 more Hutus swelling the refugee population in Uvira, eastern Zaire. "It's madness in there" said one man marching down the road with his extended family. "I cannot stay in a pool of blood. I am going to Zaire." The Secretary of State for Public Security told reporters: "This district has been cleansed: there are no Hutus left here. I believe the whole attack was planned -- two days of provocation and then they move in." (Reuters, 26 March 1995) Another official said: "First in Kanyosha [another suburb of the capital], then here in Bwiza and Buyenzi, the army are helping the gangs."

Bujumbura's nine districts are now ethnically segregated: four are Hutu, five Tutsi. The largest Hutu stronghold is Kamenge, a sprawling settlement in the north of the city housing between 50,000 and 100,000 Hutu, many of them armed. The area is dotted with the wrecked homes of Tutsi long since driven out. It is often surrounded by soldiers and military raids are common. According to a senior local government official, over 1,000 people had been killed by the army during raids between late 1993 and March 1995.

Killings by Tutsi youth militias during political campaigns

"What the opposition does not win within the government it wins on the streets." (Member of non-governmental organization, speaking to Amnesty International delegates, March 1995)

Since January 1994, Tutsi youth militias have used "ville morte" (dead town) campaigns to pursue their political ends. They have declared general strikes and physically stopped people from going to work or to the market at times when the government has resisted the demands of the opposition. The Tutsi youth militias *sans échec* and *sans défaite* enforce the measure. Young men with crew cuts and T-shirts stop cars, demand to check identities and attack people on the streets. These violent pressure tactics have led to deliberate killings of unarmed civilians.

One example of the use of violence on the streets for political ends is the removal of the President of the National Assembly. On 1 December 1994 Jean Minani, a member of FRODEBU, was elected President of the National Assembly. UPRONA withdrew its deputies from the National Assembly in protest, accusing him of being linked to Hutu extremist groups and of racial incitement.

On 5 December 2,000 Tutsi marched through Bujumbura protesting against Jean Minani's appointment. Several days of strikes and "ville morte" were called. The level of violence grew. For example, five people were killed overnight in Bwambarangwe, Kirundo province, during protests on 9 December.

On 16 December UPRONA boycotted the National Assembly and announced that the Prime Minister, Anatole Kanyenkiko, a UPRONA member, would consider resigning if Jean Minani stayed in office.

On 20 December the Tutsi youth militia *sans défaite* declared another "ville morte" in Bujumbura. They paralysed the city and threw grenades into the central market. Members of the security forces escorted people away from the market, but left the Tutsi militia members roaming the streets, chasing and

attacking isolated pedestrians.

Around 50 people were killed, according to a witness, who said there might have been more victims, because the corpses were taken away at night by soldiers. Three mutilated bodies were found on the road to the airport.

A Hutu resident, who had himself been sheltered overnight by a Tutsi neighbour, reported that Tutsi militia members searched the homes of Tutsi to find any Hutu in hiding. He described what he found when he emerged on the morning of 21 December: "There were destroyed houses, burnt out shops, blood on the ground, but only two bodies, which were left there to fool people. There had been many more people killed."

The next day, the looting of shops and burning of houses continued, in full view of soldiers. The homes of wealthy Hutu shopkeepers and members of FRODEBU were specifically targeted. Armoured vehicles were used to break down gates and barriers. Looted goods were loaded onto military trucks. People who had not escaped were slaughtered with knives or stoned to death. Around 20 more people lost their lives.

A Zairian national living in Bwiza describes the events of 20 and 21 December 1994:

"Already in the morning, a lot of young Tutsi men had been lurking around in the district. In the afternoon, at around 2pm a military truck with a lot of these young men arrived in my street. They went to look at the homes of Hutu who had already fled. They smashed the doors and stole everything from the houses. These young men went then from door to door, looking for places which would still be inhabited by Hutu. At my home, I am Zairian, they stole the refrigerator. I could not do anything; if I had resisted I think I would have been killed. A few houses away, they killed two Hutu people.

"In our street there are only very few remaining Zairians, all the others have fled. There are no Hutu living there any longer. The most surprising is that on Tuesday 20 and Wednesday 21 December, the militaries gave support to these young people, day and night, to steal, loot and kill."

On 29 December Jean Minani was removed from his position as President of the National Assembly.

A similar pattern emerged in February 1995, after the Prime Minister was expelled from UPRONA, and Tutsi opposition parties demanded his removal. "Ville morte" campaigns closed down Bujumbura and other provincial towns for days at a time. Youths blocked the main roads to the centre of Bujumbura with tyres and stones. Grenades exploded at night in outlying parts of the city. Civilians were killed. By 16 February the Prime Minister had resigned. A new Prime Minister, UPRONA member Antoine Nduwayo, was appointed on 23 February.

Assassinations of prominent members of the Hutu community

"They target important people in the community. I was a headmaster. Tutsi see educated Hutu as a threat. When the army didn't find me they took my younger brother and cousin away. They're dead now." (Hutu resident of Kamenge district, *The Guardian*, 27 March 1995)

There has been a deliberate campaign to eliminate prominent members of the Hutu community, a practice that has been observed since 1965 but has intensified. The campaign has been orchestrated in part by the publication of "death lists". In the 8 March 1995 edition of the extremist Tutsi newspaper *Le Carrefour des Idées*, lists of Hutu accused of "murdering Tutsi and spreading terror" are published. One of the names on the list is that of Ernest Kabushemeye, Minister for Mines and Energy. He was gunned down in broad daylight less than a week later. The list also included the name of a Tutsi FRODEBU government minister, the Minister of Foreign Affairs. Death lists have included moderate Hutu members of the opposition party UPRONA, such as the former Prime Minister Adrien Sibomana.

One of the targets of the extremists is Roman Catholic Bishop Simon Ntamwana, the first Hutu bishop of Bujumbura. He has been actively involved in efforts to negotiate reconciliation between the two ethnic

groups. On 21 November 1994 several of his relatives were murdered in Mukenke, Muyinga province. According to the bishop, the murderers first tried to find his sister, who was living about 50 miles from Mukenke. When they could not find her, the gunmen went to the home of his brother, Laurent, and killed him, his wife, their five children and another young boy who happened to be at their home. They set fire to the house.

The bishop said that his relatives had never been involved in politics nor taken part in any ethnic violence, in an interview with an Italian missionary magazine, *Alfa-Zeta*. He asked how such massacres could take place in a town where a military presence theoretically guaranteed safety.

On 17 February the bishop reported that he had escaped an assassination attempt at his residence in Bujumbura. He said unknown people had distributed leaflets the week before, criticizing him for his mediating role. "They will never deter me", he said. "I must live and to live also means to struggle."

In just one week -- the first week of 1995 -- two senior Hutu administrators were murdered. The administrator of Bwambarangwe, a district in Kirundo province in the northeast, was killed when a grenade was lobbed into his house at 1am while he and his bodyguard slept. The local chief (chef de zone) of Mubimbi, 20 kilometres north of the capital, was shot dead at his office.

Soldiers from a garrison in Bujumbura combed the district of Kanyosha, looking for its administrator Audifax Barandagiye. Later that day, 10 December 1994, he was shot dead by unidentified gunmen. Other senior Hutu figures killed in the past 18 months include Fidèle Muhizi, Governor of Muyinga province. He was a Hutu member of UPRONA, who had been governor for just three months, appointed under the terms of the September 1994 power-sharing agreement. He had tried to curb the activities of armed gangs in the province. He was stabbed in the heart in January 1995.

Although it is impossible to ascertain who was responsible for individual assassinations, the pattern is clear. The security forces are failing to protect prominent members of the Hutu community -- even government ministers -- and they must be considered implicated in a deliberate campaign of murder.

Sylvestre Gahungu, the former administrator of Kirundo district, survived an assassination attempt and is now outside Burundi. He and three other people were seriously injured and UNHCR field officer José Lopez Herrera was killed in an attack on 13 August 1994.

Writing from his hospital bed 11 days later, Sylvestre Gahungu called on the general prosecutor in Ngozi to investigate the killing. In his letter he claims that the attack was planned during a meeting on 8 August and names a man who witnessed that meeting. He says the aim of the attack was twofold: to kill him, because he had followed up on the October 1993 massacres and had information on people involved in killings and looting; and to avenge the death of "Munongo", who had died after being arrested for the murder of the former governor of Kirundo province. Another possible motive for the attack was a recent decision by UNHCR to exhume the bodies of Rwandese refugees from a mass grave at Foco, near Kiri.

In his letter he gives precise details of the attack and names a suspect. He says in his letter:

"If these evil acts are still perpetrated in Kirundo, it is because the killers seem to be above any arrest and the justice system itself seems to be afraid of them. Complaints are numerous but those responsible have never been interrogated."

This case attracted considerable publicity as it involved the murder of a foreign UNHCR employee, and an administrative inquiry was instituted. Although this was supposed to lead to judicial investigations, there have apparently been no further efforts to track down the killers.

Killings by Hutu armed groups

No one is safe in Burundi. Hutu armed groups have attacked and killed Tutsi in reprisal killings that perpetuate the hatred and the violence. For example, six members of one Tutsi family were killed,

allegedly by Hutu gunmen, in Muhanga, Kayanza province, in early April 1995.

The massacres of October and November 1993 were in large part carried out by Hutu armed groups, sometimes apparently organized and supported by local government officials. Over many days thousands of defenceless Tutsi were slaughtered. The killings were widespread and indiscriminate. In some areas killings of Tutsi only stopped when the army arrived and began its own round of reprisal killings. The Tutsi were killed solely because they belonged to the same ethnic group as the soldiers. Some Hutu who belonged to Tutsi-dominated political parties or opposed the killing of Tutsi were also killed.

Further killings of Tutsi were reported during 1994. At least 30 Tutsi villagers were reportedly killed one night in March in Tangara district, Ngozi province. The authorities reported several days later that more than 30 Hutu had been arrested in connection with the killings, although it was unclear whether any were formally charged.

In another attack in October 1994, Hutu gangs reportedly killed several hundred Tutsi in Tangara district. The authorities accused PALIPEHUTU of responsibility. These killings were followed by several mutual reprisals, culminating in the destruction of Tangara trading centre by Tutsi.

Continuing attacks by Hutu armed groups in November 1994 were reported to have cost the lives of 19 people in Buyungero commune, Bururi province.

In December 1994 a Hutu armed group attacked the security forces in the northwest province of Cibitoke. Responsibility was claimed by the FDD. FDD attacks and government force reprisals were also reported in southern Burundi. Civilians, including refugees, were deliberately and arbitrarily killed in the course of these assaults by both the FDD and army.

Military hospitals appear to be a favoured target of Hutu armed groups. For example, the military hospital in Mutanga-Sud in southern Bujumbura was attacked on 23 January. Seven people were killed. Eye-witnesses said the attackers were Hutu.

Also in January 1995, 11 Tutsi displaced persons from the Gisenyi camp in Kirundo province were reportedly slaughtered by Hutu extremists.

Both PALIPEHUTU and the FDD appear to have bases outside Burundi. The FDD has launched attacks in Cibitoke province, apparently from eastern Zaire. PALIPEHUTU and FROLINA are reported to have attacked Muyinga and Kirundo provinces from bases in Hutu refugee camps in Tanzania.

There are clear indications that armed Hutu groups are supported by former Rwandese government forces and *Interahamwe* militia, who are reorganizing in eastern Zaire. *Radio Rutomoringo* (Radio Truth), which broadcasts from eastern Zaire, spreads messages of hate, reminiscent of *Radio-television des mille collines*, notorious for its role in inciting the Rwandan genocide.

In the first months of 1995, Hutu armed groups set up a growing number of ambushes in the countryside and near the capital. Although rebel spokesmen claim that these are aimed at military targets, Tutsi civilians and foreign nationals are not spared. Three Belgian nationals, one a four-year-old girl, were killed in March and a South African journalist and two Burundians were killed on 6 April. A South African cameraman wounded in the attack said the gunmen had put up a makeshift roadblock and opened fire on the vehicle from both sides of the road without warning.

The most prominent Tutsi to have been killed in the past year is Lieutenant Colonel Lucien Sakubu, whose mutilated body was found buried in a private graveyard in Kinama, a Hutu suburb of Bujumbura. Lieutenant Colonel Sakubu, a retired Tutsi army officer, was a former mayor of Bujumbura. His murder prompted immediate action by the security forces. On 15 and 16 March about 80 residents of Kinama were rounded up for interrogation. Women and children among those arrested were asked to reveal the identities of men thought to have been involved in the killing. All but 12 men were subsequently released (see detention without trial, below).

Intercommunal killings

In the climate of violence that reigns in Burundi, a growing number of murders can be characterized only as intercommunal killings. School and college students have attacked each other, sometimes with guns and grenades, for no apparent reason other than ethnic enmity.

Although Hutu form at least four fifths of Burundi's population, it was only in 1993 that half of secondary school students were Hutu. Few schools now have both Hutu and Tutsi students. One of the few that does is a Lycée in the capital. A teacher there told Amnesty International's delegates that on days when Hutu students and teachers don't attend, Tutsi students are terrified because they fear this is a sign that the school may be attacked. The reverse is also true. He said that at least 10 schools had grenades thrown in their dormitories and schoolyards in recent months.

For example, Tutsi students blocked a staircase and threw grenades into the area where Hutu students slept in a Kamenge secondary school on 23 January 1995. One, Pontien Ndayisinga, was killed. One hour after the school principal met foreign journalists to talk about the incident, an anonymous letter arrived accusing him of siding with the Hutu and threatening to kill him.

Such killings continue on a regular basis: three students were killed in a grenade attack on a secondary school in Bururi, southern Burundi on 3 February. A grenade was thrown into a dormitory at Nyabiharage college on 16 February, killing two.

The plight of individuals caught up in this brutality is illustrated by the situation of a Hutu university student who talked to Amnesty International's delegates in March 1995. He was too frightened to return to his campus, because Tutsi students had taken it over. Nor could he go home. He had been at a seminar when his family home in Bwiza was destroyed: he believed that otherwise he would have been killed by the Tutsi militia operating in Bwiza that day. His father was dead and his mother, a Tutsi, had gone to live in an area that was now unsafe for Hutu. His only hope was to leave the country: his future was utterly uncertain.

Attacks on refugees

Rwandese refugees who abandoned their homes in fear of their lives to seek shelter in Burundi have suffered from attacks by both Tutsi and Hutu extremists. There have also been reports of violence between groups of refugees, which the Burundi security forces failed to prevent.

More than 100 Rwandese asylum-seekers, particularly men and boys, were killed on 11 June 1994 after arriving at Kiri, in the northeastern province of Kirundo. According to witnesses, the victims were forced by armed men in military uniforms to get into trucks which took them a short distance away, where they were killed by Tutsi civilians with machetes and axes. Several other incidents were reported in July in which dozens of Rwandese nationals were killed in Burundi.

Rwandese refugees are generally not killed in the refugee camps, but in transit. For example, 31 Rwandese who had crossed into Burundi "disappeared" in Kayanza province on 13 July 1994. They were reportedly taken away in a military truck and never seen again.

Exceptionally, refugees are attacked within the camps. Gunmen in uniform (allegedly Hutu rebels) killed 12 Rwandese Hutu refugees in March 1995 at Majuri camp in the northeast, triggering a mass exodus of refugees from the camps in the area. Thousands of Rwandese refugees tried to escape into Tanzania. Some succeeded but others were forced to remain behind when the Tanzanian authorities said they could not cope with another massive influx of refugees and announced the closure of the border in early April 1995.

4. DETENTION WITHOUT TRIAL AND TORTURE

Few people have been arrested in connection with political killings in Burundi and none convicted. In those cases where people have been arrested, the detainees -- almost all Hutu -- have been held without charge or trial for long periods and no progress has been made in bringing them to trial. On rare occasions when Tutsi have been arrested, they have often been released without charge within hours or days.

Several hundred people suspected on the basis of little or no evidence of supporting Hutu armed groups have been detained in the capital by the gendarmerie. They are routinely held incommunicado, without being referred to the Procuracy, and tortured or beaten. Most are detained at the headquarters of the BSR, the gendarmerie's Special Investigation Brigade in Bujumbura, before being transferred to Bujumbura's Mpimba central prison.

One such prisoner is Emmanuel Bakuru (see picture), a technician in his mid-thirties with six children aged between two and 14. His wife is dead. He was one of about 380 people who were arrested in Kamenge in September 1994 after a "screening" exercise. Soldiers told residents to leave the area in single file and that they would have nothing to fear, but he was pulled out of the line and taken, with five of his children, to BSR headquarters. His children were eventually released but he remains held in Mpimba central prison. He says he has hardly been interrogated. As far as he knows, he has been detained just because he lives in Kamenge, the Hutu stronghold in the capital.

A commission of inquiry announced by the government in December 1993 to investigate human rights abuses and other crimes related to the October 1993 coup attempt failed to get under way. However, both the army's own Procuracy and the ordinary Procuracy carried out investigations. The army's inquiry resulted in the detention of 18 soldiers suspected of complicity in former President Melchior Ndadaye's murder. None had been brought to trial by May 1995. One of those held is Hilaire Ntakiyika, a married man with three children, who was a commandant. He was arrested on 3 July 1993 and accused of participating in an earlier coup attempt. He says that there have been no investigations into his case since August 1993. He was released on 3 October 1993, then rearrested on 25 October 1993. He has written to numerous legal authorities, including the Military Procurator (Auditeur général), asking to appear in court or to be freed provisionally, in line with the law of Burundi.

Criminal investigations by the ordinary Procuracy started in April 1994 and were conducted by teams of magistrates at provincial level. Several hundred people, virtually all of them Hutu, were arrested as a result and are still held untried. The official investigations were condemned as biased by many Hutu political leaders. No progress has apparently been made towards bringing any of these prisoners to trial. For example, Phillippe Kambayeko, (see picture) is a jurist and was President of the court in Mutaho. Three of his sons were killed during the 1993 massacres. In April 1994 he was arrested at his home and has been held in prison in Gitega ever since, accused of participating in the massacres. There has been no news of any legal proceedings against him.

Déogratias Sindaruhunga was arrested on 22 December 1994 when he tried to stop a fight between two men. After being held for a few days in a civilian prison, he was handed over to soldiers who took him to the military camp of Bubanza. This greatly alarmed local people: in November 1991 dozens of Hutu, including members of Déogratias Sindaruhunga's family, were tortured and killed at Bubanza military camp. Amnesty International members around the world appealed for him, and in early March he was transferred to Bubanza civilian prison.

Amnesty International delegates in Burundi in March 1995 were allowed into the BSR prison to interview prisoners. They met two of the 12 men still held after the murder of retired Tutsi army officer Lieutenant Colonel Lucien Sakubu, whose body was found in an unofficial graveyard in Kinama. Jean Minani, a peasant farmer, and Tharcisse Nzimpora, a bike taximan, displayed scars and open wounds from beatings with *indembo*, or police batons (see pictures). While standing in the BSR compound, the delegates heard screams from another part of the complex.

The Commander of the BSR, Commandant Pierre Ntahorwamiye, told Amnesty International's delegates that the Procurator General, Jean Bosco Butasi, advised using "more or less violent means" for the

interrogations, because of the "highly political nature and priority of the case". The BSR Commander said that four additional police officers would be brought in to interrogate the detainees, using what he called the "fatigue technique", a series of interrogation sessions -- lasting as long as 12 hours -- by several officers in succession.

More than a dozen soldiers accused of involvement in the October 1993 coup attempt and the assassination of prominent government officials including President Ndadaye are being held in foreign countries where they sought refuge. Three of them have been held in Makala prison in the Zairian capital Kinshasa. Nine others are being held in Makindye military prison in the Ugandan capital Kampala. None are known to have been charged with any offence, although the Ugandan authorities have said that they detained the nine Burundi soldiers because they defied orders to leave the country. The Burundi authorities are not known to have taken any steps to ensure that the soldiers are brought to justice.

5. THE RESPONSE OF THE INTERNATIONAL COMMUNITY

The international community -- individual governments, regional bodies such as the Organisation for African Unity (OAU) and the UN and its agencies -- has repeatedly condemned ethnic violence in Burundi, especially since the events in Rwanda. However, efforts to tackle the root problems of impunity and insecurity have not yet been sufficiently determined or well-resourced, and effective action has been slow.

At times the international community seems to be paralysed, unable to move one way or another for fear of adding to the problems in Burundi. Since the end of 1993 the situation has presented an opportunity to put into practice the international community's commitment to preventive diplomacy and deployment. However, although some steps have been taken over the last two years more needs to be done to respond to the human rights situation as it stands at the middle of 1995. A number of strands make up the international response so far.

Action by the United Nations (UN)

Response to the October 1993 coup attempt

The UN Secretary-General condemned the coup on October 24 1993 and sent Under-Secretary-General James Jonah as a Special Envoy to investigate the situation. On 25 October the Security Council condemned the acts of violence by the perpetrators of the coup and demanded that the violence stop. It also stated that those responsible for killing the President and other members of the government of Burundi, and other acts of violence, should be brought to justice. The General Assembly unreservedly condemned the coup and called for humanitarian assistance to the people of Burundi.

James Jonah reported back to the UN in New York that he had impressed on the government in Burundi that their request for an international force might incur difficulties in the Security Council as the Council was not in the mood to authorize new peace-keeping missions. Although the Council had just approved a new operation in Rwanda he stated that he thought the Council were unwilling to assume new peace-keeping tasks because of the dangers and costs to Member States. He had been able to agree with the government on an international panel to look at the behaviour of the army and the coup itself. In addition other ideas were agreed such as the appointment of a Special Representative of the Secretary-General. On 17 November Ahmedou Ould Abdallah, a former Minister of Foreign Affairs of Mauritania, was appointed as Special Representative. He and his office have played a central role both in the talks between FRODEBU and opposition parties leading to the September 1994 power-sharing agreement and later during the tension in February and March 1995.

A preference emerged for the Organization of African Unity (OAU) to be the visible presence on the ground. The Secretary-General of the OAU explained to James Jonah that while the OAU could provide manpower it did not have the necessary logistical and financial resources for a long-term mission.

Fact-finding missions recommend a commission of inquiry

In March 1994 the UN Secretary-General dispatched a preparatory fact-finding mission to Burundi to investigate the coup and massacres of October 1993. The May 1994 report of the mission by Ambassadors Martin Huslid (Norway) and Simeon Aké (Côte d'Ivoire) was published only in March 1995, apparently due to fears that its publication might precipitate further violence. Its recommendations included either sending an international judicial mission to investigate the crimes committed during the events of October 1993 or making available a number of experts who would act as advisers to help the competent authorities in Burundi to carry out the same task.¹ The UN Security Council has now asked the Secretary-General to prepare a report outlining the modalities of such an international commission of inquiry.

Further fact-finding missions recommend human rights observers

The UN Security Council sent fact-finding missions to Burundi in August 1994 and February 1995. They recommended among other things: provision of immediate assistance to restore the collapsing judicial system of Burundi; deployment of human rights observers throughout the country, provided there is an improvement in the security situation; bringing to justice the perpetrators of the October 1993 coup and the subsequent massacres, and strengthening the office of the Special Representative.² Similarly, the UN Secretary-General suggested in his report on the situation in Burundi "the deployment of human rights observers, as recommended by the High Commissioner for Human Rights and the many missions which have visited Burundi, in order to facilitate the process of national reconciliation."³

UN passes resolutions requesting human rights observers

On 25 October 1994 the UN General Assembly adopted by consensus a resolution in the context of assistance to refugees and displaced persons in the Great Lakes region. It included the following paragraphs whereby the General Assembly:

4. Requests Member States, the bodies of the United Nations system and intergovernmental and non-governmental organizations to provide Burundians with:

...

(b) support for the national programmes to restore confidence among the various elements of the Burundian people, especially by deploying civilian human rights observers to back up the local administration.

In March 1995 the UN Commission on Human Rights adopted by consensus a resolution calling for the appointment of a special rapporteur and "express[ed] its conviction concerning the need to further increase preventive action in Burundi without delay, in particular through the presence of human rights experts and observers throughout the country". The Economic and Social Council approved the request for a Special Rapporteur by the Commission on 4 May 1995. The Special Rapporteur is Paulo Sergio Pinheiro (Brazil).

A human rights observer mission has been recommended and endorsed by virtually every relevant part of the UN. However, no proper feasibility study or assessment has been made as to how to mount such an operation. When the UN General Assembly considered monitoring missions for Haiti and Guatemala, proper assessments were done. These assessments led to regular funding from the General Assembly budget and administrative back-up for these missions both in the field and in New York. For any mission in Burundi to be credible and successful, it needs proper planning.

1(S/1995/157, para 203 (c).

2 S/1994/1039 and S/1995/163

3 S/1994/1152 para 48.

Despite the plethora of recommendations, statements and resolutions, little has been achieved in terms of a carefully thought out operational human rights observer mission or a commission of inquiry. This is particularly disappointing because the Burundian government has been central to all the discussions on the resolutions and was actually the first to ask the UN for an inquiry into the October 1993 coup. Much indecision results from people trying to predict other people's reactions. The UN secretariat conjectures whether Member States are ready to pay for observers, UN Member States try to second guess the probable reaction in Burundi. Meanwhile the Burundi representatives are left in no doubt that there is unlikely to be any meaningful response to their requests.

On 7 April 1995 the Permanent Representative of Burundi to the UN made the following plea in a letter to the UN Secretary-General:

"Instead of engaging in conjecture and envisaging solutions that do not have the support of the political partners in Burundi, the country's friends would do well to propose specific assistance activities in the areas agreed by the United Nations General Assembly (see resolutions 49/7 para 4 and 49/21 C)."⁴

The High Commissioner for Human Rights

The High Commissioner for Human Rights, José Ayala Lasso, has succeeded in setting up the UN Centre for Human Rights program for Burundi. Part of his strategy for preventive diplomacy in Burundi is the presence of human rights experts as part of an advisory services program in Bujumbura. This program, which is due to run until December 1996, is involved in training programs for the judiciary, police, gendarmerie and military. To be effective this work needs to be constantly reassessed to see if it is meeting current needs.

José Ayala Lasso issued a statement on 6 April 1995 [(HR/95/08)] which reads in part:

"I strongly condemn the violations of human rights that occur in Burundi and remain largely unpunished.... I believe that an enhanced programme in the field of human rights -- with a larger presence of international human rights staff in Burundi -- could play an important deterrent role with respect to possible continuing violations of human rights."

Within the UN system it has been left to the High Commissioner to take the next steps. Suggestions and recommendations, based in part on "lessons learned" from other operations, concerning a future enhanced presence are found at the end of this paper.

The Organization of African Unity (OAU)

The original OAU operation called *Mission de protection et d'observation pour le rétablissement de la confiance au Burundi* (MIPROBU) was to have 180 soldiers and 20 civilians. Although this mission was supported by the majority close to FRODEBU, it was rejected as unacceptable by the opposition. Agreement was reached on an Observer Mission (MIOB), which had 47 military observers and 18 civilians by May 1994. Various UN fact-finding missions have remarked on their insufficient numbers and it is clear that they are not sufficiently well-equipped to travel or operate independently of the Burundi security forces. On 15 June 1994 a protocol agreement was signed by Ambassador Léandre Bassole and Burundi's then Minister of Defence, Colonel Gidéon Fyikoro. The mandate includes military observation and serving as witnesses to the development and execution of orders in the field.

Following a request of the First Extra-Ordinary Session of the Central Organ of the Conflict Management Mechanism at Ministerial level (which took place in Cairo 25-28 March 1995) a special OAU Ministerial delegation carried out a one-day mission to Burundi. The delegation was led by the Secretary General of the OAU Dr Salim Ahmed Salim and comprised the Foreign Minister of South Africa, Alfred Nzo, the Foreign Minister of Mauritius, Hon. Ramduising Jadoo, and the Assistant Minister of Foreign Affairs of

4 A/50/158, S/1995/278. 10 April 1995, para 10.

Egypt, Ambassador Said Refaat. They urged Burundi's political leaders to act to address the problems relating to insecurity and violence. Their visit also fed into the April 1995 session of the OAU conflict resolution mechanism.

On 20 April 1995 the OAU conflict resolution mechanism met in Tunis for its second session. It "decided to extend the mandate of the OAU Observer Mission in Burundi (MIOB) for a further three month period when its current mandate expires on 17 June 1995 and to increase its military component from 47 to 67 officers. It also requested the Secretary General to take the necessary steps to strengthen the Mission's civilian component."

[for trans: para 20 UN doc. S/1995/362]

The OAU conflict resolution mechanism condemned the continued militarization of Burundi society and the proliferation of militias. It called for a regional response to the insecurity and instability caused by the flow of arms into Burundi as well as concerted international efforts to help isolate and neutralize the extremists. It also called for an end to "the culture and tradition of impunity in the region". [para. 18]

Despite commitments by non-OAU states to supporting the OAU mission, few concrete steps have been taken to bolster the effectiveness of that mission. Furthermore, there is no public reporting on the observations by the mission.

Other governments

The European Union has pledged support for human rights initiatives in Burundi, including sending human rights experts there within the framework established by the UN High Commissioner for Human Rights, and urging the UN Security Council to act on calls for an international judicial committee of inquiry into the October 1993 massacres. Several European states are involved in initiatives in Burundi, notably Belgium, which is coordinating external support for the judiciary, and France, which is involved in training the gendarmerie and the police.

The role of France in relation to the security forces was called into question by an incident at the BSR prison in March 1995. When Amnesty International's delegates were in the BSR prison compound, they could hear someone screaming in another part of the prison. They were just yards from the office of a French gendarmerie advisor. They had heard screams one hour earlier in the office of the head of the gendarmerie: he had told the delegates that the screams emanated from the interrogation unit.

"Can you hear the screams?" is the question Amnesty International put to the French authorities, calling on them not to be silent witnesses to human rights violations. The delegates urged the French government to oblige its military and security advisors to ensure that their equipment and training were not used for human rights violations and to denounce publicly any violations they witnessed. The widespread publicity surrounding the presence of a French gendarmerie official in the BSR prison where torture was known to take place led the French Government to announce that it would investigate the matter and suspend cooperation with that particular unit in the meantime. The French Government denied that any French official had directly or indirectly witnessed torture.

The supply of arms

On 29 March 1995 the UN Security Council called on all states "in particular neighbouring states, to refrain from supplying or allowing the transit of arms and to deny sanctuary and any other assistance to those extremist elements which seek to destabilise the situation in Burundi." A call for an arms embargo was supported by the European Parliament on 6 April.

In the past France, Belgium, the USA and Germany are reported to have been the main suppliers of arms to the Burundi security forces. However, the government currently receives no official military supplies from these nations. The batons used to torture the prisoners Amnesty International delegates interviewed in March 1995 were of French manufacture, and France apparently continues to supply law enforcement

equipment and to provide training for Burundi military officers in France.

A ship carrying 152 tonnes of weapons and ammunition of Chinese origin was reported to have docked in Dar es Salaam, Tanzania, in March 1995. The weapons were apparently destined for the Burundi army. The Tanzanian authorities refused to let the ship be unloaded, despite a high-level Burundi government delegation which visited Tanzania for this purpose.

Some arms for Hutu armed groups appear to be supplied by the same routes as those used by their exiled Rwandese counterparts, with whom they are alleged to train. There are persistent reports that arms from Albania, Bulgaria, China, Egypt and Israel are reaching Hutu armed groups via night flights into Goma, in eastern Zaire. There are also allegations that the Angolan armed opposition group UNITA has supplied US-manufactured fragmentation grenades to Hutu armed groups.

According to Burundi army leaders, weapons captured from Hutu rebels include some with Rwandan names engraved upon them. A senior Burundian army officer showed journalists a large arsenal of weapons allegedly captured recently. The weaponry included Chinese AK rifles and landmines of the type reportedly being smuggled into eastern Zaire, as well as weapons previously supplied to Burundi or Rwanda such as German rifles and Belgian guns. There were also Russian rocket propelled grenades which had apparently arrived via Egypt.

7. ACTION TO PREVENT MASS KILLINGS AND OTHER ABUSES

Amnesty International believes that one significant step towards solving the human rights problems that beset the people of Burundi would be to bring to justice those responsible for past violations. Ending the cycle of violence depends on revealing the truth about past abuses and holding those responsible to account. The argument is sometimes advanced that this reopens old wounds -- Amnesty International's experience around the world is that old wounds fester and that impunity allows deadly attitudes and contempt for the rule of law to flourish. Many of the following recommendations are therefore aimed at ending impunity, as well as preventing further human rights violations.

A. Recommendations to the government and security forces in Burundi

Amnesty International believes that the following steps should be taken at once to restore respect for human rights and the rule of law:

A1. The Burundi government and security forces should publicly condemn human rights violations committed by members of their forces. The relevant authorities should make clear to all members of army, police and gendarmerie that extrajudicial executions will not be tolerated under any circumstances. The prohibition of extrajudicial executions should be explicit in the training and guidelines issued to all law enforcement officials. In taking measures to quell the violence and disarm the population, the government should ensure that law enforcement personnel are instructed to use lethal force only where strictly unavoidable in order to protect life. The authorities should publish a clear statement of the circumstances in which the army is used to quell internal violence and operational guidelines to prevent human rights violations by soldiers.

A2. Those in charge of the security forces should maintain strict chain-of-command control to ensure that officers under their command do not commit extrajudicial executions. 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. Militias operating outside the chain of command but with the support or acquiescence of the security forces should be prohibited and disbanded. Members of such groups who have perpetrated extrajudicial executions should be brought to justice.

A3. Torture and ill-treatment of detainees should be prohibited and steps should be taken to ensure the security of detainees. All detainees should be brought before a judicial authority without delay after being taken into custody. Relatives, lawyers and doctors should have prompt and regular access to them.

Political detainees should be charged and given prompt and fair trials in accordance with international standards. The death penalty should not be used.

A4. The Burundi authorities should take immediate and long-term action to end impunity. They should investigate each and every murder impartially and vigorously with a view to prosecuting those responsible.

The government should ensure that all complaints and reports of extrajudicial executions are investigated promptly, impartially and effectively. The body of the alleged victim should not be disposed of until an adequate autopsy has been conducted by a suitably qualified doctor. Officials suspected of responsibility for extrajudicial executions should be suspended from active duty during the investigation. Complainants, witnesses and others involved in the investigation should be protected from intimidation and reprisals.

A5. The government should take all possible steps to strengthen the judiciary and to ensure its impartiality and competence. It should also take immediate measures to transform the security forces into an impartial protector of all Burundi's citizens, whether Hutu or Tutsi.

A6. The government should take action against those inciting human rights violations by prohibiting the broadcast of inflammatory messages or the circulation of "death lists", and should provide effective protection for those who receive death threats.

A7. All members of the government and security forces should cooperate with international efforts to prevent human rights violations in Burundi.

A8. The government should ensure that human rights concerns are prominent on the agenda of the National Debate envisaged in the September 1994 power-sharing agreement.

B. Recommendations to political parties and armed groups

B1. All political parties and armed groups in Burundi should refrain from directly or indirectly encouraging any further human rights abuses.

B2. The leaders of all political parties should take all possible steps to prevent further reprisals. They should issue clear, public statements to their supporters that deliberate killings of unarmed civilians will not be tolerated and that violent attacks on anyone who is defenceless can never be justified. In particular they should ensure that they use their influence to prevent newspapers and radio stations issuing material likely to incite human rights abuses.

B3. The leaders of all armed groups should do everything in their power to stop deliberate and arbitrary killings by forces under their control. They should make clear to all those under their control that deliberate killings of unarmed civilians can never be justified and will not be tolerated.

B4. All parties should support and cooperate with international efforts to protect and promote human rights in Burundi.

C. Recommendations to the international community

i. To governments

C1. People fleeing from serious human rights abuses in Burundi have the right to seek asylum in other countries and to receive protection. Internally displaced people in Burundi and refugees from other countries in Burundi have the right to be protected from Human rights abuses.

Amnesty International calls on the governments of neighbouring countries, particularly Tanzania and Zaire, to keep their borders open to refugees fleeing from Burundi and, in accordance with their

international obligations, not to forcibly return refugees to Burundi.

Neighbouring countries sheltering refugees from both Burundi and Rwanda should ensure that militias responsible for human rights abuses are not allowed to import arms or undertake military training, as long as these are likely to contribute to human rights abuses. These countries should cooperate with all efforts to bring to justice people responsible for human rights crimes.

The international community should give full financial support to the UNHCR which is providing assistance to these refugees and to the countries hosting them.

C2. Governments should provide support and assistance to the authorities in Burundi to help reform the judiciary into an impartial, fair and competent institution which can deliver prompt justice to the people of Burundi. An impartial, properly functioning national judicial system is essential to investigate past and present human rights abuses and to restore the faith of the population in the rule of law.

C3. Countries which provide training or weapons to the security forces in Burundi should use their influence and contacts to obtain guarantees from civilian and military authorities that the security forces will not violate human rights, and that the Burundi security forces will be transformed into an impartial and humane protector of all Burundi's citizens and institutions. Training programmes for security personnel should include a strong human rights component. Military and security advisors should ensure that their equipment and training are not used for human rights violations and should denounce publicly any violations they witness.

Countries which supply or transmit arms which reach armed groups should cease to do so as long as these are likely to contribute to human rights abuses. Neighbouring countries, in particular, should not allow armed groups responsible for human rights abuses to organize military training on their territory. Past experience has shown that easy access to arms, ammunition and training leads directly to human rights abuses in the context of Burundi.

C4. Governments should support the Organisation of African Unity (OAU) mission known as *Mission internationale d'observation en Burundi* (MIOB) in terms of logistics and operational support. They should inquire as to the results of the observation mission and encourage the MIOB to develop a stronger role in protecting and promoting human rights in Burundi.

C5. Governments should ensure that any future human rights operation in Burundi mounted by the High Commissioner is preceded by a thorough assessment of the needs and conditions of the country, is put on a sound financial footing, is properly planned and prepared and has a public reporting function.

C6. Governments should ensure that Burundi citizens on their territory who are accused of human rights abuses are brought to justice in accordance with international standards for fair trial.

ii. To the Organization of African Unity (OAU)

Amnesty International welcomes the proposal to extend the mandate of the OAU mission in Burundi, to increase the personnel of MIOB and particularly to strengthen its civilian component. (These measures were recommended by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution at its meeting in Tunis on 20 April 1995.)

C7. The OAU should review the mandate of the MIOB to ensure that it is able to operate with sufficient freedom and independence to investigate reports of human rights violations by the security forces in Burundi properly. It should ensure that the mandate includes an explicit commitment to protecting and promoting human rights. The mission should issue public reports on its findings. The MIOB should work closely with any UN human rights mission in Burundi.

C8. Consideration should also be given to including a thorough police training program as part of the OAU mission. The mission could also provide OAU police observers. The aim should be to ensure that law and

order functions are carried out by a force which respects human rights.

iii. To the UN

C9. An international inquiry should be set up to investigate the massacres of 1993 and subsequent human rights abuses. This would be a significant step towards ending the impunity enjoyed by the killers. President Sylvestre Ntibantunganya has repeatedly called for an international commission of inquiry into the October 1993 killings, and it is required by the September power-sharing agreement, but no steps have so far been taken to set it up.

Amnesty International recognizes that such an inquiry would be extremely sensitive in Burundi's deeply polarized society. In order to be successful, it would have to demonstrate its impartiality and independence both in terms of its composition and of its mandate.

The inquiry should have full powers to investigate all aspects of the coup attempt and subsequent abuses and to oblige all witnesses -- both members of the security forces and civilians -- to give evidence. Its terms of reference should include making prompt recommendations to the government, the armed forces, political leaders and other sectors of the community on measures required to prevent further killings. It should issue a public report on its findings.

C10. The UN should carry out an expert assessment mission to determine what kind of international human rights mission is feasible. Successful assessment missions were carried out prior to the establishment of the UN civilian human rights missions in Haiti and Guatemala. Any human rights mission in Burundi should be given the same serious attention. Agreements should be drawn up between the Office of the High Commissioner for Human Rights and the Burundi authorities. These agreements must ensure the safety and mobility of human rights personnel, their right to interview people in private and provision for regular public reporting by the Director of the Mission. The assessment should define terms of reference for the mission, the resources necessary for the mission to be effective, and the necessary skills, experience and training required by human rights personnel operating in Burundi.

Any UN human rights operation in Burundi should work closely with the OAU mission already present in the country and should provide any necessary assistance to develop its human rights component.

[ends]

Picture captions

Cover photo: A funeral in Kamenge, Bujumbura; the victim was allegedly killed by soldiers on 2 April 1995.

1. Mokindo camp, home to over 50,000 Burundian refugees

2. Sylvie Ntungiyabani and her family fled from their home in Ngozi province after witnessing the killing of three Tutsi. On 29 October 1994, hours after they arrived at a camp for displaced Hutu in Gashikanwa, her husband, Paul Bavakure, was taken by soldiers and stabbed to death. Her son, Richard Ntahomvukiye, was later macheted and clubbed to death while soldiers stood by, encouraging the killers.

3. The cemetery in Bujumbura, the capital, where Ernest Kabushemeye, a Hutu government minister, is buried. He was gunned down in broad daylight in mid-March 1995.

4. The site of a mass grave at Foco, near Kiri, where the bodies of Rwandan refugees were believed to

have been buried. Shortly after the UNHCR decided to exhume the bodies buried at this site, four people were seriously injured and a UNHCR field officer, José Lopez Herrera, was killed in an attack.

5. Emmanuel Bakuru in Mpimba central prison, Bujumbura, holding an Amnesty International leaflet

6. Phillippe Kambayeko (*left*)

7. Jean Minani, a peasant farmer, one of the many detainees tortured by the BSR

8. A Burundian woman refugee at Heru Oshinga camp near Kasulu. Hundreds of thousands of mostly Hutu refugees have fled the violence since October 1993.

9. Displaced Tutsi at a camp near the Rwanda-Burundi border. Over 200,000 displaced people are living in camps in Burundi. Most are Tutsi who fled their homes in late 1993.

10. Another victim of the fighting. Moses N., a subscriber to the *Amnesty International Newsletter* living in Bujumbura, writes of the death of his friend:

"... I escaped again a death. My house was bombed by a small tank. They shot through a window ... the mathematics teacher ... was killed ... we were sharing the house ... here is his picture."

11. Men carry home a body in Kamenge, Bujumbura. The dead man was allegedly killed by soldiers on 2 April 1995.

12. The deserted city centre of Bujumbura at midday, March 1995.