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MAP OF BURUNDI

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BURUNDI

Forced relocation; new patterns of human rights abuses

I INTRODUCTION

Since February 1996, hundreds of thousands of Hutu civilians in conflict-ridden provinces of Burundi have been forced to leave their hills and are confined to camps, creating a new category of displaced persons known as *regroupés*. Although the government claims that this regroupment process is voluntary and intended to protect the population, hundreds of men, women and children have been extrajudicially executed during the process. Furthermore, the regrouped population is forced to remain in appalling, life-threatening conditions in the camps. Camps have been attacked and human rights violations have also been reported from within the camps. Despite claims by the Burundi Government to the contrary, the regroupment policy applies almost exclusively to the Hutu ethnic group.

While the degree of force used during regroupment to persuade the population to move varies, the population is made to understand that if they remain on their hills, they will be considered to be linked to Hutu-dominated armed groups and therefore legitimate military targets during counter-insurgency operations or combat. As such, they risk being killed by the Burundi security forces. An advisor to the president Major Pierre Buyoya told an Amnesty International representative during the Organization of African Unity (OAU) Council of Ministers meeting in Tripoli, Libya, in February 1997, "*Those who refuse to go to the camps are those who are fighting the government or who have weapons*". In many cases, in the days after regroupment, soldiers have combed the hills seeking out those who have stayed, and numerous killings have been reported.

Once in regroupment camps, movement is restricted although the degree of restriction varies from camp to camp. It is enforced by a combination of intimidation, a limited military presence and the knowledge that to leave without authorization is to become a military target. Amnesty International has received reports of people being shot when trying to leave the camps, and of people being ill-treated if they return to the camps later than authorized.

Conditions within camps vary; all are overcrowded and insanitary, some are life-threatening. In some camps, hunger and disease are rampant. Malnutrition is highest in camps where inhabitants are allowed out to tend crops only occasionally or not at all, in camps a long way from the inhabitants' fields, and in the oldest camps. Aid agencies anticipate that conditions in the newer camps will soon deteriorate. An epidemic of typhus was reported in camps in the northern provinces of Kayanza, Ngozi and Muyinga in May. It has since spread to other camps and other provinces.

The government claims that the camps are a temporary measure. However, there are strong indications that the camps are part of a long-term military strategy of forcible relocation of the Hutu ethnic group, carried out not for their own protection but to undermine support for Hutu rebel groups. Regroupment has effectively created military zones where the

authorities legitimise violations of human rights, including the right to life. As such, forcible regroupment is a violation of international human rights standards and humanitarian law such as the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (African Charter) and Protocol II Additional to the 1949 Geneva Conventions.

Regroupment takes place in the context of the on-going human rights crisis in Burundi; Amnesty International continues to receive almost daily reports of massacres, extrajudicial executions, arbitrary arrest and torture. In a report, **Burundi: Leaders are changing but human rights abuses continue unabated**, published in August 1996, Amnesty International reported on large scale massacres by the security forces, mainly of Hutu, which had occurred in Burundi since the coup in July 1996 which returned Major Buyoya to power. Regroupment falls into the pattern of violations against the Hutu ethnic community; in itself it has generated new patterns of human rights violations.

Amnesty International is publishing this report to highlight human rights violations associated with the Burundi Government's policy and to demand its immediate reversal. The government should halt its policy of forcing and confining people to regroupment camps, prevent the setting up of any new camps and allow those within existing camps to return home if they wish to do so, taking measures to ensure the safety of those who choose to return. The organization also calls on the government to take immediate steps to prevent further human rights violations being carried out during regroupment or counter-insurgency operations and for all reports of human rights violations to be independently and promptly investigated, and for those responsible to be brought to justice.

II THE DEVELOPMENT OF REGROUPMENT CAMPS

The conflict in Burundi has displaced hundreds of thousands of people; Burundi government forces, allied armed Tutsi civilian groups and Hutu-dominated armed opposition groups have massacred as many as 200,000 defenceless civilians in a persistent cycle of violence, reprisal and impunity since October 1993¹. Out of a total population estimated at about five-and-a-half million, more than half-a-million people have been forced to abandon their homes. While displaced Tutsi have largely fled to displaced people's camps protected by the military and are referred to as *déplacés*, Hutu who have fled their homes have mostly sought shelter away from camps and avoiding built-up areas and are referred to as *dispersés* (the dispersed population).

While Tutsi civilians may see the Tutsi-dominated security forces as a source of protection, the security forces have a 30-year history of massacring unarmed civilians, mostly members of the majority Hutu ethnic group. The security forces have also been responsible

¹For further information on armed groups operating in Burundi please refer to **Burundi: Armed groups kill without mercy**, 12 June 1996, AI Index: AFR 16/08/96.

for innumerable cases of other human rights violations, including "disappearances", torture, ill-treatment and arbitrary arrest. Again their victims are mainly Hutu.

Regroupment has created a new category of displaced persons. It is not the spontaneous reaction to a life-threatening situation by a group of individuals leading to population displacement. It is the requirement by the authorities to move to a given area and to stay there until otherwise authorized. In this case, population displacement is dictated and controlled by the government administration and armed forces.

The first regroupment camp was set up in February 1996 by the governor of Karuzi province. It is unclear whether this was an independent initiative which has since been replicated elsewhere or a pilot project planned by the government. Subsequently, camps were set up in a number of other provinces where armed opposition groups have been active.

The government has said that regrouping the population protects them from attacks or other abuses by armed groups and reduces the possibility of confusing civilians with members of armed groups. A military commander was reported in the international press to have said, "*Avec qui nous battons-nous? Des rebelles armés portant des tenues civiles*", "Who are we fighting? Rebels wearing civilian clothes". Amnesty International is concerned that, in practice little or no effort is made to distinguish between non-combatants and combatants. Scores of children who could not possibly be suspected of being members of armed groups are reported to have been killed in massacres during regroupment and counter-insurgency operations. Moreover, the majority of killings of civilians during counter-insurgency operations appear to have been deliberate and targeted killings, sometimes in reprisal for attacks by armed groups. Government forces should uphold the fundamental principle of distinction between unarmed civilians and combatants without recourse to such population displacement. As the government has also said that anyone who stays in an area where the population has been regrouped must therefore be linked to armed opposition groups, regroupment has effectively meant that any civilians who remain behind risk being considered legitimate military targets.

The connection between counter-insurgency and regroupment, linked to human rights violations and property destruction, suggests regroupment has developed as a counter-insurgency strategy and is also intended to weaken the support base of Hutu-dominated armed groups by removing any possible logistical support. Armed groups have sought or coerced support from the population.

Regroupment outside Karuzi Province appears to have been carried out outside from late 1996. According to official public statements, regroupment in central Burundi's Muramvya province began in November 1996. During October and November 1996 counter-insurgency operations took place in the province, and killings, which appear to be extrajudicial executions, were reported. Amnesty International has received the names of over 30 people, including **Mariana Bamvune**, aged 61, who are reported to have been extrajudicially executed during military operations between 25 and 28 November in

Rutegama commune. Amnesty International has information suggesting that those killed were not involved in the fighting but were deliberately and arbitrarily sought out by soldiers during the operations and killed.

During December 1996 a large number of administrative units known as *collines* (hills) in the provinces of Karuzi, Bubanza, Cibitoke and Ruyigi were reportedly emptied as their inhabitants were regrouped. Regroupment has also taken place in Bururi, Gitega and Makamba provinces. Regroupment appears to have been initiated in Gitega in December 1996 or January 1997 after a period of fighting in the province between the armed forces and armed groups. Amnesty International has received reports of massacres of the civilian population in Gitega province which are alleged to have taken place during or immediately after counter-insurgency operations prior to regroupment. In early November 1996, in Makebuko *commune* (district), there were several attacks by armed groups including on Janja hill which was attacked and looted. Military operations subsequently took place on Janja and other hills in the commune including Karoba hill where 13 houses were destroyed. On 10 November, on Bugumbabasha hill, eight women and a three-year-old boy, **Audifax**, are reported to have been bayoneted or clubbed to death by soldiers accompanied by *déplacés* in a reprisal attack following an alleged attack by armed groups on an army officer on the hill the day before. In late November 1996 in Itaba commune, seven people, including **Odette Ndayizeye**, aged 13, were extrajudicially executed by soldiers returning from a military operation in the neighbouring Buraganzwe commune, Ruyigi Province.

Estimates for the total number of people confined in regroupment camps vary, and as new camps are being set up, the figure is growing rapidly. Officials have acknowledged that 200,000 people have been regrouped, while independent estimates range from 350,000 to 500,000. For example, in Kayanza province 100,000 people are estimated to have been regrouped. The size of individual camps ranges from a few hundred to 20,000 people.

Camps are now believed to exist in the following provinces, all of which have experienced, or are currently experiencing, armed conflict: Bubanza, Cibitoke, Kayanza, Ngozi, Muyinga, Karuzi, Gitega, Rural Bujumbura, Bururi and Makamba. In provinces such as Kayanza and Muramvya where armed groups have been particularly active, regroupment has been especially extensive. In areas where regroupment has taken place, but not all the population is regrouped, the remaining civilian population on the hills has been the victim of human rights violations, particularly house destruction and extrajudicial execution. For example, in Bubanza province, between 20 and 30 January 1997 over 100 civilians were reportedly extrajudicially executed in massacres carried out by soldiers and house destruction was reported. Foodstocks are also reported to have been stolen.

III OTHER CAMPS FOR DISPLACED POPULATIONS

During the massacres which followed the assassination in October 1993 of President Melchior Ndadaye, Tutsi civilians were initially targeted by Hutu government supporters and many Tutsi civilians were forced to flee their homes. Reprisal killings of Hutu by the

Tutsi-dominated security forces then followed, causing Hutu to flee their homes. Thousands of both Tutsi and Hutu civilians have continued to flee their homes as a result of the armed conflict which has ensued. Most have not returned home and Tutsi civilians have continued to seek protection in camps for the displaced, often guarded by soldiers and near military positions. Conditions in the camps are harsh, characterized by inadequate nutrition, health care and shelter, as well as overcrowding. Insecurity has meant that humanitarian aid reaches displaced camps or populations irregularly.

In addition to harsh conditions and the consequent problems, *déplacés* in the camps have been vulnerable to attack by armed Hutu groups, who have attacked camps with little regard for the civilian population within. Men, women and children have been arbitrarily and deliberately killed. For example, in May 1996 around 50 people were reported killed after an attack attributed to Hutu armed groups on a camp for the displaced in Butezi commune, Ruyigi province. The attack may have been a reprisal attack following the massacre of up to 100 Hutu civilians by the army in the neighbouring province of Gitega. In July 1996 up to 300 people were reportedly deliberately and arbitrarily killed during an attack on a camp for the displaced in Bugendana, Gitega province, by Hutu armed groups, after an attack by the armed group on a nearby military position. The local Hutu population is also reported to have participated in the attack on the camp. The attack followed a number of counter-insurgency operations in the province in which up to 300 Hutu civilians were reported to have been killed. Camps have continued to be attacked during 1997. On 2 January 1997 a camp for the displaced in Muramba commune was attacked by members of a Hutu armed group, killing between 15 and 30 people.

Attacks by Hutu armed groups on camps for the displaced have often been followed by reprisal killings of Hutu civilians by the army. On many occasions, *déplacés* from the camps are reported to accompany members of the security forces, and to have carried out human rights abuses against the Hutu population.

In response to criticism of regroupment camps, government officials and military officials have drawn parallels to camps for the displaced, pointing out that certain sectors of the population have been in camps in harsh conditions for over three years. In a regroupment camp in Bubanza province, a military official reportedly said in relation to restrictions on movement, "*Il faut vous y habituer, leur disent les militaires qui les gardent, les autres [Tutsi] ont mis plus de deux ans pour s'habituer aux camps de déplacés*", "The soldiers who are guarding them say, You will have to get used to it, the others [Tutsi] took more than two years to get used to the displaced camps". The policy may in part be motivated by a desire for revenge, or collective punishment, by members of one ethnic community on another.

Provision of aid to the different categories of displaced population has become highly politicized and contentious. In the past, *déplacés* have complained that conditions in the camps were far worse than those for Rwandese Hutu refugees who had fled to Burundi and who were receiving aid from a number of UN agencies. Attacks on Rwandese refugees by

displaced Tutsi and members of the security forces have led to the forcible return of virtually all the refugees to Rwanda. International humanitarian organizations have been threatened, and some of their staff killed. Humanitarian operations were temporarily suspended countrywide in late 1995 and early 1996 following threats. International aid staff were attacked and threatened in Gitega, Cibitoke and Ngozi provinces. Three members of the International Committee of the Red Cross (ICRC) were killed in 1996 in Cibitoke province. The ICRC has since stopped its operations in Burundi until it receives the results of an independent and impartial inquiry into the killings.

The Burundi Government has not yet initiated such an inquiry.

IV HUMAN RIGHTS VIOLATIONS DURING REGROUPMENT

The government authorities have persistently claimed that Hutu civilians have spontaneously and voluntarily sought protection in the regroupment camps. However, Amnesty International has received numerous testimonies which show that in areas where regroupment has taken place, in the majority of cases, the local Hutu population was moved into the camps by force or coercion. People are reported to have been told directly by military officials or the local administration that if they did not comply they would be killed. Some of the people moved to regroupment camps had already been displaced from their original homes at least once before, but the majority were forced to abandon their permanent residences.

While the degree of force may vary from operation to operation and from commune to commune, in many cases soldiers apparently told the inhabitants of a targeted area that they should spend their nights at the camp for security. Those who refused were "asked" again, and told that if they refused they would be treated as rebels. In other cases, regroupment has taken place following a meeting called by the local authorities, who advised the population to move to the camps for their protection. Again the underlying message that to stay would mean that they would be treated as rebels was made clearly.

During these periods of regroupment numerous human rights violations have occurred, primarily killings by the security forces and allied armed Tutsi. There are also reports of rape often carried out by Tutsi militia. Some reports of mass human rights violations have been impossible to verify as there are often no independent witnesses. Areas are sealed off by the military during military operations. In addition, regroupment has often taken place in regions made inaccessible by armed conflict.

Extrajudicial executions

Soldiers in several provinces have attacked the civilian population during regroupment operations, killing unarmed civilians, looting their property and burning their houses. There are also numerous reports of soldiers revisiting hills whose population had been "regrouped" and hunting down anyone left. For example, on 12 February 1997 the army reportedly killed 83 civilians at Gitaza, Rural Bujumbura province. In January and February 1997 up to 122

people, including a 70-year-old man, **Sévérin Ntibatingeso**, and six children under the age of 10, are reported to have been killed during regroupment operations in Rutegama commune, Muramvya Province.

In Kayanza province, where regroupment started in December 1996, large numbers of people were already fleeing from area to area to escape the violence. Some local inhabitants were sent a letter from local administration officials instructing them to regroup. Others were told verbally that they should do so. Others did not receive the instruction and were simply caught by military patrols. In early December in Ngoro zone, Kayanza province, the population was asked to regroup by the administrator of Gatara commune. In January and February 1997 as the process continued, there were several reports of massacres by soldiers combing the hills the day after regroupment. For example, according to one account received by Amnesty International, 272 people who had not regrouped were reportedly killed in Butaganzwa commune, Ninga zone, in January and February 1997. The victims included an 81-year-old woman, **Bernadette Gakobwa**, who was killed at Kigwandi, and a six-year-old child, **Nteramiyukuri**, who was killed at Bumba with his mother and grandfather. Whole families were slaughtered, such as that of **Sinzinkayo**, who was reportedly killed with his wife and three children at Ninga.

In Karuzi province, soldiers are also reported to have deliberately killed numerous civilians and assaulted others during the regroupment process. Witnesses living near camps claim to have seen dead bodies and people in the camps report that members of their family were extrajudicially executed by government forces.

On or around 6 November 1996, in Rutegama commune, Muramvya province, a meeting was held by the administrator of the commune and the governor of the Province, at which the population was instructed to move to regroupment areas. According to a testimony received by Amnesty International, as early as the next day, the population was forced to move, and soldiers accompanied by Tutsi *déplacés* began to loot and destroy houses. In early January 1997 the population of Kabuguzo, a sub-colline in Rutegama commune, Muramvya province, was regrouped. Some people resisted, others tried to carry on working in their fields. Some of the elderly assumed that the soldiers did not mean the policy to apply to them. On 5 January 57 people who had remained on the hills were reportedly sought out and extrajudicially executed by soldiers, including 21 children under the age of 10. Among the older victims reported were **Adèle Bankuwiha**, aged 56, and **Thomas Gahungu**, aged 60.

Some of the killings have been carried out by the security forces with the participation of members of Tutsi militias or Tutsi *déplacés*. Additionally, information received by Amnesty International suggests that *regroupés* are also coerced into joining patrols to hunt down alleged rebels, and in some cases have apparently been forced to carry out unlawful killings; in April 1997, in Nyanza Lac, Makamba province, male Hutu in the camps were reportedly forced to join military operations in the area to seek out armed groups, and were forced into participating in some unlawful killings of prisoners, although no

figures have been made available to Amnesty International. Similar reports have been received from Karuzi and Kayanza provinces.

In addition, Amnesty International has received reports that Hutu armed groups have threatened the civilian population in some areas to try to force them not to regroup and leave the hills. In this context, some killings of the population by armed groups have been reported. Similarly the organization has received reports of hostage taking of unarmed Hutu civilians by armed groups, possibly as an intimidation tactic to prevent denunciation.

Property destruction

A pattern of what appears to be punitive house destruction has emerged to varying degrees in different areas where regroupment has occurred. There are numerous accounts of soldiers, sometimes accompanied by *déplacés* or members of Tutsi militia, looting and burning down people's homes once they had been forced to leave. In Rutegama, Muramvya province, where the population was regrouped on 6 November 1996 following a meeting with the governor of the province and the commune administrator, Tutsi militia are reported to have looted and destroyed property there the next day. In other cases, particularly in Karuzi and Bururi provinces, Hutu have reportedly been forced to burn down their own homes before being taken to regroupment camps.

In some instances, house destruction appears to be a military strategy to reduce the possibility of ambush by armed groups, particularly along roads. However in other cases house destruction appears to have taken place to make it impossible for the inhabitants to return to their home areas. There are fears that people already confined to regroupment camps may never be allowed back to their home and land and could be resettled elsewhere. Such segregation would serve to increase political, social and economic disparities and tensions between the two ethnic groups.

Possible prisoners of conscience

There are few reports of arrests being carried out during regroupment. However, in February 1997, **Marie Runyagu**, director of the medical centre for a regroupment camp in Bubanza, was arrested and accused of providing medical care to members of armed groups. She remains in detention although she has not been charged with any offence.

V HUMAN RIGHTS VIOLATIONS IN THE CAMPS

Undue restrictions on freedom of movement

While humanitarian agencies, UN human rights monitors and others have been able to visit some camps, movement is restricted for inhabitants of the camps. This is a crucial difference between the regroupment camps, whose inhabitants are mainly Hutu, and the displaced camps, whose inhabitants are predominantly Tutsi. The camps may be very close to each

other. For instance, in Kayanza Province two such camps are effectively divided by a tiny barrier, yet those in the camp for the displaced may, if they wish, move freely in and out of the camps and leave to return to their homes.

Human rights groups and others who have visited regroupment camps in various provinces have reported that all the inhabitants said they wanted to go home, even those too frightened to answer questions about conditions in the camps. Some had asked the military administrators of the camp for permission to leave and had been refused.

The level of restriction varies. In Kayanza province, for example, initially *regroupés* were not allowed to leave the camps at all. Later, in some camps, *regroupés* were allowed to work on their land five days each week. In others they are only allowed to farm two to three times a week for a few hours. Some are several hours walk away from their land, which means that even when they are allowed out, they have little time to tend their crops. In Muramvya province, *regroupés* are generally allowed to farm most days. In some communes, *regroupés* are allowed out of the camps only with a military escort. In Kayanza Province *regroupés* are now able to go to tend their crops without military escort but must return every time.

Restriction on movement from the camps appears to be enforced primarily by intimidation. *Regroupés* are given instructions on when and for how long they may leave the camps. All camps appear to have a military presence, usually quite light, either in the camp or nearby. Amnesty International has received unconfirmed reports that in several instances, people trying to leave the camps have been shot. It has also received reports from Rutegama commune, Muramvya province, of *regroupés* who are late back to the camps being beaten.

"Disappearances"

Information on human rights violations or abuses within the regroupment camps is particularly difficult to obtain and verify. However, Amnesty International has received consistent reports of a number of apparent "disappearances", possible arbitrary arrests and other human rights violations. It is calling for UN human rights monitors and other independent observers to have full and free access to all camps to allow for such reports to be investigated impartially.

Amnesty International has received reports, particularly from Bubanza and Karuzi provinces, of young men being taken away from the camps by soldiers in lorries. The reports do not contain identities of those "disappeared". The young men appear to have subsequently "disappeared". Arrests of people accused of participation in massacres since 1993 are also reported, and the fate of those arrested is not clear. The organization has also received consistent reports that on arrival in the camps, people are asked to denounce those who may be involved in armed opposition. This practice is reported to be widespread in the camps. The subsequent fate of those denounced is not clear, and Amnesty International is concerned that "disappearances" and extrajudicial executions may routinely occur as a result.

Registration procedures appear to vary from camp to camp, and may be non-existent in some cases. Lack of registration makes those in the camps more vulnerable to human rights violations such as "disappearance" and extrajudicial execution.

Amnesty International has received reports from Bubanza province of old people being beaten and humiliated in public in the camps by soldiers guarding the camps. In April 1997, a number of old men, whose names and identities are not known to Amnesty International, were reportedly beaten by soldiers who told them this was the price to pay for voting "the wrong way" in 1993.

In addition, reports have been received from Kayanza province of armed Hutu groups carrying out reprisals on *regroupés* in the camps who had refused to join armed groups.

Life-threatening conditions

Conditions inside many of the camps are appalling, with high levels of malnutrition and disease. The World Health Organization has warned that the insanitary and overcrowded regroupment camps have led to rises in the incidence of malaria, diarrhoea, respiratory tract infections and other diseases. Concern over life-threatening conditions in the camps is heightened by the severe typhus epidemic which broke out in Burundi earlier this year.

The epidemic was initially reported to be located in Muyinga, Ngozi and Kayanza provinces although cases have been reported in most provinces. It appears to have largely affected the regroupment camps, as well as other areas in which sectors of the population are confined in close proximity. The overcrowded and insanitary conditions in the regroupment camps have facilitated the quick spread of typhus, which is transmitted by skin lice and the confined populations are at considerable risk if measures are not taken to control and prevent the transmission of the disease. Some camps are in converted schools - with up to 50 people squashed into classrooms. Others consist of makeshift shelters on hillsides, made of leaves and branches and which are often tiny and overcrowded, offering little protection from Burundi's heavy rains. Shelters are often very close together again facilitating transmission of typhus and other infectious diseases.

Malnutrition is also a major problem. The camps in Karuzi province - the first to be set up - reportedly show the most severe levels of malnutrition. The residents were not able to cultivate during the September 1996 to January 1997 growing season. Camp residents live in dangerously insanitary conditions, with limited or no access to shelter or clean water. Many had been brought to the camp with nothing other than the clothes they were wearing, and had no food stocks or access to blankets or plastic sheeting. According to the World Food Program, which visited camps in Karuzi in January 1997, the inmates had depleted all their resources, and the situation was "catastrophic". In Kayanza province, many camp residents had already been displaced from their homes before being regrouped, and were already malnourished. In Ruhinga camp, Kayanza province, aid officials who visited in March 1997

found conditions to be "precarious" with shelters constructed only from leaves and branches and crowded far too close together.

The sheer physical proximity of so many people in poor conditions exposes them to other potentially life-threatening situations. In March 1997 a fire in Nyarurama camp in Kayanza province raged through the temporary shelters, killing 14 people and 1,400 shelters were destroyed.

Some camps are located near to medical centres and inhabitants have a restricted but relatively easy access to some medical care. However, in many other camps such as Gisayo (formerly known as Ngoro) camp in Kayanza province, where the nearest medical centre is 10 kilometres away, access to medical care is very limited. In Nyarurama camp, Kayanza, although there are limited medical supplies in the camp, the nearest medical centre is three hours away by foot.

Although the government provides some aid to camps for the displaced, it is providing virtually no food or medical care to those it has confined in regroupment camps, and has made it clear that it expects aid agencies and foreign non-governmental organizations to take this on. In its 1997 budget it reportedly allocated only 0.03% to the Ministry for Reinstallation, Reinsertion of Refugees, Displaced and Returnees. As of mid-March 1997, non-governmental organizations now have to register with the Ministry of Interior, rather than as previously, the Ministry of Rehabilitation. The Ministry of Interior has stated its intent to have greater control over areas of operation of non-governmental organizations. Non-governmental organizations are believed to have been heavily pressurized to work in the camps, and the government has made public its disapproval of those who have been reluctant to work in the camps. The government has made it clear in a statement issued to diplomatic representatives, non-governmental organizations and others that those who do not comply with its policy of coordination, including working in the camps, "*are at liberty to withdraw from Burundi*".

Insecurity in the context of armed conflict

Grouping together large numbers of unarmed civilians presents a significant security risk as the camps may represent an easy target for attack rather than offering protection. In a war which is being played out largely on ethnic lines, what effectively amounts to the isolation of ethnic groups into definable areas makes them vulnerable to attack. Given the well documented pattern of human rights violations against the Hutu population carried out by the Burundi security forces sometimes in reprisal for attacks by Hutu armed groups, Amnesty International is also concerned that regroupment camps could be the subject of attacks by members of the security forces, in which large scale human rights violations could occur.

On 20 March 1997, 135 people were killed and 144 wounded in attacks on three regroupment camps in Cibitoke province. The government accused members of Hutu armed

groups of responsibility for the massacre. Other credible sources have reported that the slaughter was committed by government soldiers during a reprisal attack after armed Hutu groups had attacked a nearby camp of *déplacés*. It is not known how many people were killed in the attack on the camp for the displaced.

On 18 May 1997, 63 people were reported to have been killed during an attack on another two regroupment camps in Cibitoke province. According to state radio, the attacks were carried out by armed Rwandese Hutu groups, although the motive for such an attack is not clear and there has been no independent confirmation of the identity of the attackers. Some sources have claimed the numbers of dead and wounded are much higher.

VI HUMAN RIGHTS VIOLATIONS DISGUISED AS PROTECTION

The Burundi Government has defended its policy of regroupment on several grounds. It claims that the camps are for the inhabitants' own protection, that they are voluntary, that regroupment applies to all ethnic groups equally, and that it is a short-term measure. It has accused those who criticize the camps of trying to sabotage the government's efforts to restore peace, and has declared that those who criticize regroupment are opposed to the destruction of "terrorist groups".

Although the government claims the camps are temporary - three to six months is the period quoted - concern has been expressed that the camps may develop into permanent settlements. A local official in Karuzi, where the first camp is now over 17 months old and shows no signs of being closed despite the cessation of conflict in the province, has reportedly stated that the government has plans to build permanent settlements in the area. The government has also claimed that in some areas in Karuzi, Kayanza and Muramvya provinces, *regroupés* have been allowed to leave the camps and return home. There has been no independent confirmation of this. The destruction of houses and means of livelihood suggests an attempt to prevent the *regroupés* returning to their home area.

The government also claims that the regroupment process is voluntary as people seek safety from the fighting. All the evidence suggests that, while some *regroupés* may indeed feel more secure in the camps, the vast majority of those in camps are there because of fear and coercion and that they would rather return to their homes.

The government suggests that the policy of regroupment applies equally to Tutsi and Hutu. While conditions in the displaced camps housing Tutsi are also very difficult, the critical difference is that they are free to leave if they wish. They may also anticipate greater protection from the Tutsi-dominated army.

Although ostensibly there for their own protection, in some camps residents are forced to undergo what is described by the authorities as a "re-education" or "detoxification"

program. According to the information gathered by Amnesty International, re-education is conducted at a basic level of political indoctrination, sometimes in the form of repetitive singing, to "educate" those in the camps with a pro-government message of peace and unity. Amnesty International does not have information on how widespread this "re-education" is. However, it is believed to be carried out in all regroupment camps in Kayanza Province, and the organization has also received reports of "re-education" in regroupment camps in Karuzi and Muramvya provinces.

The United Nations Special Rapporteur on Burundi, Paulo Sergio Pinheiro, who has investigated the policy, concludes that the purpose of the policy is to keep tighter control over population groups and to cut the rebels off from their supply and recruitment bases:

"While maintaining a war mentality in the vain hope of crushing the rebels in the field...the Burundi de facto authorities are systematically resettling rural populations using an outdated strategy of forced villagization, whose weaknesses and the suffering entailed for the populations concerned have been demonstrated in other conflicts, particularly in Viet Nam....the forced resettlement of rural populations [is] a manifest violation of the relevant provisions of the International Covenant on Civil and Political Rights, as well as of other human rights instruments to which Burundi is a party"

While acknowledging that the general level of security has improved in some of the provinces where regroupment has been imposed, the Special Rapporteur points out that *"freedom to move about in reasonable safety is ultimately acquired at the expense of the enjoyment of human rights by the vast majority of the rural population"*. In April 1997, the UN Commission on Human Rights passed a resolution on Burundi which, amongst other things, *"expresses deep concern at the involuntary resettlement of rural populations in regroupment camps and at the violations of human rights which occurred in that process"*. It *"calls on the Government of Burundi to dismantle these camps and allow the displaced to return to their home villages, monitored by the Human Rights Field Operation in Burundi"*.

Under international human rights law, Article 4 of the ICCPR allows for forced displacement only in time of public emergency which threatens the life of the nation. The principle is that there must be an exceptional threat and that a state of emergency must be declared. The Burundi Government has not declared a state of emergency. Fundamental human rights principles should still be adhered to even in cases of national emergency. By ratifying the ICCPR, Burundi has undertaken obligations to respect the rights enshrined in that treaty. While the Burundi Government may, under Article 4 of the ICCPR, derogate from its obligations in situations which threaten the life of the nation, such derogation can only be to the extent strictly required by the situation. However, there are certain core rights from which there can be no derogation, including the right to life and prohibition of torture, cruel, inhuman or degrading treatment. The measures adopted by the Burundi authorities in

the regroupment of Hutu does not meet the conditions of Article 4, and the killings and ill-treatment of *regroupés* violates Articles 6 and 7 of the ICCPR.

Under the African Charter, which Burundi ratified in August 1989, the authorities are obliged to protect the rights enshrined in that treaty including the right to life, the prohibition of torture, cruel, inhuman or degrading treatment and the right to freedom of movement and residence within the borders of a state. The African Charter does not permit any derogations from the rights guaranteed by it. The African Commission on Human and Peoples' Rights has stated in its decision in the *Commission nationale des droits de l'homme et de libertés / Chad*², "The African Charter, unlike other human rights instruments, does not allow for states parties to derogate from their treaty obligations during emergency situations. Thus, even a civil war in Chad cannot be used as an excuse by the State violating or permitting violations of rights in the African Charter".

Article 17 of Protocol II Additional to the Geneva Conventions states:

"The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition."

Article 17 of 1977 Protocol II prohibits the forced movement of civilians "*unless the security of the civilians involved or imperative military reasons so demand*". In cases where a population is forcibly relocated in either of these two exceptional cases, all possible measures must be taken to provide the relocated population with "satisfactory conditions of shelter, hygiene, health, safety and nutrition". Any forcible relocation should not single out one ethnic group. Forced displacement of a civilian population as a punitive measure or to obtain a more effective control of an ethnic group is prohibited.

The Burundi authorities have failed to fulfil these obligations.

In addition, under Common Article 3 of the Geneva Conventions, persons taking no active part in the hostilities, including those who have laid down their arms, are entitled to be treated humanely, without any discrimination based on race, colour, religion or faith, sex, birth or other criteria. Common Article 3 also prohibits killings, torture and humiliating and degrading treatment of civilians.

VII CONCLUSION

²Communication 74/92 with Annual Activity Report of the ACHPR (African Charter), AHG 207 (xxxii).

Amnesty International condemns the Burundi Government's policy of forcible regroupment as a violation of basic human rights, through which hundreds of civilians have already lost their lives, and where thousands more may die if they are forced to remain in such conditions.

Regroupment has also facilitated an unknown number of arbitrary arrests and "disappearances". Amnesty International believes that if regroupment continues it will have a disastrous impact on the human rights situation in Burundi.

By targeting virtually exclusively the Hutu ethnic group, the policy appears to be a military strategy to undermine Hutu-dominated armed opposition, which cannot be justified under international law. Whatever the motive behind the regroupment process, regroupment has led to the emergence of new patterns of human rights violations against Hutu civilians who are not taking part in the armed conflict. Overall it appears clear that the Burundi Government has allocated few resources for the camps and has openly placed responsibility for the camps on international humanitarian organizations. Conditions are extremely harsh, even life-threatening in the camps and the camps offer little protection against attack, or other human rights violations. A pattern of violations committed during or after the process of regroupment undermines any argument that regroupment provides protection.

VIII RECOMMENDATIONS

Amnesty International calls on the government of Burundi to halt the creation of regroupment camps at once and allow all those living in existing regroupment camps to return home if and when they wish, taking measures to guarantee the safety of those who choose to return. It calls for all reports of human rights violations committed in connection with the regroupment procedure to be the subject of an impartial and independent investigation, the findings of which should be made public, with a view to bringing to justice those responsible for any violations found to have occurred.

Governments and intergovernmental organizations should publicly condemn the regroupment policy and the related human rights abuses, and exert whatever pressure they can to bring the regroupment policy to an end.

All armed groups involved in the current conflict should respect basic humanitarian principles; in particular to treat civilians and all those taking no direct part in the fighting humanely, and to prevent the killing of prisoners and non-combatants, the taking of hostages and to refrain from carrying out attacks on unarmed civilians inside or outside camps for the internally displaced.

To the government of Burundi

Amnesty International calls on the government of Burundi to :

- halt the creation of regroupment camps at once and allow all those living in existing regroupment camps to return home if and when they wish, taking measures to guarantee the safety of those who choose to return;
- take immediate steps to implement the recommendations of the UN Special Rapporteur on Burundi and the UN Commission on Human Rights;
- urgently set up an independent and impartial investigation of all reports of human rights violations committed in connection with the regroupment process, the findings of which should be made public, with a view to bringing to justice those responsible for any violations found to have occurred.

Additionally, the government should ensure that :

- all internally displaced people in camps, whether in regroupment camps or camps for *déplacés*, do not have undue restrictions placed on their freedom of movement including the freedom to return permanently to their homes; they are protected from human rights violations such as arbitrary arrest, "disappearance" and extrajudicial execution and that they are treated humanely and with respect;
- responsibility is taken by the government authorities to ensure that immediate steps are taken to address appalling conditions in the camps;
- humanitarian organizations and others working in the camps are not subjected to undue pressures, harassment or other human rights violations;
- UN human rights monitors are allowed full and free access to all camps and are allowed to interview inhabitants of the camps without interference;
- immediate steps are taken to investigate and address human rights violations which are carried out either during the regroupment process or counter-insurgency operations;
- all reports of human rights violations including extrajudicial executions, "disappearances", torture and arbitrary arrest should be investigated, and those responsible brought to justice in accordance with international standards of fairness and without recourse to the death penalty.

For longer term respect for human rights in Burundi the government should:

- ensure that the human rights violations which contribute to population movement are addressed;

- ensure that all forces under its control are trained and ordered to respect and adhere at all times to basic human rights and humanitarian law standards;
- to ensure that human rights protection, including a commitment to adhere to basic human rights and humanitarian law, is at the centre of any political settlement they may negotiate;
- call for a public commitment to addressing human rights issues underlying the conflict, such as ending impunity for abuses, commitment to institutional reform aimed at creating a solid human rights framework.

To armed groups

Amnesty International calls on all armed groups involved in the current armed conflict :

- to respect basic humanitarian principles as laid down in Common Article 3 of the Geneva Conventions as a minimum standard; in particular to treat civilians and all those taking no direct part in the fighting humanely, and to prevent the killing of prisoners and non-combatants, and the taking of hostages.
- to refrain from carrying out attacks on unarmed civilians inside or outside camps for the internally displaced;
- armed group leaders should make it clear to members of armed groups that attacks on unarmed civilians will not be tolerated;
- to ensure that all forces under their control are trained and ordered to respect and adhere at all times to basic principles of humanitarian law;
- to ensure that human rights protection, including a commitment to adhere to basic human rights and humanitarian law, is at the centre of any political settlement they may negotiate.

To foreign governments and inter-governmental organizations

Amnesty International calls on governments and organizations which may have influence with the government of Burundi to :

- condemn the regroupment policy and the related human rights abuses;
- exert whatever pressure they can to bring the regroupment policy to an end. Governments and intergovernmental organizations should take the lead in making it

clear that this policy violates human rights and international humanitarian law and is therefore unacceptable;

- demand an investigation into reports of human rights violations which have been committed during the regroupment process, and to ensure that the findings of the investigations are made public;
- continue to condemn on-going human rights violations in Burundi;
- assist the Burundi Government in integrating human rights safeguards in the search for long-term and comprehensive solutions to the civil war in Burundi;
- adopt a coordinated overall strategy for preventing further human rights abuses in Burundi, including supporting human rights initiatives by the United Nations (UN) and other intergovernmental and non-governmental organizations. In particular, support should be given to extend the UN human rights monitoring program to ensure its effective and independent operation and to address its substantial constraints, such as lack of monitors and insecurity which it faces.