

Amnesty International

Public Statement

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Burundi: Submission to the Technical Committee revising the law for a Truth and Reconciliation Commission

The Technical Committee responsible for revising Burundi's 2004 Truth and Reconciliation Commission (TRC) Law should propose significant revisions, Amnesty International said in a submission to the Committee this week. Such changes are essential to ensure victims of human rights violations which occurred during the decades of violence and conflict in Burundi obtain truth, justice and reparations.

Amnesty International recommends that the mandate of the TRC should be broad enough to cover all crimes under international law, including genocide, crimes against humanity and war crimes. Amnesty International recalls that Burundi is obliged under international law not to provide an amnesty for those responsible for genocide, crimes against humanity, war crimes, torture, enforced disappearances and extrajudicial executions.

The law should determine the relationship between the mandates of the TRC and a Special Tribunal. The TRC should not be considered a substitute for judicial processes to establish individual criminal responsibility. Amnesty International urges that those responsible for crimes under international law are brought to justice by establishing a Special Tribunal.

Commissioners should be selected for their proven independence and competence in human rights. They should not be closely associated – or perceived to be associated – with any individual, government, political party or other organization potentially implicated in the human rights violations under investigation or with organizations associated with victims.

Amnesty International also recommends that the procedure that the TRC will follow is clearly defined in the amended law. This should be part of a victims-orientated approach to witness protection and reparations. Reparations should include the right to non-repetition, not mentioned in the 2004 law.

Suspected perpetrators of crimes under international law should also have the right to be presumed innocent until and unless they are proven guilty in separate criminal proceedings in a trial meeting international fair trial standards.

The TRC should be part of a broader, long term, and comprehensive government action plan, developed, implemented and monitored with support from civil society and victims groups, to uphold the right of victims to obtain truth, justice and reparation. Such an action plan should also include prosecutions, mechanisms to ensure reparation and legislative, institutional and other reforms.

Background

Prior to and during Burundi's armed conflict, all sides were responsible for serious violations of international humanitarian and human rights law. Thousands of Burundians were killed during the conflict.

In June 2011, a Technical Committee was tasked with proposing amendments to a 2004 Law creating a TRC and with proposing criteria for members of the TRC. The Technical Committee is expected to complete its work by 13 September 2011.

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