

BURUNDI



CALL FOR HELP TO BURUNDIAN REFUGEES SUBJECT TO FORCED REPATRIATION BY TANZANIAN GOVERNMENT!

Memorandum from Burundian civil society organizations

August, 2024

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1. INTRODUCTION

The present Memorandum, signed by 19 organizations, aims to mobilize stakeholders in order to stop the process of forced repatriation of Burundian refugees initiated by the Tanzanian government in complicity with the government of Burundi and the representation of UNHCR-Tanzania, while the security situation remains extremely worrying in Burundi. The signatories of this memorandum call on the responsibility of the Tanzanian Government and the UNHCR in this situation, which puts in danger the integrity of the Burundian refugees once forcibly repatriated. They urge them to put an end to the sequestration of Burundian refugees in Tanzania and to uphold the fundamental principles of human rights and international obligations regarding the protection of refugees.

2. RECOMMENDATIONS

1. Immediate suspension of the process of forced repatriation of Burundian refugees by Tanzanian Government

We call upon the Tanzanian Government to put an end immediately to all ongoing process of forced repatriation of Burundian refugees. The principles of non-pushing back must be respected to guarantee the safety of refugees.

2. Assessment of the security situation

We call upon the African Union Peace and Security Council to undertake a thorough assessment of the security situation in Burundi in collaboration with relevant international agencies and human rights organizations. Any repatriation decision must be based on clearly defined security criteria that reassure refugees, and in strict compliance with the principle of voluntary repatriation.

3. Protection of refugees

We call on the UNHCR, the African Commission on Human and Peoples' Rights (ACHPR), the AU and EAC to deploy refugee protection mechanisms to assess the situation of Burundian refugees in Tanzania and thus ensure that any repatriation decision will be based on individual request in accordance with internationally established standards.

Call to action from the following international organizations:

- **UNHCR** : To take its responsibilities, under its protection mandate, and urgently put an end to the forced repatriation of Burundian refugees who have become undesirable in Tanzania.
- **United Nations** : To implement monitoring and protection mechanisms to guarantee respect for the fundamental rights of Burundian refugees in Tanzania.

- **AU** : To take steps to bring Tanzania into compliance with its commitments under the OAU Convention Governing Specific Aspects of Refugee Problems in Africa (September 10, 1969), regarding Burundian refugees.
- **EAC** : To use its good offices to prevent the United Republic of Tanzania from violating the rights of Burundian refugees.

3. CONTEXT AND JUSTIFICATION

3.1. Statements from the Tanzanian authorities

Since 2017, Tanzanian authorities have demonstrated a persistent desire to forcibly repatriate Burundian refugees, often through coercive means and in violation of international refugee protection standards. This repressive policy was illustrated through the intimidating speeches of some of the officials of the Tanzanian administration.

On August 25, 2019, Simon Sirro Nyokoro, Inspector General of the Tanzanian Police, openly announced his intention to “cleanse” the refugee camps of “undesirable Burundian elements”. In addition, in June 2021, he declared that he was preparing an operation in the refugee camps, saying "that a Burundian refugee who wants to die will stay in the camp"¹.

These statements caused great concern among Burundian refugees who feared for their safety and well-being due to the threatening nature of Mr. Sirro's remarks. This decision of forced repatriation is seen as a flagrant violation of the principles of refugee protection established by the Geneva Convention of July 28, 1951, and its protocol of January 31, 1967, relating to the Status of refugees as well as other applicable international instruments².

On September 2, 2019, Sudi Mwakibasi, Director of Refugees at the Tanzanian Ministry of the Interior, also made similar comments that: “Tanzania would no longer tolerate the prolonged presence of Burundian refugees on its soil....and that they should return home to allow Tanzania to focus on its own development challenges....., that the refugee camps had become areas of crime and illegal activities"³. The same comments were repeated several times each year until 2024.

These statements show an increasingly hostile attitude towards Burundian refugees, marked by a policy of forced and coercive repatriation. The Tanzanian authorities, by adopting this position, are endangering the lives and rights of refugees, while ignoring calls from the international community to respect humanitarian obligations.

¹ Extract from the Speech of August 25, 2019 by Inspector General of Police Simon Sirro Nyokoro

² <https://www.universalis.fr/encyclopedie/refugies/2-instruments-internationaux/>

³ Pressure on refugees to return home, despite dangerous conditions in their home countries, violates the principles of non-pushing back and international humanitarian law.



Standing on the right, Sudi Mwakibasi, Director of Refugees in the Ministry of the interior accompanied by Simon Sirro Nyokoro Inspector General of the Tanzanian Police threaten Burundain refugees

3.2. Destruction of Burundian fields and ban on income-generating activities

Tanzanian authorities have intensified repressive measures against Burundian refugees by ordering the destruction of their fields, shops and homes, and banning all income-generating activities.

In Nyarugusu camp for example, only the crops of Burundian refugees were vandalized while the crops of Congolese refugees were spared. This illustrates obvious discrimination and unequal treatment between different refugee communities. This systematic destruction of sources of income constitutes a violation of the economic and social rights of refugees, depriving them of their means of subsistence and plunging them into total dependence on humanitarian aid, thus compromising the sustainability of their living conditions.

These inhuman actions of those Tanzanian authorities, based on unfounded security and administrative concerns, exacerbate the vulnerability of Burundian refugees, preventing them from leading a dignified and autonomous life. They reflect a deliberate harmful strategy aimed at making the living conditions of refugees unbearable, thus forcing them to give up and accept to return to their country of origin despite the persistent risks.

These coercive measures go against international principles of refugee protection and fundamental human rights.



Image of the ruins of homes, shops, corn and banana fields of Burundian refugees at the Nyarugusu camp destroyed by the Tanzanian police

3.3. Arrests, imprisonments and other forms of inhumane treatment

Burundian refugees in Tanzania are frequently victims of arbitrary arrests, imprisonment and other forms of mistreatment. In collaboration with Burundian intelligence services, Tanzanian police officers have arrested and deported numerous refugees to Burundi where they are often convicted without proof or right of defense.

In addition, the Tanzanian authorities prevent Burundian refugees from going out of the camps to get firewood and other necessary resources for their daily survival. This restriction increases their dependence on insufficient humanitarian aid and exposes them to precarious living

conditions. Burundian refugee children are often deprived of their right to education due to frequent school closures and lack of educational resources⁴.

Cases of physical and psychological violence against refugees were documented in a report by Human Rights Watch⁵ and include police brutality during arrests and expulsions, as well as constant harassment in the camps. Refugee women and girls are particularly vulnerable, often victims of sexual violence and discrimination with total impunity for the perpetrators.

In 2021, UN human rights experts have expressed serious concerns about arbitrary arrests, enforced disappearances and torture of Burundian refugees in Tanzania. They specifically emphasized that what adds to the insecurity of refugees in the Tanzanian camps is that these violations are often carried out in collaboration with the Burundian authorities⁶. Unfortunately, calls from the UN to the Governments of Tanzania and Burundi to respect the rights of refugees remained with no effect.

⁴ <https://www.sosmediasburundi.org/2024/04/05/tanzanie-10-etablissement-scolaires-fermes-dans-les-camps-de-refugies-burundais/>

⁵ <https://www.hrw.org/news/2020/11/30/tanzania-burundian-refugees-disappeared-tortured>

⁶ <https://news.un.org/fr/story/2021/04/1093832>



Photo of Burundian refugees in illegal detention in prison at Kibondo in Tanzania

3.4. Deportation in the form of kidnapping and illegal detention in Burundi

The Tanzanian authorities, in collaboration with the Burundian intelligence services, carried out the deportation of refugees through kidnapping in violation of the fundamental rights of refugees. These deportations of refugees kidnapped from their camps in the middle of the night and forcibly transported to the border often occur in a clandestine and violent manner. The reported kidnapping victims were expelled without cause or right of defense and were handed over to the Burundian authorities to be arbitrarily detained and sentenced. The illustrative cases are those of Nkuzimana Anaclet, Cimpaye Félix, Rwaswa Saidi, Ndizeye Radjabu, Ndayishimiye Revocatus, Nizigama Emmanuel, Burundian refugees arbitrarily arrested at the Mtendeli and Nduta refugee camps on the night of July 22-23, 2020, by the Tanzanian police and delivered to the Burundian authorities. They are imprisoned without trial and accused of subversive activities without any evidence.

These examples illustrate worrying practices of systematic violations of the rights of Burundian refugees in Tanzania, orchestrated by the Tanzanian authorities in complicity with the Burundian intelligence services.



Two refugees among those kidnapped from camps and deported to Burundi found themselves in prison in Burundi

3.5. Collaboration between the Tanzanian authorities and the Burundian National Intelligence Service under the complicit gaze of UNHCR.

There is close collaboration between the Tanzanian authorities and the Burundian National Intelligence Service (SNR) to forcibly repatriate refugees. In addition to deportation and forced repatriation operations, this cooperation extends to constraint measures materialized by several agreements between the Burundian and Tanzanian governments, explicitly aimed at forcibly repatriating Burundian refugees. Among these agreements are commitments made during regular bilateral and tripartite meetings, also involving the representation of the United Nations High Commissioner for Refugees (UNHCR) in Tanzania⁷. Among them, a road map was agreed upon to close the Burundian refugee camps before the end of 2024.

Human rights organizations have consistently denounced this harmful complicity and called for international intervention to put an end to these refugee rights violations. In response, persecution has intensified against individuals suspected of being informants for the media and international non-governmental organizations.



Photo of a tripartite meeting between the Burundi delegation, the Tanzanian delegation and the UNHCR-Tanzania representation

⁷ <https://www.aa.com.tr/fr/afrique/burundi-tanzanie-accord-de-rapatriement-de-tous-les-refugiés-burundais-vivant-en-tanzanie-/1565752>

4. LIVING CONDITIONS IN THE REFUGEE CAMPS

4.1. Insufficient humanitarian aid and deprivation of right to work

Living conditions in Burundian refugee camps in Tanzania are extremely difficult, often made worse by generally insufficient humanitarian aid. Burundian refugees live in precarious conditions, without adequate access to food, medical care, and education. Refugees complain that food rations provided by humanitarian agencies are often insufficient to meet basic nutritional needs and are decreasing each year. As one cannot live without working even if humanitarian aid was sufficient, many refugees must resort to income-generating activities to live with dignity. Unfortunately, Burundian refugees in Tanzania are not allowed to leave the camps to look for work or undertake any production activity in the camp. As mentioned above, shops and fields were vandalized and transport activities prohibited for Burundian refugees.

4.2. Lack of access to medical care

Lack of access to adequate medical care is also a major concern and a violation of their fundamental right. Medical facilities in the camps are often insufficient, under-equipped and poorly financed, seriously limiting refugees' ability to receive necessary care. Many diseases, both chronic and infectious, remain untreated, exacerbating the vulnerability of refugees and increasing the mortality rate, particularly among children, pregnant women and the elderly. In addition to insufficient medical infrastructure, several hospitals in refugee camps have been closed by Tanzanian authorities, depriving refugees of access to vital healthcare under the joint road map to close refugee camps for Burundian.

4.3. School closures and impact on education.

Educational infrastructure in camps is often inadequate and underfunded, limiting access to quality education for refugee children and young people. Many refugee children are forced to drop out of school due to their families' lack of financial resources. Additionally, several schools in refugee camps have been closed, further reducing educational opportunities for refugee children. This situation caused 6,500 primary school students to drop out of school towards the end of 2023. These figures were reported by the International Rescue Committee (IRC)⁸ in

⁸ [https://www.sosmediasburundi.org/2024/04/04/nduta-tanzanie-pres-de-6500-enfants-ont-abandonne-lecole-au-cours-des-5-derniers-mois-suite-aux-menaces-de-rapatriement-force/#:~:text=R%C3%A9fugi%C3%A9s,Nduta%20\(%20Tanzanie\)%3A%20pr%C3%A9s%20de%206500%20enfants%20ont%20abandonn%C3%A9%20l%20aux%20menaces%20de%20rapatriement%20forc%C3%A9&text=En%20plus%20de%20ces%20abandons,d%27apr%C3%A8s%20des%20sources%20locales.](https://www.sosmediasburundi.org/2024/04/04/nduta-tanzanie-pres-de-6500-enfants-ont-abandonne-lecole-au-cours-des-5-derniers-mois-suite-aux-menaces-de-rapatriement-force/#:~:text=R%C3%A9fugi%C3%A9s,Nduta%20(%20Tanzanie)%3A%20pr%C3%A9s%20de%206500%20enfants%20ont%20abandonn%C3%A9%20l%20aux%20menaces%20de%20rapatriement%20forc%C3%A9&text=En%20plus%20de%20ces%20abandons,d%27apr%C3%A8s%20des%20sources%20locales.)

charge of the “education” component in the Nduta refugee camp. . The number of students affected has surely increased with the closure of schools in March 2024 as part of the implementation of the roadmap.

The impact of these regular school closures is the delinquency of children and young people deprived of education and condemned to wandering. Forced to suspend studies, without being able to look for a job, hungry and idle young refugees are exposed to all the dangers that threaten youth such as drugs and unwanted pregnancies endangering the lives of families.

4.4. Violations of fundamental rights and stigmatization

In addition to the above-mentioned violations of social and economic rights, Burundian refugees face physical abuse, discrimination and stigmatization. Legal protection for refugees is almost non-existent (often insufficient), leaving many individuals with no legal recourse in the face of various injustices. Tanzanian authorities impose severe restrictions on the movements of refugees, preventing them from leaving the camps in order to access essential services outside the camps.

4.5. Objective of coercitive measures

The closure of schools and hospitals in the camps, combined with the destruction of fields cultivated by refugees, the destruction of small business stands, the ban on leaving the camps and various abuses clearly aim to make their lives unbearable and to push them to accept a “voluntary” return to Burundi. These coercive and inhumane measures constitute serious violations of human rights and underline the urgency of a joint international action to protect the lives of Burundian refugees in Tanzania and preserve their rights. However, the majority of Burundian refugees are resigning themselves to living in these inhumane conditions even though returning to Burundi equates to suicide.

5. SECURITY SITUATION IN BURUNDI

5.1. Continued deterioration of security

According to recent human rights reports published by international NGOs such as Amnesty International, the security situation in Burundi continues to deteriorate. Violence perpetrated by uniformed bodies, SNR agents and members of the ruling party's youth militia Imbonerakure remains a major ongoing concern. Human rights violations, including arbitrary arrests, enforced disappearances, kidnappings and extrajudicial executions, are common and recurrently documented by various national and international organizations.

Burundian Human Rights League ITEKA (Ligue Iteka) and the Forum for Conscience and Development (FOCODE), also publish detailed reports on the serious security situation. According to the Ligue ITEKA report of May 2024, more than 74 people were killed, and FOCODE for its part in its “NDONDEZA” campaign listed more than a hundred people victims of forced disappearance without the perpetrators of these crimes being identified and prosecuted. This climate of impunity encourages violence and reinforces insecurity for civilians, particularly those who are perceived as political opponents.



Photo of some Burundians missing since the 2015 crisis according to reports from Ndondeza campaign

⁹MONTHLY-REPORT-MAY-2024.pdf (ligue-iteka.bi)

¹⁰ #Ndondeza campaign website: www.ndondeza.org

5.2. Treatments of returnees

Burundian returnees face treatment that seriously endangers their fundamental rights, including their right to life. Many of them were arrested without valid reason, tortured or simply disappeared after returning to Burundi. Burundian authorities do not guarantee the safety of returnees, thus exacerbating fear among refugees who are still in Tanzania.

The testimonies of some returnees reveal cases of tragic persecution, which remained unpunished:

- Mbarushimana Emmanuel: Repatriated in 2020, killed the same year.
- Ntwari René Pacifique: Repatriated in 2020, killed in 2021.
- Harerimana Jean Pierre: Repatriated in 2020, killed in January 2021.
- Nyandwi Ferdinand alias Kambayingwe: Repatriated in 2021, killed on November 26, 2022, in Kirundo by the police and the Imbonerakure militia of the CNDD-FDD.
- Christophe Niyonzima: Repatriated, arrested on August 23, 2021, at Masanganzira, between Kirundo and Ngozi, by the military intelligence service and untraceable to this day.

5.3. Violence committed by the Imbonerakure militia

The Imbonerakure militia is often involved in acts of violence against returnees and political opponents. Incidents such as arson of houses belonging to opposition members or returnees, as well as night attacks, are frequently carried out and reported. These violent and targeted actions increase the security risks for refugees who would consider returning to Burundi.

5.4. Lack of justice and accountability

The Burundian judicial system severely lacks independence and efficiency, which allows perpetrators of human rights violations to continue acting with impunity. Victims and their families often have no legal recourse to obtain justice or reparation. This climate of impunity reinforces refugees' fear of returning to a country where their security cannot be assured.

6. DETAILS OF CONCERNS AND POSSIBLE CONSEQUENCES

6.1. International obligations

The forced repatriation of refugees violates the principles of non-pushing back stipulated in the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol. These principles prohibit the forced return of people to places where their life or liberty would be at risk. The 1951 Convention, in Article 33, clearly stipulates that no Contracting State shall expel

or return a refugee to the borders of territories where his life or freedom would be threatened on account of his race, religion or nationality, their membership in a certain social group or their political opinions.

The content of these instruments should be the guide for stakeholders in the management of Burundian refugees in Tanzania so that they benefit from treatment worthy of a human being.

6.2. Humanitarian consequences

The return of Burundian refugees in such an uncertain environment could worsen an already serious humanitarian crisis, exacerbating the suffering of vulnerable populations and increasing pressure on local resources. The already precarious living conditions of Burundian refugees in Tanzanian camps would only get worse with forced repatriations.

6.3. Risks of persecution in Burundi

Burundian refugees, in case they are forcibly repatriated, risk to face various forms of serious persecution, including arbitrary arrests, enforced disappearances and extrajudicial executions. Cases documented above show that several refugees returned to Burundi have been murdered or imprisoned without trial.

6.4. Persecution of whistleblowers

Every time voices are raised to denounce these atrocities, the leaders of the camps supported by the Wasungusungu, a youth group supporting the security agents in the camps, carry out a real manhunt. They arrest anyone suspected of communicating information about the living conditions of refugees. They imprison them in inhumane conditions and subject them to torture before deporting them to Burundi or taking them to unknown places never to be found.

The human rights organizations signatories to this Memorandum deplore the persistence of so many violations of the rights of Burundian refugees in Tanzania. They regret that despite its international commitments, Tanzania continues these inhumane practices and that the UNHCR representation has shown itself incapable to hold the Tanzanian authorities accountable for their international commitments in terms of refugee protection.

7. CONCLUSION

In light of all the above, the signatories of the present Memorandum regret that the Government of Tanzania is stubbornly ignoring its international obligations relating to the protection of refugees.

There equally deplore the complicit silence of the UNHCR representation in Tanzania in the face of the inhuman and degrading treatment inflicted to Burundian refugees. by the Tanzanian authorities

It is important to us to draw the attention of the international community on the cases of death, forced disappearance and arbitrary imprisonment of which refugees forcibly repatriated from Tanzania continue to be victims in Burundi.

It is imperative that all organizations and people who love justice and humanity mobilize to stop the process of forced repatriation of which Burundian refugees in Tanzania are victims.

If Tanzania has decided to deny asylum to the Burundian refugees, UNHCR must take appropriate measures to find them a second country of asylum.

The situation experienced by Burundian refugees in Tanzania puts to shame the whole Africa and shocks the universal conscience.

Signed on August 19, 2024

The 19 signatory organizations:

1. Action des Chrétiens pour l'abolition de la torture au Burundi (ACAT Burundi)
2. Association des Journalistes Burundais en Exil (AJBE)
3. Association burundaise pour la protection des droits de l'homme et des personnes détenues (APRODH)
4. Coalition Burundaise des Défenseurs des Droits de l'Homme (CBDDH)
5. Coalition burundaise des défenseurs des droits de l'homme vivant dans les camps des réfugiés (CBDH/VICAR)
6. Coalition Burundaise pour la Cour Pénale Internationale (CB-CPI)
7. Coalition de la société civile pour le monitoring électoral (COSOME)
8. Collectif des Avocats pour la défense des Victimes de crimes de droit International commis au Burundi (CAVIB)
9. Ensemble pour le soutien des défenseurs des droits humains en danger (ESDDH)
10. Forum pour la Conscience et de Développement (FOCODE)
11. Forum pour le Renforcement de la société civile au Burundi (FORSC)
12. Light for all
13. Ligue ITEKA
14. Mouvement INAMAHORO
15. Mouvement des femmes et filles pour la Paix et la Sécurité au Burundi (MFFPS)
16. Réseau des Citoyens Probes (RCP)
17. SOS Torture-Burundi
18. Tournons la Page-Burundi (TLP-Burundi)
19. Union Burundaise des Journalistes (UBJ)