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Burundi: No justice for victims of the Itaba massacre

Amnesty International condemns in the strongest terms the failure of the Burundian justice system to bring to justice members of the Burundian armed forces responsible for the massacre of between 173 and 267 unarmed civilians, many of them women, children and the elderly, who were deliberately and unlawfully killed in Itaba commune, Gitega province on 9 September 2002.

"Once again it is clear that there is simply no will to hold the Burundian armed forces accountable for their actions and to bring them to justice for gross human rights violations," said Irene Khan, Secretary General of Amnesty International.

Information about the massacre was initially hidden. As details emerged and national and international outrage grew, two army officers accused of being responsible were arrested. However, on 22 February 2003, they were convicted by a military court (*conseil de guerre*) merely of failing to follow orders. They were sentenced to four months' imprisonment and released.

An Amnesty International delegation led by Irene Khan, visited Burundi in September 2002, shortly after the massacre. The delegation met survivors, including a six-year-old girl, herself shot as she ran from her burning home, and the sole survivor of her family, eye-witnesses and others including Burundian human rights groups investigating the killings. The delegation met President Pierre Buyoya and other senior government representatives, who promised that justice would be done.

"Justice, clearly, has not been done. Although we are extremely disappointed about the outcome of the trial, we cannot say that we are surprised," Irene Khan said, "The failure to properly investigate, hold fully accountable and bring to justice members of the armed forces suspected of being responsible for gross human rights violations is almost absolute."

The Burundian authorities initially claimed that the victims had been killed in crossfire between the army and combatants from the *Conseil National pour la Défense de la Démocratie - Forces pour la Défense de la Démocratie* (CNDD-FDD), National Council for the Defence of Democracy - Forces for the Defence of Democracy.

As more details came to light, it became clear that the army was solely responsible for the killings; that CNDD-FDD fighters had already left the area; that the civilian population had been deliberately targeted; and that most of the victims had been shot at point blank range. Others had been shot as they attempted to flee, or burnt alive in houses where they had hidden.

Although the Burundian armed forces had admitted the killings, for reasons that are not clear, the charge of murder was dropped and lesser charges of breaching public solidarity (*manquement à la solidarité publique*) and failure to follow orders (*violation de consignes militaires*) were introduced. Acquitted of the first charge, the officers were found guilty of failing to follow orders on the grounds that

they had failed to give a report of the incident, and that even though they had received orders to fire on combatants in the area it should have been clear that they were firing on an unarmed civilian population. The military prosecutor had reportedly argued that as civilians had been given the order to leave the area whenever combatants were present those who stayed behind were correctly considered as combatants.

Amnesty International calls on the Burundian authorities to:

reopen investigations into the Itaba massacre, to ensure that a full, independent and impartial investigation is carried out, and that all those responsible are brought to justice in accordance with international standards for fair trial, and without recourse to the death penalty;

publicly condemn human rights violations including extrajudicial executions by their forces and to make clear that such violations are criminal offences for which they will be prosecuted;

institute prompt, independent and impartial investigations of all unlawful killings of civilians, to make the findings public, and to bring those responsible to justice in accordance with international standards of fair trial and without recourse to the death penalty;

urgently reform the military justice system.

Background

The Itaba massacre was only one in a series of mass killings by the armed forces in Burundi last year alone. More than 500 unarmed civilians including scores of children were extra judicially executed in 2002. Despite hundreds of such killings each year, very few soldiers even face trial for human rights violations. In the rare prosecutions that do take place, convicted defendants receive disproportionately light sentences, which are not only insulting but serve to reinforce the impunity of the armed forces.

Military jurisdictions are simply not capable of bringing to justice those accused of human rights violations. However, the inherent weaknesses of military courts persist because they are tolerated by the highest authorities who furthermore largely fail to acknowledge or condemn human rights violations by their forces.

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