



**LIGUE BURUNDAISE DES DROITS DE L'HOMME**

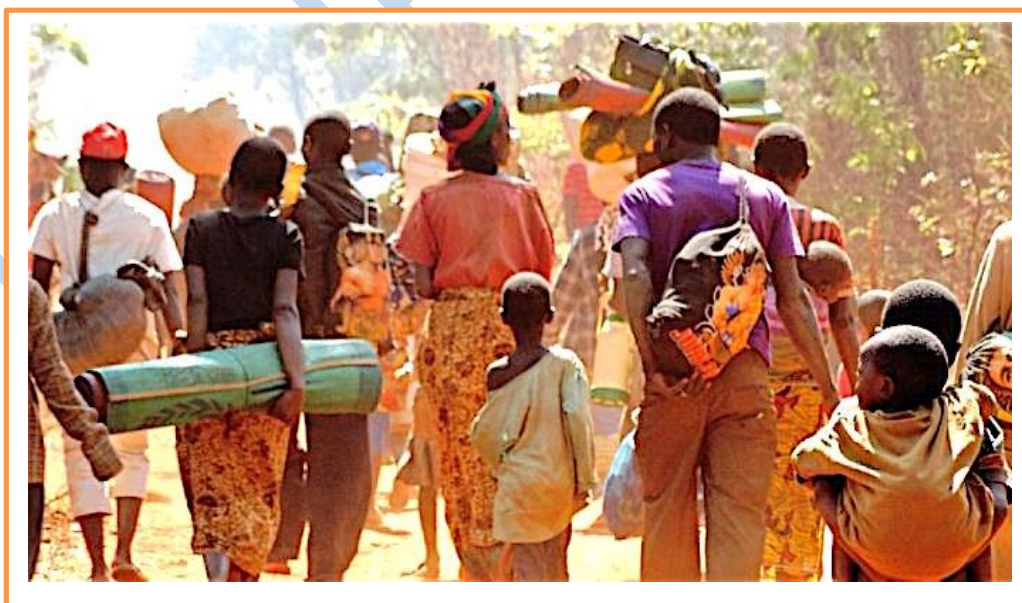
**“ITEKA”** association sans but lucratif

*Agrée par l'ordonnance ministérielle n° 530/0273 du 10 Novembre 1994 revoyant l'ordonnance 550/029 du 6 février 1991*

*Membre affilié de la Fédération Internationale des Ligues des Droits de l'Homme (F.I.D.H)*

## ***ADVOCACY***

### ***RESSETTLEMENT OF BURUNDIAN REFUGEES: A VITAL HUMANITARIAN NEED***



***Burundian refugees in Tanzania***

***September 2023***

*Table of Contents*

<b>0. EXECUTIF RESUME .....</b>	<b>3</b>
<b>I. INTRODUCTION.....</b>	<b>4</b>
<b>I.1 Context and justification .....</b>	<b>4</b>
<b>I.2 Objective of this advocacy .....</b>	<b>7</b>
<b>I.3 Methodology .....</b>	<b>7</b>
<b>II. PRINCIPLES AND CONTEXTS OF REFUGEE RESETTLEMENT .....</b>	<b>8</b>
<b>II.1 Definition of concepts.....</b>	<b>8</b>
<b>II.2 Resettlement contexts and global situation.....</b>	<b>9</b>
<b>III . A VITAL NEED FOR RESETTLEMENT FOR BURUNDIAN REFUGEES FACED WITH MANY CHALLENGES .....</b>	<b>11</b>
<b>III.1 A hostile context for voluntary repatriation .....</b>	<b>11</b>
<b>III.2 Inclusive political and social dialogue: a still distant hope for refugees to return voluntarily .....</b>	<b>14</b>
<b>III.3 Precarious survival in host countries .....</b>	<b>15</b>
<b>III.4 Resettling Burundian refugees who are afraid to return.....</b>	<b>17</b>
<b>VI. Conclusion .....</b>	<b>17</b>

## 0. EXECUTIF RESUME

*The Burundian Human Rights League ITEKA is concerned about the precarious situation of Burundian refugees settled in the sub-Saharan African countries and in particular in the Great Lakes Region since the outbreak of the 2015 crisis.*

*These refugees fled violent repression of political opponents, human rights defenders and thousands of demonstrators who protested the late Pierre Nkurunziza's decision to run for a third term, violating the 2005 constitution and the Arusha Peace Agreement of 2000.*

*Efforts were made by the East African Community in 2016 to resolve the crisis but were unsuccessful. As a result, the crisis bogged down with the promulgation of a new constitution in June 2018 that buried the Arusha Agreement and the 2005 Constitution that stemmed from it, thus ruining the hope of voluntary repatriation for thousands of refugees still living in precariousness in host countries.*

*The 2020 elections brought to power the new President of the Republic, Evariste Ndayishimiye, from the same political party (CNDD-FDD) as his predecessor, Pierre Nkurunziza, who died in June 2020. His speech in favor of respect for human rights had aroused hope for the refugees but three years later, substantial changes have not yet occurred.*

*This is why Ligue Iteka took the opportunity of the celebration of the International Refugee Day on July 20, 2023, under the theme "**Hope far from home**", to draw the attention of the actors of the international community on the precarious situation of Burundian refugees who risk falling into oblivion while they are still caught into two-side harms.*

*On the one hand, most of these refugees continue to face insufficient humanitarian aid in terms of food, health and education, a situation which has been intensified by Covid-19. In some host countries, they face insecurity caused by armed groups and threats of forced repatriation, making opportunities for socio-economic integration impossible.*

*On the other hand, these refugees, tested by exile, would like to return but thousands among them fear the context of insecurity and human rights violations which still prevail in Burundi, especially since the election litigation of 2015 is not yet politically resolved, hence a persistent climate of locking in the democratic space inherited from the third term of the late Pierre Nkuruunziza.*

*Thus, Ligue Iteka would like to advocate, with the empowered actors, in favor of the resettlement of Burundian refugees as a vital humanitarian need in view of the crisis which is lasting in Burundi while the chances of socio-economic integration in the host countries are very limited.*

## I. INTRODUCTION

### I.1 Context and justification

The International Refugee Day on July 20, 2023 was celebrated under the theme “*Hope Far From Home*” and highlighted the need for inclusion for refugees to be able to study, work and lead healthy lives regardless the place where they exiled<sup>1</sup>.

This day arrived when Burundian refugees are still living in large numbers and with difficulty in the Great Lakes region countries, representing a number of 261,200 refugees settled in Tanzania (126,614), in Rwanda (48,788), in DR Congo (44,416) and in Uganda (41382), as of May 31, 2023<sup>2</sup>.

In April 2015 in Burundi, the massive movement of refugees to neighboring countries, mainly those of the East African Community (EAC), was estimated at 400,000 people<sup>3</sup>.

These refugees were fleeing the violence that characterized the repression of political opponents, human rights defenders and thousands of demonstrators who protested the decision of the late Pierre Nkurunziza to seek a third term, violating the 2005 constitution and the Arusha Peace Agreement of 2000. These two texts, which had largely contributed to the return to peace and stability, after a decade of civil war since October 1993, had set up the number of presidential terms at two.

This is how the scale of the crisis, marked by serious and massive human rights violations, led the International Criminal Court (ICC) to open, in November 2017, an inquiry on crimes against humanity possibly committed during the repression of the 2015 demonstrations. In the same logic, on September 30, 2016, the Human Rights Council created a commission of inquiry on human rights violations committed since 2015, a mechanism replaced, in October 2021, by the mandate of a Special Rapporteur. We should indicate, for all intents and purposes, that Burundi refused any cooperation with these mechanisms and, therefore, never allowed the members of the Commission of Inquiry and the Special Rapporteur to go to Burundi.

The dialogue initiated by the East African Community in 2016, under the facilitation of the former Tanzanian president, the late Benjamin Mkapa, was unsuccessful. Indeed, the ruling party CNDD-FDD did not need to dialogue with political opponents and human rights defenders, whom it accused of having led the protest movement against the third term and participating in the military coup attempt which took place in May 2015.

---

<sup>1</sup> HCR, 20 JUNE 2023, Live blog 2023 : World Refugee Day highlights importance of inclusion, Link : <https://www.unhcr.org/fr/news/stories/live-blog-2023-world-refugee-day-celebrates-power-inclusion>, Seen on 21 June 2023

<sup>2</sup> UNHCR, 31 May 2023, Burundi situation, Link : <https://data2.unhcr.org/fr/situations/burundi>, Seen on 21 June 2023

<sup>3</sup> *These countries are Tanzania, Rwanda, Uganda, Kenya and the Democratic Republic of Congo (DRC). South Sudan, which is also a member of this community, has no Burundian refugees.*

As a result, CNDD-FDD unilaterally organized a constitutional referendum in May 2017 which led to a new constitution, promulgated in June 2018. The latter definitively buried that of 2005 and the Arusha Agreement, the violation of which was at the origin of the 2015 crisis.

The situation then bogged down with the launch of the 2020 electoral process on the basis of the new constitution, in a deleterious context of continued violations of human rights, including assassinations, returnees from refugee camps, forced disappearances, torture, rape and arbitrary detention. The results of the elections held in May 2020 were protested, with supporting figures from sample ballots, by the main opposition party CNL, accusing the Independent National Electoral Commission (CENI) of massive electoral fraud.

The changes at the top of the State observed in 2020 initially raised enthusiasm for voluntary repatriation among refugees because the new elected president, Evariste Ndayishimiye, gave a reassuring speech on the respect for human rights and the principles of good governance.

Other factors behind this significant repatriation in 2020 included the poor living conditions of refugees due to the drastic reduction in humanitarian assistance and job losses caused by Covid-19, as well as multiple violations of their rights, mainly in Tanzania and DR Congo.

However, the scale of this repatriation movement has gradually decreased because, as reported by national and international organizations, massive violations of human rights are still observed under the current Gitega regime and some returnees are victims in being killed or imprisoned. Moreover, the democratic space remains closed while political opponents and human rights defenders remain perceived by Gitega's regime as enemies of the nation.

Refugees, who are still afraid to return for their safety, face multiple survival constraints because they are confronted with the continuous violation of their rights in some asylum countries where they live, even under the clear threat of a forced repatriation in violation of the Geneva conventions which should protect them.

Moreover, the vast majority of refugees have not yet achieved their socio-economic integration in the host countries to meet their daily needs of food, health, education for children, employment, etc. or are even prevented from doing so, particularly in Tanzania, the country which hosts the largest number of Burundian refugees. They depend on humanitarian aid which has been in continuous reduction since 2020, particularly following Covid-19 and the war in Ukraine which is disrupting the funding of humanitarian organizations involved in assisting refugees.

Refugees, especially those in Tanzania and DR Congo, live in permanent fear caused by the weakness of their protection by host countries in a context where numerous testimonies attest that members of the ruling party's militia, the Imbonerakure, are infiltrated into their camps.

This advocacy in favor of the resettlement of Burundian refugees highlights their worrying situation including the risk of remaining longer in a situation of exile is aggravated by the election fever of 2025 (legislative elections) and 2027 (presidential elections) which is manifested already through political intolerance and the blocking of democratic space.

This situation is all the more worrying as the 2015 electoral dispute has not yet been resolved, despite the judgment of the Court of the East African Community (EAC) of November 25, 2015, ruling that *"the Constitutional Court of Burundi violated the Constitution of Burundi, the peace agreement signed in 2000 in Arusha as well as the treaty establishing the East African States Community"*<sup>4</sup>.

Considering all these reasons, Ligue Iteka would like through this publication to advocate for the resettlement of Burundian refugees in general and, particularly among them, vulnerable persons. These are particularly the sick who have the consequences of the physical or moral violence suffered in 2015 and after, political opponents, human rights defenders, journalists and demonstrators who, in 2015, have only fought for democracy and the protection of civil and political rights and human rights in general.

---

<sup>4</sup> RFI, September 17, 2022, Burundi: seven years later, a judgment unfavorable to Nkurunziza's third term resurfaces, Link: <https://www.rfi.fr/fr/afrique/20220916-burundi-sept-ans-apres-un-jugement-defavorable-a-un-troisieme-mandat-de-nkurunziza-resurgit>

## **I.2 Objective of this advocacy**

Overall, this advocacy aims to contribute to the resettlement of refugees based in EAC countries who fear for their safety in the event of so-called “voluntary” repatriation.

Specifically, it is a question of sensitizing the empowered actors of the international community on the need for resettlement of the Burundian refugees, confronted with many challenges related to the insufficiency of the humanitarian aid from which they benefit for their survival, in terms of health and education, the insecurity they face and the obstacles to their socio-economic integration in some countries.

## **I.3 Methodology**

The methodology focused mainly on consulting documents published by the United Nations institutions such as the HCR and its partners, as well as the reports of human rights organizations working on Burundi.

Regarding the context of voluntary repatriation, Ligue Iteka has a database on human rights violations, which provides useful statistical data to describe human rights violations in Burundi as well as their extent.

A questionnaire was also sent to refugee representatives in DR Congo, in Uganda and Rwanda to collect information on the resettlement of Burundian refugees.

The document is on two main parts, namely the principles and the context of resettlement of refugees in the world and another part on the vital need for resettlement of Burundian refugees, followed by a conclusion. Both parts are preceded by an introduction which includes the context of this advocacy, objectives and methodology.

## II. PRINCIPLES AND CONTEXTS OF REFUGEE RESETTLEMENT

### II.1 Definition of concepts<sup>5</sup>

#### A. Resettlement

Refugee resettlement is a procedure for the voluntary, safe and regulated transfer of people in need of international protection from the country where they are registered with HCR or host government authorities to another country that has agreed to admit them as refugees. They have the right to citizenship in their new country and therefore have the right to work, study, access health care and other social services and benefit from the support necessary to integrate into the local communities.

#### B. Family reunification

Family reunification for refugees is a process of reuniting family members living in different countries. As a result, a member of a family recognized as a refugee or holder of complementary protection by the country in which he lives can ask his family to join him in that country.

Family members eligible for family reunification depend on the country in which the refugee has settled. Most national laws allow spouses, parents of minor children and dependent children to reunite with the (resettled) refugee in his host country. In some countries, other dependent family members may also apply. Eligible family members are often referred to as "applicants." Specific deadlines and procedures apply depending on the country in which the refugee resides.

#### C. The institutional framework for resettlement

- *The HCR*

HCR identifies people who may be in need of resettlement and interviews them to gather information that will be required by a resettlement country. However, the final decision on whether or not to accept a person for resettlement as a refugee is made by the government authorities of the resettlement countries and not by HCR.

The criteria taken into account are the risks that the refugee faces if he return to his country: threat to his life, freedom or physical security, or other serious violations of human rights. These risks are assessed when responding to the specific needs of individuals and families, taking due account of the local context, availability of legal and physical protection, accessibility of appropriate services, prospects for safe return security in their country of origin and the principle of family unity.

---

<sup>5</sup> HCR, Frequently Asked Questions, link : <https://help.unhcr.org/faq/fr/how-can-we-help-you/reinstallation> (visited on 22 April 2023)



- *Additional admission pathways*<sup>6</sup>

These are existing admission pathways for which refugees who meet the required admission conditions can benefit from operational adjustments to facilitate their access. For example, there are humanitarian admission pathways, private or community sponsorship programs, or even humanitarian visas allocated to people in need of international protection.

## **II.2 Resettlement contexts and global situation**

### **A. Global refugee resettlement needs**

According to HCR's June 2022 forecast, the global refugee resettlement needs were estimated at 2 million refugees during the year 2023. This was announced during a press conference held by the by HCR spokesperson, Shabia Mantoo on June 21, 2022 at the Palais des Nations in Geneva<sup>7</sup>.

This figure represented a 36% increase rate for 2023 compared to the resettlement needs identified in 2022, i.e. 1.47 million. This increase was attributed to the humanitarian consequences of the Covid-19 pandemic, the increase in prolonged refugee crises and the emergence of new forced displacement crises over the previous year.

Of all resettlement requests submitted by HCR in 2021, 37% were for people with legal and physical protection needs, 32% were survivors of violence and/or torture and 17% were women, adolescents or children at risk.

---

<sup>6</sup> HCR, June 2019, THE THREE-YEAR STRATEGY (2019-2021) on resettlement and additional pathways for admissions, Link:<https://www.unhcr.org/fr-fr/media/rapport-sur-la-strategie-2019-2021-sur-la-reinstallation-et-les-voies-complementaires> (visited on 24 April 2023)

<sup>7</sup> HCR, 21 June 2022, Global refugee resettlement needs to rise sharply next year, according to HCR, Link : <https://www.unhcr.org/fr/actualites/briefing-notes/les-besoins-mondiaux-en-matiere-de-reinstallation-de-refugies-vont>, (Visited on 25 April 2023)

## B. Distribution of needs per continent and country: forgotten Burundian refugees

In 2023, the majority of needs were expected to come from countries of asylum on the African continent, with some 662,012 refugees hosted there expected to be resettled. This was followed by the Middle East and North Africa (463,930) and Turkey (417,200).

Per country of origin, Syrian refugees (approximately 777,800) represent the population with the greatest resettlement needs globally - for the seventh consecutive year - given that the Syrian crisis remains the largest refugee crisis in the world.

Refugees from Afghanistan, who have been uprooted during different periods of the country's turbulent history, are estimated to occupy the second place in terms of resettlement needs worldwide (around 14% of needs, or some 274,000 people).

They are followed by refugees from the Democratic Republic of Congo (10%, or some 190,400 people), South Sudan (117,600 people) and Myanmar (more than 114,000 people, mainly stateless Rohingya).

Obviously, Burundian refugees are forgotten despite the numerous security and humanitarian challenges they have faced since the 2015 crisis, especially as the possibilities for voluntary repatriation are reduced with the continuing scale of human rights violations in Burundi.

### **III . A VITAL NEED FOR RESETTLEMENT FOR BURUNDIAN REFUGEES FACED WITH MANY CHALLENGES**

It emerges from the previous point that Burundian refugees are not among the priorities of HCR and its partners for resettlement.

A questionnaire sent by Ligue Iteka to refugee representatives in Rwanda, Uganda and DR Congo on possible cases of refugee resettlement indicates that those who have already benefited from this service are still very limited in number.

And yet, these refugees run great risks for their safety if they return to their country at the same time as their situation has become untenable in the host countries, as well as for their safety and their other fundamental rights, as shown above.

#### **III.1 A hostile context for voluntary repatriation**

During a press conference held in Brussels in May 2023, the UN Special Rapporteur on human rights in Burundi, Mr. Fortuné Gaétan Zongo, declared that "*Over the years, Burundi is in becoming a forgotten crisis*".

According to him, "*It is difficult to claim normalization, lasting peace if justice lacks independence and impartiality, if thousands of Burundians continue to live in exile, if civic space does not allow civil society organizations, the media, political parties to work independently and that journalists are imprisoned for doing their job*".<sup>8</sup>

Thus, the lack of attention paid to the Burundian crisis by the international community has a negative impact on the fate of refugees who are gradually left to themselves. Indeed, the coming to power of a new president in 2020 in Burundi, following an election characterized by a process marked by violence and contested results, was an opportunity for the authorities to relaunch international cooperation without initiating substantial reforms in terms of good governance, the principles of democracy, respect for human life and other human rights.

As a result, the same causes that pushed thousands of Burundians to exile in 2015 are still producing similar effects on hundreds of thousands of refugees who are still afraid of returning for their safety, returnees who are returning to exile and Burundians who still opt for exile or are only prevented from doing so by the grid of the country and the borders and by the ruling party militia.

---

<sup>8</sup> United Nations, 24 May 2023, Burundi: A UN expert calls for national reconciliation and the rehabilitation of the Arusha agreement, Link: <https://www.ohchr.org/fr/press-releases/2023/05/burundi-un-expert-calls-national-reconciliation-and-revival-arusha-agreement>

Some illustrations highlight this worrying situation:

- a) Ligue Iteka published a comparative report between the last five years of the regime of the late Pierre Nkurunziza (2015-2020) and the three years of the regime of his successor Evariste Ndayishimiye (2020-2023) in terms of human rights violations.

Thus, under Pierre Nkurunziza's regime, from April 25, 2015 to June 29, 2020, Ligue Iteka documented 2,292 persons killed including 626 corpses, 564 people abducted or reported missing, 1027 people tortured, 11,152 people arbitrarily arrested as well as 263 people victims SGBVs.

Under Evariste Ndayishimiye's regime, from June 18, 2020 until April 25, 2023, Ligue Iteka documented 1748 people killed including 755 corpses, 133 people abducted, 198 people tortured, 1920 people arrested as well as 348 people victims of SGBV

The observation is that despite the reassuring speech of President Evariste Ndayishimiye on the respect of human rights, the reality is that the violence is rather increasing<sup>9</sup>.

- b) On July 3, 2023, the Burundian delegation left the United Nations Human Rights Committee which was going to examine the implementation of civil and political rights in Burundi. The reason given by the delegation, which included ministers, the public prosecutor of the Republic, police officers and senior administrative officials, was the presence of human rights defenders in exile, considered as criminals sentenced in Burundi by the delegation, including Armel Niyongere, Acat Burundi Organization Chairperon and Secretary General of SOS-TORTURE BURUNDI<sup>10</sup>. This incident is a sufficient evidence that human rights defenders in exile remain in the crosshairs of the Burundian authorities more than 7 years after the outbreak of the crisis in 2015.
- c) On May 2, 2023, the journalist Floriane Irangabiye, who had recently returned from Rwanda, was sentenced to 10 years in prison by a judge of the Court of Appeal. She was wrongly accused of complicity with armed groups and serving as a spy for Rwanda, where she had lived for 12 years.
- d) On February 14, 2023, five human rights defenders, whose organizations were partners of the NGO "Avocats Sans Frontières" were arrested, wrongfully accused of "undermining the internal security of the State", of "rebellion" and "undermining

---

<sup>9</sup> Ligue Iteka, HOW GENERAL NDAYISHIMIYE EVARISTE'S REGIME DIFFERS FROM THAT OF THE LATE PIERRE NKURUNZIZA ON SECURITY AND HUMAN RIGHTS: PERIOD FROM APRIL 25, 2015 TO APRIL 25, 2023, <https://ligue-iteka.bi/wp-content/uploads/2023/05/Rapport-avril-2015-avril-2023.pdf>

<sup>10</sup> [https://sostortureburundi.org/wp-content/uploads/2023/07/Bulletin\\_Justice\\_N060\\_31-07-2023.pdf](https://sostortureburundi.org/wp-content/uploads/2023/07/Bulletin_Justice_N060_31-07-2023.pdf)

the proper functioning of the national economy". They were released on April 27, 2023 by a court after a national and international outcry.

These arrests are clear signs of the blocking of democratic space by the President Evariste Ndayishimiye's regime despite his reassuring speech on the respect of human rights but which is not followed by effects.

Such an already worrying situation could worsen with the election fever of 2025 (legislative elections) and 2027 (presidential elections) which is already manifested by the climate of political intolerance towards the main opposition party CNL (National Congress for Freedom) which is the first target<sup>11</sup>.

In December 2021, the online newspaper BURUNDI SOS-MEDIAS already reported that officials of the Kakuma camp (northwestern Kenya) were receiving former Burundian refugees who had been repatriated. According to this medium, most of these new asylum seekers were young people, mainly members of the CNL party or former students. They said they were persecuted once they arrived in Burundi, or that they were watched for every movement on their hill of origin<sup>12</sup>.

Even more worrying, the next political competition promises to be difficult at a time when the 2015 electoral dispute has not yet been settled, in particular by the political dialogue so much claimed by many Burundians but to which the authorities always refused to comply.

Furthermore, on November 25, 2021, the Court of Justice of the East African States Community (EAC) ruled that in 2015, "*the Constitutional Court of Burundi violated the Constitution of Burundi, the peace agreement signed in 2000 in Arusha as well as the treaty establishing the East African States Community*"<sup>13</sup>.

However, the opponents to the third term of the late Pierre Nkurunziza, among whom are leaders of political parties and human rights defenders in exile, remain under arrest warrants even though they have only defended the Constitution and the Arusha Peace Agreement. Also for this same reason, the media and civil society organizations are still suspended or banned.

For the moment, nothing indicates yet that President Evariste Ndayishimiye, despite this judgment of the EAC, has changed his mind compared to what he affirmed in his speech at the 8<sup>th</sup> summit of Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) on November 20, 2020. In fact, he asked "*all countries,*

---

<sup>11</sup> IWACU, 13 June 2023, CNL asphyxié ?, Link : <https://www.iwacu-burundi.org/le-cn1-asphyxie>, visited on 14 June 2023

<sup>12</sup> Sos-Médias Burundi, 14 december 2021, Kakuma (Kenya) : recently repatriated Burundians are returning to exile, Link : <https://www.sosmediasburundi.org/2021/12/14/kakuma-kenya-des-burundais-recommment-rapatRIES-reprennent-le-chemin-de-lexil>, seen on 21 June 2023

<sup>13</sup> RFI, 17 september 2022, Burundi : seven years later, a judgment unfavorable to Nkurunziza's third term resurfaces, Link : <https://www.rfi.fr/fr/afrique/20220916-burundi-sept-ans-après-un-jugement-défavorable-à-un-troisième-mandat-de-nkurunziza-resurgit>

*neighboring and distant, which host the putschists to kindly hand them over to the Government of Burundi so that 'they are brought to justice'.* He mentioned the Pact on Security, Stability and Development in the Great Lakes Region<sup>14</sup>. Since he has been in power for three years, many demonstrators in favor of respect for the Constitution and the Arusha Peace Agreement are still in prison.

This hostile climate for refugees who demonstrated against Pierre Nkurunziza's third term is one of the important factors which has a negative impact on their voluntary repatriation. Hence, as already mentioned above, three years after President Evariste Ndayishimiye came to power in June 2020, there are still 261,200 Burundian refugees in Tanzania, Rwanda, DR Congo and Uganda as of May 31, 2023<sup>15</sup>. These refugees found in the Great Lakes region countries are added to tens of thousands more, spread across several countries, including Eastern and Southern African countries, namely Kenya (16,000), Mozambique (8,700), Malawi (10,800), South Africa (8,800) and Zambia (8,100), who are assisted under respective national programs. Furthermore, 42,200 Burundian refugees, who have lived in Tanzania for decades, no longer receive assistance and are not included in these figures.

### **III.2 Inclusive political and social dialogue: a still distant hope for refugees to return voluntarily**

On 12 September 2022, a delegation from the Government of BURUNDI visited Burundian refugees in RWANDA for the purpose of asking them to return to their country.

This meeting took place, as well as in Kigali and in other centers hosting refugees, in the presence of Representatives of the Government of RWANDA and the United Nations High Commissioner for Refugees.

The refugees invited to the debates expressed complaints and the conditions for their voluntary repatriation, including the relaunch of dialogue on resolving the effects of the 2015 crisis, but the delegation said it was unable to respond to these complaints. The refugees then developed an advocacy document intended for high authorities including the President of the Republic and his close collaborators.

A report of the meeting was thus drawn up and included all the complaints and conditions expressed by the participants in the various meetings so that they could accede to the Government's request to see them return to BURUNDI.

---

<sup>14</sup> Presidency of Burundi, Speech by H.E. Evariste Ndayishimiye, President of the Republic of Burundi during the 8<sup>th</sup> summit of Heads of State and Government of the ICGLR, November 20, 2021, <https://www.presidence.gov.bi/wp-content/uploads/2020/11/ICGLR-PRONONCE.-1.pdf>, seen on 21 June 2023

<sup>15</sup> UNHCR, 31 May 2023, Burundi situation, Link : <https://data2.unhcr.org/fr/situations/burundi>, Seen on 21 juin 2023

Recommendations to improve repatriation conditions include:

- *Inclusive political and social dialogue (**Government, political actors, apolitical actors**), the opening of the political space and rehabilitation of political parties and civil society associations unjustly banned or divided.*
- *Increase meetings between the Government and refugees in countries hosting refugees to better understand their situation and create a climate of mutual trust (**Government, UNHCR, Host country**)*
- *Apply the judgment of the Appeals Chamber of the Court of Justice of the East African States Community for a return to constitutional legality and effective democracy (**Government, Regional Initiative for Peace in Burundi , Guarantors of the Arusha Agreement**)*
- *Prosecute the perpetrators of human rights violations and crimes against humanity (**Government, International Criminal Court**)*
- *Immediate release of political prisoners and prisoners of conscience and end arbitrary arrests and detentions as well as other illegal actions of the National Intelligence Service (**Government**)*
- *Stopping the paramilitary activities of the Imbonerakure, disarming these militiamen and punishing all forms of violence (verbal and physical) of which they are guilty (**Government, CNDD-FDD Party**)*
- *Stop and sanction the broadcast of speeches, teachings and radio and other media broadcasts advocating hatred, division, stigmatization of part of the Burundian population on ethnic and political criteria (**Government, political parties**)*
  
- *Review the composition and missions of the C.V.R. to make them consistent with the spirit and letter of the Arusha Agreement for Peace and Reconciliation, extend its powers to the 2015 events and subsequent years (attempted coup, repression and their consequences) for more transitional justice effective in the reconciliation line (**Government, C.V.R.**)*

### **III.3 Precarious survival in host countries**

A study carried out by the organization ACAT-Burundi in 2021 on the situation of refugees in five Great Lakes region countries highlighted the challenges that Burundian refugees face.<sup>16</sup>

The study highlights the fact that funding for humanitarian aid for Burundian refugees in all asylum countries has never been sufficient since the crisis started in 2015 with a negative impact on refugees living conditions.

Then, the Covid-19 pandemic further deteriorated these living conditions especially for urban refugees who lost their jobs in large numbers and led to the reduction of food aid for refugees residing in camps.

---

<sup>16</sup> Acat-Burundi, June 13, 2022, Burundian refugees: differentiated application of conventions by asylum countries in the sub-region

Thus, the major difficulties faced by these refugees are insufficient food, difficult access to health care, employment and education.

Concerning security, Burundian refugees in Tanzania are particularly subject to multiple forms of pressure aimed at forcing them to return, including acts of attack on their physical security and freedom, in violation of the principle of voluntary repatriation guaranteed by the texts governing refugees. In the DRC, refugees face the threat of armed groups in South Kivu, including the IMBONERAKURE militia.

The country where refugees are most mistreated is Tanzania. The organization CBDH-VICAR considers this country as the first in the region where refugees are the most mistreated and victims of killings, abduction, extradition, forced disappearances with a total of 54 refugees victims of forced disappearance between 2019 and 2020. The National Intelligence Service (SNR) are reported in the camps where they go to force refugees to return by force.

In Uganda, Burundian refugees are also complaining about their safety. In a correspondence that the refugee representative addressed to the Prime Minister's office, dated March 5, 2023, he mentioned situations of insecurity that Burundian refugees face such as cases of murders, disappearances, imprisonments and attacks on homes.

*This is how they provided the example of Christian Itangishaka, who was killed by a security guard in Kampala in February 2023. He left a wife and two children.*

*Another refugee, Jururyimana Patrick, registered at Nakivale refugee camp, disappeared on February 12, 2023 and was found dead three days later. The investigations did not lead to the identification of the criminals.*

*In December 2022 a Burundian refugee called Fabrice NICKNAME SOLOSI, residing in Kosovo Lunguja parish in Lubaga division of Kampala city, was shot dead at his home by a Ugandan police officer while returning home from his daily job as Burundian drummer. His relatives and friends did not yet have any information about his death and the punishment of who killed him.*

In DRC, cases illustrating the insecurity faced by Burundian refugees are linked to the presence of armed groups which constitute a permanent threat. For example, in November 2021, two attacks were perpetrated against Burundian refugees in Lusenda Camp. The first took place on the night of November 19 to 20, 2021 and was carried out by Mai Mai armed groups during which a Burundian refugee was seriously injured. Previously on the night of November 14 to 15, 2021, the camp was attacked by the same alleged armed groups who stole around thirty cows.

In terms of resilience and inclusion in host countries, even if the ACAT Burundi study mentions isolated cases of refugees achieving financial empowerment, mainly in Rwanda and Uganda, the majority of refugees are still depending on humanitarian aid which cannot



cover their needs, which explains why a significant number of them have opted since 2017 for voluntary or forced repatriation despite the risks they run. This repatriation movement was accelerated following the political changes of June 2020 in Burundi before decreasing. For example, in August 2021, the Nakivale refugee camp in Uganda registered more than 5,000 new Burundian refugees.

#### **III.4 Resettling Burundian refugees who are afraid to return**

The voluntary repatriation movement observed when the current president came to power in 2020 has significantly decreased for reasons linked to the socio-political and security context which has not yet been resolved in Burundi.

Consequently, for a significant number of refugees, returning to the country is not envisaged in the short and medium term because they consider that the situation which is the basis of their exile has not changed.

As opportunities for social and economic inclusion are limited in host countries, or even intentionally denied to Burundian refugees in some host countries, one of the ways to resolve their situation is resettlement in countries that could offer them opportunities for sustainable social and economic reintegration like other refugees who benefit from this service around the world.

Certainly, cases of resettlement of Burundian refugees have been observed according to representatives of Burundian refugees in Rwanda, Uganda and DR Congo but they agree on the fact that the cases are still very limited compared to other refugees such as those from DR Congo, Sudan, Somalia and Ethiopia.

Regarding the criteria taken into account for those who were resettled, respondents to the Ligue Iteka questionnaire report that they do not know them. However, they believe that the files are analyzed on a case-by-case basis.

As for their preference on the categories of refugees to be prioritized for resettlement, respondents to the questionnaire are unanimous in considering that priority should go to the seriously ill, unaccompanied children and young people, political opponents and human rights defenders. As for the most preferred countries, they suggest Canada, the United States and Australia.

These wishes of Burundian refugees who are afraid to return should have a favorable response from countries and international institutions that can intervene on their behalf as long as the Burundian socio-political climate remains hostile to their repatriation.

#### **VI. Conclusion**

Burundi is still shocked from the 2015 crisis despite the few voluntary repatriations of Burundian refugees observed after the 2020 elections.

There are still damning reports of human rights violations in Burundi in terms of assassinations, enforced disappearances, torture, gender-based violence against girls and women, and other cruel punishment or treatment, inhuman and degrading.

Moreover, the electoral prospects of 2025 and 2027 already promise to be difficult given the acts of harassment of political opponents and the blocking of democratic space, a situation which does not reassure refugees still in exile and in particular political opponents and human rights defenders or those considered for demonstrating in 2015 against the third term of the late Pierre Nkurunziza.

Meanwhile, the living conditions of refugees still in exile are deteriorating, particularly in countries where they face reductions in humanitarian aid and in some countries like Tanzania where they remain at the mercy of the Imbonerakure militiamen who easily infiltrate the camps. In this country, they also face pressure from the authorities for forced repatriation, assassinations, enforced disappearances and arbitrary arrests, and in the DRC where they remain under threat from armed groups.

And as opportunities for inclusion are limited in host countries, the resettlement of these refugees, following objective criteria of vulnerability, constitutes an appropriate and lasting solution to their precarious security and socio-economic situation.

The support of actors from the international community, in particular the HCR and its partner countries for the relocation of refugees, remains essential to implement this alternative solution to forced or unsustainable repatriation, with returnees finding themselves forced to flee again.