



REPORT ON HUMAN RIGHTS VIOLATIONS DURING THE EXPULSION OF BURUNDIANS LIVING IN TANZANIA

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Executive Summary

Since June 2006, Tanzania has been implementing a national plan for the repatriation of refugees from Tanzania. In this framework, persons without refugee status or any other legal status in Tanzania have been forcibly removed from Tanzania. This year, more than 4000 Burundians have been expelled from Tanzania, mainly from Ngara district towards Muyinga province. As an international NGO present in Muyinga, the Norwegian Refugee Council (NRC) took the initiative to interview expelled persons, enquiring about their stay in Tanzania, the conditions in which they were expelled and their return intentions, if any, prior to their expulsion.

Many Burundians have been living in Tanzania for several years, very often without having regularized their stay. Some fled Burundi in 1972 because of armed conflict or in fear of persecution. They have prima facie refugee status in Tanzania. Others fled later conflicts in 1988 and 1993, while many more moved to Tanzania because of food insecurity, land shortages or for other socio-economic reasons. Some have founded families with Tanzanian citizens or have bought plots of land.

Tanzania has an undeniable right to expel illegal aliens. However, during the expulsions, a pattern of human rights violations has been documented. Several cases have been recorded of Burundians being expelled with children, born in Tanzania of one Tanzanian parent. According to the Tanzania Citizenship Act, these children have Tanzanian citizenship. Several families have been separated, with the Tanzanian partner remaining in Tanzania. Burundians who had acquired land or other belongings have not been able to sell their land or to take their belongings with them to Burundi. Some people have been beaten or ill-treated during their expulsion and have been expelled without notice. Also some cases have been documented of unaccompanied minors being expelled.

The NRC recommends that the Burundian authorities take a more proactive approach towards this trend of continuing expulsions of its citizens. More regular diplomatic and political contacts should allow Burundians in Tanzania the opportunity to better prepare for their sudden reintegration into Burundi, to sell their land or other belongings or, alternatively, to return to Burundi with their possessions. The Burundian authorities should prepare durable reintegration for expelled persons, in particular for those who have no place to go or have no access to land.

The Tanzanian authorities should respect legal procedures when expelling Burundians and offer the possibility of having asylum claims screened prior to an expulsion. The NRC also recommends that the principle of family unity for mixed couples be respected and that persons with a valid claim to Tanzanian citizenship, according to the Tanzanian legislation, be provided with national identity documents. Tanzania should also facilitate local integration of long-term Burundian residents and refugees.

The humanitarian community in Burundi should guarantee similar levels of assistance to expelled persons as to returnees, and, in particular, include expelled persons on beneficiary lists of war-affected or destitute. Vulnerable expelled persons should be included in aid programmes within their return communities. The NRC also recommends that vulnerable people in Muyinga province, who live in food insecurity, continue to receive humanitarian assistance.

Introduction

After many years of civil war, Burundi is coming out of a deep crisis. The period of conflict had considerable negative effects on the country, especially on the human level, causing a significant displacement of the population within as well as outside the country. At the end of 2003, more than 800 000 Burundians were refugees in Tanzania. It is worth pointing out that amongst these, 350 000 had left the country in 1993, about 200 000 since 1972 and another 270 000 were dispersed in different villages and towns of Tanzania. Other Burundians went in exile in other countries in Africa, Europe and elsewhere in the world.¹ According to UN estimations from mid-2003, about 281 000 IDPs were living in “sites” (IDP camps).²

The improvement in the security situation in the country has, as a consequence, encouraged the return process of Burundian refugees living in Tanzania as well as a considerable number of IDPs.

Since 2002, UNHCR has facilitated the voluntary repatriation of refugees returning from Tanzania to Burundi. Spontaneous returnees also returned to Burundi by their own means. The current estimations indicate that 400 000 Burundians are still present in Tanzania, amongst which about 200 000 are in refugee camps and the others are dispersed in villages.

On June 20, 2006, the promotion of repatriation began. At the same time, Tanzania began to exercise pressure on Burundians and Rwandans living outside refugee camps, very often as illegal residents. Since the month of July, within the framework of the Tanzanian plan for the repatriation of refugees living in Tanzania, people without refugee status or other right to stay in Tanzania, have been expelled from the country. In 2006, more than 4000 Burundians were expelled from the District of Ngara in Tanzania to Muyinga province.³ These people are added to the considerable numbers repatriated in the few last years, but their return to Burundi has the particularity of being effected in an impromptu and unprepared manner and has often been accompanied by violations of their fundamental rights.

The Norwegian Refugee Council (NRC) interviewed some of those expelled in order to learn of the conditions of their expulsion. This report principally deals with the aspects related to the respect of the fundamental rights of those expelled, before, during and after their expulsion. It is not the purpose of this report to give a detailed account of the expulsions, nor to describe the developments in the organization of assistance in Burundi.

The present report is principally based on testimonies collected by NRC trainers at the field level and on information obtained via local partners such as PARESI⁴ and the Burundi Red Cross.

¹ UNHCR, Operations Plan, Burundi, 2004

² Profile of Internal Displacement: Burundi, Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council (as of 26 March 2004). Available at <http://www.idpproject.org>.

³ PARESI, 20 November 2006. More recent expulsions were also documented in the province of Cankuzo, also shares border with the District of Ngara.

⁴ PARESI: Project d'Appui au Rapatriement et a la Réintégration des Sinistrés.

Background

Muyinga province is located in the North of the country and is bordered by Tanzania in the East and Rwanda in the North. It is adjacent to the provinces of Kirundo in the North-West, Ngozi in the West, Cankuzo in the South-East and Karuzi in the South-West. The Kobero border crossing point (Butihinda commune) on RN6 is the most important crossing point between Burundi and Tanzania.

Muyinga province is one of the provinces that was most affected by the socio-political crisis that struck Burundi since 1993. The crisis caused a massive displacement of populations towards Tanzania and Rwanda as well as towards IDP sites within the country. Out of about 45 000 Burundian refugees living in the refugee camps of Lukole around Ngara, more than half are from Muyinga.⁵

During the years, many other Burundians have settled in Tanzania for socio-economic reasons, often in the district of Ngara, bordering Muyinga and Rwanda. It should be noted that Muyinga province has experienced serious food security problems in the past few years. A significant part of the population continues to live in a very precarious food security situation.

Besides economic emigrations, large waves of displacements took place in 1972, in 1988 during the events in the communes of Ntega (Kirundo) and Marangara (Ngozi) and since 1993. Among these people who left Burundi for Tanzania, some settled in refugee camps whereas others have settled in villages where they have integrated, and have even begun a family, with Tanzanian citizens.

Since 2002, more than 65 000 repatriates have returned to Muyinga province, which is also an important entry point for repatriation from Tanzania or Rwanda towards other Burundian provinces.⁶

From the second half of 2006, a significant wave of expulsions began, targetting Burundians and Rwandans settled in Tanzania and who are considered by Tanzanian authorities as illegal immigrants.

The testimonies collected by NRC show that most of those expelled were living outside of the Tanzanian refugee camps. They had settled in Tanzania, where they had their own homes, plantations, livestock. Some of them were married to Tanzanians. Some of them were living in Tanzania without having regularized their residence status either as refugees *prima facie* or as residents.

It is indisputable that the Tanzanian authorities have the full right to expel from their territory any foreigner living irregularly in the country, in conformity to international law and to national⁷ regulations. However, the testimonies highlight human rights violations in several cases of expulsions.

Furthermore, those expelled were less prepared for their integration in Burundi when compared to regular returnees who are able to individually decide when and where to return to the country, and who receive assistance upon return.

⁵ UNHCR, May 2006

⁶ Repatriation statistics, UNHCR, 13 November 2006

⁷ Important documents are notably the *Tanzanian Citizenship Act*, No.6, 1995 and the *Refugees Act*, 1998

Burundians living in irregular situations according to the Tanzanian authorities found themselves expelled with no prior notice nor respect of formal expulsion procedures. They were expelled simply because they did not live in refugee camps but in villages, and without taking into consideration the reasons why they had left Burundi. The arrival in Burundi of a great number of expelled people as of August 2006 caused a humanitarian situation which was difficult to manage. The expelled persons cross the Burundian border near the Kobero border point, often without their belongings, and sometimes having been beaten by the local police.

What is remarkable is that this wave of expulsions was carried out almost exclusively at the border between Muyinga province and the Tanzanian district of Ngara. Other bordering provinces like Ruyigi and Makamba which also have many of their populations living in Makamba were only rarely confronted with individual cases of expulsions.⁸

Faced with this new phenomenon, many organizations committed to assist these victims, soliciting the collaboration of the provincial and communal administrations.

The Burundian Red Cross established a Transit Camp at Kinazi (Muyinga commune), 5km from the Kobero border, to welcome the expelled before they are relocated to their communes of origin. Those admitted to the transit center usually have to spend 2-3 days there prior to being transferred in their communes of origin. The Burundi Red Cross received funding from CERF⁹ and directly from the German Red Cross.

PARESI is responsible for the transfer of the expelled to their communes of origin. They receive an "attestation of acknowledgement" a return package from PARESI.

NRC Activities

It is within this framework that NRC took the initiative to interview the expelled people immediately after their arrival on Burundian soil. This action had several objectives:

1. On the basis of thorough interviews (15-20 min. according to interview format), document the living conditions in Tanzania and the circumstances of the expulsions;
2. Orient and inform those concerned with regard to the welcoming and reception structures in Burundi in order to facilitate their integration in the country;
3. Identify the cases of expulsions of persons with refugee status;
4. Advocate for better reception and assistance in Burundi for those expelled, and for a cessation of human rights violations in Tanzania during the expulsion of individuals deemed as irregulars.

During this exercise, NRC did not interview all the people expelled but only spoke with a sample, and when possible, immediately upon their arrival on Burundian soil. NRC was not responsible for registering expelled people at the Kinazi Transit Center, but recommended the reception of some people deemed to be victims of expulsion.

⁸ See PARESI Statistics

⁹ *Central Emergency Response Fund*

Between the end of August and the end of September, the trainers of the NRC ICLA¹⁰ program had interviewed about a hundred individuals who visibly were expelled. The majority of these interviews took place near the Kinazi Transit Center. During these interviews, questions were asked on the reasons that had driven them to leave Burundi, their living conditions in Tanzania, the conditions of their expulsion and their perspectives for the future in Burundi. The interview format is attached to this report.

In the first stage, the interviews also helped to identify speculative claims by people from the surrounding hills who were presenting themselves as having been expelled in order to receive some assistance. By the end of October, the reliability of the testimonies could no longer be guaranteed due to the preponderance of claims by the local population hoping to receive assistance. High numbers of people living in neighboring hills presented themselves at the Kinazi Transit Center pretending to have been expelled from Tanzania. Though this was not the case, they continued to answer as if it were true during surveys carried out by NRC agents. Burundi Red Cross volunteers were then trained in interviewing techniques and in human rights and NRC stopped the interviews.

NRC was also involved, with other partners (Burundi Red Cross, PARESI, OCHA), in the coordination of welcoming and assisting, and protecting the rights of those expelled.

NRC was not able to carry out any investigations in Tanzania.

¹⁰ *Information, Counseling, Legal Assistance*

Legal Framework

According to the Convention on the status of refugees of July 28, 1951, a refugee is a person who fears persecution due to his/her race, religion, nationality, belonging to a certain social group or due to his/her political opinions. Furthermore, according to the Convention governing the aspects related to the problems of refugees in Africa¹¹, "the term "refugee" shall also apply to every person who, owing to (...) events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality." These provisions were incorporated in the Tanzanian Refugee Act (Act No. 9, 1998). This implies that each Burundian who has left his country because of the conflict or because of well-founded fear of persecution is a refugee in Tanzania. Individual refugee status determination not being possible, the individuals have benefited from the *prima facie* refugee status, no matter if they reside in a refugee camp or live dispersed in villages in Tanzania.

The principle of non refoulement is generally acknowledged as an essential provision of refugee rights and is found in article 33(1) of the Convention of 1951.¹² It states the right of an individual not to be sent back by force to a country where his/her security or survival could be threatened. It follows that Tanzania cannot refuse international protection to individuals who have fled Burundi for fear of persecution or armed conflict.

Other people have left Burundi for socio-economic reasons and cannot be considered as refugees. They were under an obligation to regularize their stay in Tanzania.

Like every sovereign country, Tanzania has the right to expel foreigners who are found in irregular situation on its territory. However, the expulsion must respect the procedures established by the law and must be done in the strict respect of the individual's rights and fundamental liberties. But, it is observed from the testimonies collected that certain human rights were violated during the expulsion of Burundians.

Those expelled, and from whom NRC collected its testimonies, were sometimes submitted to ill treatment. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984, Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Pact Related to Civil and Political Rights all prescribe that no-one shall be submitted to torture nor to cruel, inhuman and degrading punishments or treatments.

Those expelled were, in most part, deprived of their property, their belongings were looted and destroyed whereas international texts, such as the Universal Declaration of Human Rights (Article 17), stipulate that each individual has the right to property and that no-one can be deprived of their property. Even if Tanzania wants to expel persons in irregular situations, a certain period should be given so that they can organize themselves regarding any valuable belongings that they have acquired.

¹¹ AUO Convention of 10 September 1969

¹² The Convention relating to the status of refugees of 28 July 1951 at its article 33 stipulates:

"1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country."

A great number of testimonies demonstrate that the expelled families were separated without taking into account the principle of family unity or without according special protection to children. The necessity to grant special protection to children was recognized in several international instruments.¹³

Children born of a Tanzanian father or mother have the full right, according to the law, to Tanzanian nationality (Citizenship Act of Tanzania, No.6 of 1995, Part II, al.5). Tanzania should offer to the concerned individuals the possibility to regularize their situation: to register births, register marriages/unions and institute the procedures for obtaining the Tanzanian nationality, especially for Burundians legally married to Tanzanians.

For most of the cases of expulsions, it is clearly not forced expulsion of refugees. For other people, who had initially fled Burundi due to the war or for fear of persecution, the situation is less clear. Even though nobody claimed to the NRC investigators that they still feared the war or persecution in Burundi, many of them did not want to return to Burundi because they had established a new life in Tanzania where they had settled themselves as refugees.

Even in the hypothesis where there would not had been any expulsion of refugees, NRC has nonetheless observed cases of Burundians who were sent away from refugee camps because they had lost their ration cards or because they were found outside of camps without any permission. These people continue to be entitled to international protection.

To ensure that no-one fearing persecution is expelled, Tanzania should offer the opportunity to these people to introduce a request for asylum in order to determine the refugee status of the person.

¹³ Convention related to the Rights of Children, 20 November 1989;
Universal Declaration of Human Rights, art. 16 al.3: " *The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.*
International Pact on Civil and Political Rights, art.23 al.1 and 24 "1. *Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.*
2. *Every child shall be registered immediately after birth and shall have a name.*
3. *Every child has the right to acquire a nationality.*"
International Pact related to Economic, Social and Cultural Rights, art.10.

Profile of the expelled

The people expelled are mostly from the Northern provinces of Burundi. By November 20, 2006, PARESI had registered 4158 cases with more than 88% from Muyinga (1771 persons), Kirundo (1302) and Ngozi. Up to June 28, 2006, 28 cases were registered from the Mabanda border post (Makamba province). The movement from this entry point has since stopped.¹⁴

Some of the people interviewed had left Burundi for socio-economic reasons; others had left for reasons related to the crisis and political turmoil, relating to events in 1972 and 1993, whereas another group fled to Tanzania in 1988 following the events in Ntega and Marangara.

It is clear from the testimonies collected by NRC that those expelled, for the most part, come by foot from Tanzania to Burundi after walking for two or three days. Sometimes, the people are transported by convoy by the Tanzanian police all the way to the Burundian border. Those that come by these convoys are usually accompanied by a manifesto of names. Other expelled people have papers stating that they had 24 hours to leave the Tanzanian territory, making reference to Tanzanian laws.

Most of those expelled did not live or no longer lived in refugee camps and were considered, by the local authorities, as irregulars. Some were married to Tanzanian citizens and had children born in Tanzania. Often, these marriages were not official, with the people living in informal unions. Very few births – of Burundian parents or mixed marriages – were officially registered. Those concerned never took the proper steps to obtain the Tanzanian nationality and were never informed on this issue. A considerable number of individuals interviewed had Tanzanian voter cards which were distributed to them for opportunist motives.

Some of those expelled had initially left Burundi as refugees and had effectively lived in refugee camps. Afterwards, they lost their ration card, and due to administrative problems, they were not able to regularize their situation. They were thus obliged to settle outside the refugee camps.

In the NRC listening, counseling and orientation center at Tura (Giteranyi commune), the NRC trainers met a person who was a refugee at the Lukole refugee camp and who was expelled by the police when he were outside the camp and without permission. UNHCR Muyinga office is currently following up this case.

¹⁴ PARESI statistics

Conditions of expulsions

It is evident from the testimonies that Burundians in Tanzania have always been treated with suspicion by their neighbors, and by the local administration which demanded a sum of money from them in order to allow them to continue living in Tanzania.

In some localities, the local administrative authorities invited the populations to meetings in order to inform the Burundians that they should leave Tanzania and that, if they did not comply, very severe measures would be taken against them.

According to the testimonies collected, those expelled received threats from the Tanzanian administration and police. Some of them simply preferred to return to Burundi themselves without being able to bring their belongings or having time to sell what they could not bring along. Those that tried to resist were sometimes beaten by the police, threatened with imprisonment and, were expelled and did not have the right to take their belongings. Their belongings were stolen, looted or destroyed by the Tanzanian police and their property was left without any surveillance.

Other situations concerned the forced separation of mixed families where Burundians are married to Tanzanians. In these cases, only those having Tanzanian nationality have the right to stay. Burundian mothers were obliged to leave Tanzania with children born on Tanzanian soil of a Tanzanian husband. Due to the lack of identity papers, in reality, the Tanzanian authorities recognise the relationship between mother and child, hence separating children born in Tanzania, from their Tanzanian fathers, or, inversely, separating the Burundian fathers from their children and Tanzanian mother. Sometimes, some of the children stayed with the mother whereas the others stayed with the father.

Tanzanians who wished to stay with their Burundian wives or to Burundians wishing to stay with their Tanzanian wives in Tanzania were asked to pay a certain amount of money per year, without any guarantee that they would have the right to stay in Tanzania. Since this payment was not official, no claim can be made to any authority or to a member of the security or the immigration services.

Cases of expulsion of unaccompanied children were also documented.

During the interviews of those expelled, the following specific violations were documented. Testimonies were registered by NRC trainers between the end of August and the end of October 2006.

1. Forced expulsion, especially of children born in Tanzania

KARENZO Pascasie is a 48 year-old woman, legally married in Tanzania since 1983. She and her husband had six children together. She returned to Burundi with the two youngest children and the four others remained with their father.

According to Pascasie, no identity paper was issued by the Tanzanian administration during the entire period she was in the country. Since she was living with her husband, the idea of returning one day to her country of origin, Burundi, never entered her mind because she had land, banana plantations, coffee shrubs

and other trees to secure her living. She could not endure the threat made by the local authorities in collaboration with the police towards Burundians living in Tanzania. That is why for her own safety, the husband advised her to leave the country with the last three children (the youngest) whilst the others remained with the husband. She now has nothing to feed the children and asks for assistance from passers-by.¹⁵

KANYAMBO Marie is a 35 year-old widow who was living with a Tanzanian with whom she had five children. None of the children were officially registered after their births. After the death of her husband, she continued to farm the land and was able to feed her children. Her neighbors were suspicious of her because she was a foreigner. Since her arrival in Tanzania in 1993, she has never had an identity card except for a voter card that was issued to her for the elections and immediately withdrawn afterwards.

"Whilst I was in the fields, a group of young men commonly called the Banamugambo (local police) came and ordered me to leave without returning to my house. In these conditions, I had no other option but to respect the orders. That is why I left with only the child that I was carrying on my back."¹⁶

NYABENDA Liberate is a 34 year-old woman who arrived in Tanzania in 1992. She was living with a Tanzanian with whom she had three children. She had a brother-in-law amongst the Banamugambo and it was he who warned them that all Burundians had to leave Tanzania. Her husband advised her to go before they came to force her to leave and that is how she left with all the children. "I am afraid that my children will be rejected by my family especially that I had a union with a Tanzanian without my parents knowing. In the eyes of my family, these children are Tanzanians."¹⁷

HARERIMANA Daphrose is a 29 year-old woman, married to a Tanzanian who died when she was pregnant with their third child. Her children are respectively 10 and 3 years old and 7 months and were officially registered at the town hall as Tanzanians. The woman's parents had to leave their estate in Kayanza in 1984 due to the shortage of land. They were expelled in 2002 but since the woman was married to a Tanzanian, she was spared at that time. The parents were not able to reinstate themselves in Kayanza and are currently in Cankuzo.

Daphrose was warned by her neighbors since the death of her husband that she had to leave the land. She had submitted her concern to the village chief to request protection. The chief asked her for 27,000 shillings (about 30USD) so that she could wait for the harvest. When she finished harvesting her crops, she was obliged to leave. She resisted for some time by demanding who would take care of her children because one of them was studying in Tanzania. But on August 29, she received her last notice by a group of local policemen who threatened to burn her house. The woman took her children and set out on the road back to Burundi.

She had gone through the forests and found herself on the asphalt road. She was told that the road led to Burundi; once at the border, she was shown the site where she was to wait until she was taken to her commune of origin. The children accompanying her were registered as Tanzanians but they are with her in Burundi. They have left their property in Tanzania.¹⁸

¹⁵ Interviewed by NRC on 31 August 2006, Kinazi

¹⁶ Interviewed by NRC on 11 September 2006, Kinazi

¹⁷ Interviewed by NRC on 11 September 2006, Kinazi

¹⁸ Interviewed by NRC on 31 August 2006, Kinazi

The people expelled are often caught unawares, most are expelled when they have gone to work in the fields and do not have the right to put forward reasons against their expulsion. The Tanzanian authorities that are expelling them do not give them any explanations except that Burundians must return to their country. It is clear from these interviews that Tanzanian authorities do not explain to the Burundians the procedures for requesting asylum or the regularization of their residence status. Nor do they take into consideration the vulnerability of some people.

Cases are observed where children born of Tanzanian fathers are expelled with their mothers even though they are Tanzanian nationals. Women legally married to Tanzanians are not informed on the procedures which would allow them to obtain Tanzanian, or even dual, citizenship.

It was noted that, for a great number of people in this situation, births in Tanzania with a Tanzanian spouse were not officially registered. Thus, there is no written proof allowing the children to claim their Tanzanian nationality. According to the *Tanzania Citizenship Act* (No 6, 1995), a person born in Tanzania (after April 26, 1964) and amongst whom one of their parents has Tanzanian nationality is a citizen of the United Republic of Tanzania (*Tanzania Citizenship Act, Part II, al.5*). Some of those expelled from Tanzania can claim their right to the Tanzanian nationality.

It is clear from the interviews that the Tanzanian authorities did not offer those expelled the possibility to introduce their appeals against the decision of expulsion or to claim asylum.

2. Dispossession of land, pillaging and destruction of property

MPAWENIMANA Immelde is a 46 year-old widow. She has six children, three boys and three girls; she was expelled with her six children.

Her spouse, with whom she had lived for 15 years without contracting a legal marriage, died a year ago. Their children were not registered by the Tanzanian administration. According to her, no identity paper were issued by the administration during the entire period that she lived in the country.

The woman arrived in Tanzania in 1991 and the reason for leaving her country was economic because she was living in miserable conditions, her land was too small for the whole family. However, once in Tanzania, she was able to buy a large piece of land and the produce of her work allowed her to live and meet the needs of her family. She had large tracts of land at her command occupied by banana plantations and other crops.

Furthermore, as many of her fellow citizens, the widow affirms that she never had any administration paper except for vaccination cards for her children and a voter's card. Every year, like other mixed households, the family paid a certain amount in order to be allowed by the authorities to remain in Tanzania.

Prior to their expulsion, there were first rumors going around about the expulsion of all Burundians living in Tanzania. One morning, a local official called a meeting to which all the inhabitants of the area were invited. One point was on the agenda: the unconditional departure of all Burundians living in Tanzania. In the same meeting, the official gave 15 days to all Burundians to leave after which severe measures would be taken against them. It was in this setting that the family decided to leave before the expiry of the period in order to avoid any sanctions. In the morning of August 29, 2006, the woman took her children and some household

*items that would be stolen on the road by a group of people. If it were not for the expulsion, the idea of returning to her country of origin was not in her mind. The woman was weary and fatigue could be read on her face. Hunger and skin-diseases were also evident.*¹⁹

MASABO Stanislas is 46 years old and he was living with a Tanzanian woman with whom he had two children. He arrived in Tanzania in 1975 looking for a job. In 1988, he bought land in the village of Kayungu where he was living with his family.

"I had just bought a bottle of the local beer at a little center not far from home. That is how I met the Banamugambo, (local police) who pointed at me, treating me as an irregular foreigner. One of them tried to take the bottle from me, and since I had already drunk a bit, I wanted to resist. It is at this moment that another hit me with a stick on my back. Another took my shoes. They then asked me to accompany them all the way to my place. Once at my place, they told the family to get out of the house because I had insulted and provoked them. They began destroying the roof of my house, my wife and children fled. The men put my belongings that were in the house together and while each one was taking what they wanted, I fled and went to the place where the Rwandans were gathered. The next day, we were transported to Rwanda but the Rwandan authorities refused to receive us and obliged us to return to Tanzania.

*I did not only receive beatings with sticks but also from their boots. These militias sometimes have boots that look like those of the soldiers. I received blows at the abdomen and I still suffer at this level. I breathe with difficulty.*²⁰

It is evident from the testimonies collected that the Tanzanian authorities are expelling people without respecting normal procedures and without allowing the expelled any time to organize themselves concerning their real estate and personal property that they acquired legally in Tanzania. According to the testimonies, some houses are burnt and the local police enter some houses and loot what they find inside.

People who departed without leaving any family member to look after their property in Tanzania will have problems in recovering their property. They will always be confronted with the problem of a lack of documentation proving that they are the legal owners. Nothing can justify that they were dispossessed of their belongings—this is also true for illegal residents.

3. Forced family separations

NTAWUMARITUNGA Jacqueline, a 28 year-old woman, who lived with a Tanzanian with whom she had 2 children. The woman returned to Burundi with the youngest child who is just one year old. The other children remained with the father in Tanzania. The woman was not legally married and the children from this union were not officially declared. The woman does not have Tanzanian nationality despite the fact that she lived for a decade in Tanzania. Physically, the woman is tired due to the long distance that she traveled by foot. Furthermore, she and her baby are both hungry.

With the upsurge of threats towards Burundians and especially mixed families, her husband who was fed up of paying taxes each year simply because he lived with a Burundian woman, told her to return to her

¹⁹ Interviewed by NRC on 31 August 2006, Kinazi

²⁰ Interviewed by NRC on 06 September 2006, Kinazi

motherland. At this time, she had no other choice but to comply. One morning, the woman awoke very early and left in the direction of her country of origin. She left without taking anything except her child's vaccination card and her voter's card. She regrets being separated from her family that she had not wanted to leave.²¹

KABEZA Vénantie is 38 years old and she has a baby that she is still breastfeeding. She was living with a Tanzanian with whom she had 5 children; all were not declared after the births. They were living peacefully and farming their land. They received verbal threats but they were able to cope for a long time until the situation became unbearable. However, they were not able to escape the practice of having to pay a certain amount collected by the local administration.

During her stay in Tanzania since 1993, she was never able to get any papers from the Tanzanian administration. She recalls that during her entire stay in Tanzania, they were always looked upon suspiciously by the population. This situation created an atmosphere of insecurity making her not feel at home. Fearing that he would see her suffer, her husband advised her to leave as soon as possible and to carry as much as she could. Her husband and children accompanied her in order to show her the way and they separated in sadness and without hope of meeting again.²²

NTIRUHUNGWA Victor is a 55 year old man who was living with a Tanzanian woman with whom he had 7 children. He was born in Tanzania in 1951 of a Tanzanian woman and a Burundian father. He had never put his foot in Burundi before. He had, however, always observed mistrust of the Tanzanian population towards foreigners. He was not living in the best of conditions but he was able to provide for the basic needs of his family. Nevertheless, it was difficult for him to pay the fine that was required of all foreigners at the end of each year and which varied according to the income of each family.

He never received any administrative papers from the Tanzanian authorities. He admitted that he found it paradoxical that he never received any administrative papers after almost 50 years in the country.

"For some time the Tanzanian authorities had organized meetings in which the only purpose was to track down all foreigners and especially Burundians who were living in Tanzania. In fact, in the beginning, since we had passed many years in this country, we thought that the expulsion concerned only refugees of recent date and especially those from the 1993 crisis. However, this phenomenon started taking enormous dimensions as time went by. In my case, my neighbors had warned me that I would not be spared and that I could not escape the expulsions. In the morning as I had my hoe on the shoulder, a group of people amongst whom there were some young men and some Banamugambo gave me an order to continue on my way until I reached Burundi. Surprised, I had no other choice and I asked for the authorization to return to my home in order to take some of my clothes but they refused. This is how I returned to Burundi after walking for three days. I left behind land, crops, clothing and chickens."

He had never considered returning to Burundi because he had always considered himself as a Tanzanian and he has no idea of the origin of his parents.²³

²¹ Interviewed by NRC on 05 September 2006, Kinazi

²² Interviewed by NRC on 10 September 2006, Kinazi

²³ Interviewed by NRC on 19 September 2006, Kinazi

Testimonies by these expelled people highlight the separation of mixed families. In order to preserve family unity, mixed families should have the possibility to choose to establish their place of residence either in Tanzania or Burundi. Children born of a Tanzanian father or mother have the right to Tanzanian nationality, according to Tanzanian legislation. They have the right to remain on Tanzanian soil, but they are obliged to be separated from one of their parents.

4. Inhuman and degrading treatment

MVUYEKURE Marc is a 50 year old man married to a Tanzanian. He had to flee to Tanzania in 1972, with his parents, brothers and sisters. He had never been in a refugee camp. Instead, he found a job in order to provide for his own needs. This is how in 1996, he was able to buy some land for 8000 shillings (10USD) and was legally married to a Tanzanian with whom he had six girls. All the children remained in Tanzania with their mother.

He had all the identity documents proving his Tanzanian citizenship because he had even been an official in the local administration. But these documents were torn up when he was trying to prove that he was a Tanzanian. He acknowledges never having taken the necessary official steps to demand nationality, since he didn't know about it. The documents that he had were, however, issued by competent Tanzanian authorities.

One evening, Marc saw at his place a group of people, members of the local police who came to order him to leave the Tanzanian territory as soon as possible. He resisted in saying that he was a Tanzanian like everyone else. The group started to beat him up and left him half dead. The group left in the morning and Marc went to receive healthcare.

A month later, the same group returned, accompanied by the village chief. Marc started to protest and showing his identity papers but these papers were torn up before his eyes. He then asked for a moratorium so that he could prepare himself and asked the village chief to give him papers that could protect him in Burundi, so that he would not be considered as an evil-doer. The village chief gave him the appropriate papers. He then asked to take his children but was told that all female children belonged to Tanzania. In wanting to protest, he was again seriously beaten. Marks of beatings with sticks are visible on his legs and a small wound on his arm. He affirms that he also received blows on his genitals which hurt terribly. He then fled, limping and even fainted on the way. A Burundian woman, who was also expelled, helped him on the road.²⁴

NYANDWI Judith is a 41 year-old woman. "I was still a little girl when we left for Rwanda during the 1972 crisis. I was with my parents and I met my Burundian husband in Rwanda. With the 1994 genocide, I was separated from my husband and I passed by Rumandari and went to Lukole II in Tanzania. In 1999, as I was going to visit my aunt in Giteranyi, I met a Tanzanian husband with whom I have stayed to this day. We had three children and I had to leave all of them with him."

One day, the Tanzanian administration gathered all the Rwandans and Burundians under the pretext of taking a census. People gathered from morning to evening without being told anything. Late in the evening, a group of policemen accompanying the village chief came and told the group to take the roads to

²⁴ Interviewed by NRC on 04 September 2006, Kinazi

Rwanda and Burundi and not to come back. They asked to have some time to bid farewell to their families. At that very moment, the Banamugambo took sticks and started to make them clear off."

"All the Burundians who fled the war know that there is now peace in Burundi. But there are a lot of reasons why Burundians prefer to stay in Tanzania. Many have mixed families and it is not easy to leave one's family."²⁵

MUSAVYIMANA Bernadette is a woman who is still breastfeeding her baby, married to a Burundian with whom she had 7 children. She was born in Rwanda where her parents had fled in 1972 but with the 1994 war in Rwanda, her parents were killed and she fled towards Tanzania and the Lukole II refugee camp where they later lost their ration cards. They were obliged to leave the camp. They tried to gain some money and were able to purchase some land that they were farming before being expelled.

"When the expulsion movement began, my husband was in Mwanza for business. I sent my six children to Lukole II camp to see their aunt. The following day, the Banamugambo also called the Basungusungu came in a group. They were like a mob of enraged dogs. They were wearing masks, crow and eagle feathers and were destroying every house belonging to a Burundian or a Rwandan or every house lodging a Burundian or Rwandan. In the past, we could give goats or money to be left alone. This time, they did not want the money. They helped themselves and shared what they found in the houses amongst themselves. We all fled in confusion like people running away from a fire. Even Tanzanians panicked. It was very frightening."²⁶

No circumstance can be called upon to justify such inhuman and degrading treatment. Some of the people interviewed stated that they had been beaten by the *Banamugambo*. The authorities did not intervene to stop this mistreatment expelled people. The victims of this ill treatment did not even have the possibility to lodge a complaint. The authors of these acts should be prosecuted and punished according to the law.

5. Expulsions of unaccompanied minors

COYITUNGIYE Am1élie is a 13 year-old orphan. Her mother died three months ago and her father died three years ago. Her family arrived in Tanzania in 1993 and they never lived in a refugee camp because they had an uncle in Tanzania. So, they first lived at the uncle's place then they bought their own land where they had lived for 10 years.

Upon her mother's death, she went to live with some Burundians who were friends of the family. Her elder brother had gone to Dar-es-Salaam and never returned even when their mother died. When the expulsions began, she went to live with Tanzanian friends where she thought that she would be safe. But she was expelled. On the road, she was stopped by a group of young people who took all the clothes she had with her."²⁷

²⁵ Interviewed by NRC on 19 September 2006, Kinazi

²⁶ Interviewed by NRC on 19 September 2006, Kinazi

²⁷ Interviewed by NRC on 18 September 2006, Kinazi

BAHATI Mérine is a 12 year-old orphan born in Tanzania. Her parents had gone to Tanzania following the civil war in Burundi. After the death of her parents, she was taken in by a Tanzanian family that hired her as a house-maid for three years.

"Since the death of my parents, I stayed in Tanzania without any reference. I was hired as a house-maid by a Tanzanian family almost three years ago. Last month, the Banamugambo came to my boss and asked him for money because he was lodging a Burundian. They left without receiving anything. But my boss explained to me that he could not pay such a huge amount of money for somebody like me. That is why the evening before yesterday, he demanded that I leave his place, saying "the Banamugambo are in the village looking for Burundians."²⁸

KWIZERIMANA Jean is a 12 year-old orphan born in Tanzania. His parents died when they were in Lukole refugee camp and his older sisters went to get married in places that he did not know. Since the child could not stay alone in the camp, he was taken in by a Tanzanian. The child accepts his new "parents" even if the relationship was not very good. He is employed in the fields and herding the cows and he often had to carry out difficult physical tasks which explains why he was often ill.

"In these last days, there were rumors about the expulsion of foreigners living in Tanzania and our area did not escape. Consequently, the family lodging me advised me to stay in the house as the search was going on in the area. I passed several days without leaving the house, and my parents told me that they could not continue to support me since I was not working. Myself, I was annoyed and I was afraid of staying all day inside the house. Thus, in the morning of September 18, I was asked to leave by my "parents" who gave me 300 shillings to buy food on the road. They accompanied me early in the morning and showed me the road that leads to Burundi.

On the way, I met a group of young people who beat me and stole a small bag that I had. Inside the bag were some clothes and the 300 shillings given to me by my parents. Now I feel pain at the neck, the knees and the back where I received some blows from sticks."²⁹

The family separations caused by the wave of expulsions vary according to the case. For some, unaccompanied minor children leave Tanzania without knowing the exact situation of other family members. They are obliged to come to Burundi without any reference. They are traumatized by this phenomenon. However, the child, due to his physical and intellectual immaturity, needs special protection and care, especially appropriate legal protection.

The child has the right to special help and assistance. Children whose Burundian parents died in Tanzanian experience very difficult situations. They have no protection either from their family or the host country.

6. People driven out of refugee camps

Some cases concern people who were refugees living in refugee camps but because they had encountered some problems in the camps, they were obliged to leave and live in the villages.

²⁸ Interviewed by NRC on 14 September 2006, Kinazi

²⁹ Interviewed by NRC on 11 September 2006, Kinazi

NDUWAYO Marc is a 35 year-old man living in an informal union with a Rwandan woman. They had two children together. He fled during the crisis of 1994. He first went to the Lukole II refugee camp. In the camp, he had a problem with his ration card because there was confusion with the card of another refugee. In the end, it was decided that he was the fraudster. He then went to settle at the Cabalissa camp which was, at that time, occupied by Rwandans. When the camp was closed after the return of Rwandans to their country, he went to live in the villages where he was able to buy some land: three large pieces of land that cost 150 000 shillings.

Regarding the expulsion, everything began with a meeting held by the Tanzania authorities where it was announced that all Rwandans (the region of Karagwe was inhabited by many Rwandans and very few Burundians) must leave for their country. That was in April 2006. In early August, the Banamugomba, the equivalent of the Gardiens de la paix came to the village and started attacking Rwandans, beginning with the rich. They looted household goods, roofs, cows or goats.

As a result they decided to leave the village and move to another administrative centre, like real displaced. They even made a sort of IDP camp. No-one had the right to return to their village. Registration began and trucks were made available to transport Rwandans to the border. They informed that they were Burundians so they were told that they would be taken to Rusumo. Once in Rusumo, which is on the border between Rwanda and Tanzania, the Rwandan authorities accepted the Rwandans but they were rejected. They then were returned to Karagwe in Tanzanian trucks. They camped in the same place for two days without any assistance or food. Their children benefited from the goodwill of passers-by who saw them. Two days later, a vehicle took them to Ngara where they passed the night. The following day, a vehicle from the Tanzanian migration transported them to the Burundian border.³⁰

NSENGIYUMVA Emelyne is a 15 year-old girl who was living with her mother in Lukole refugee camp after leaving Burundi during the 1993 war. Three years later, her mother had a problem with her ration card and was sent out of the camp by the camp authorities.

Since her mother could not return to Burundi due to the insecurity, she asked for asylum in the hills surrounding the camp where she worked on the land of a Tanzanian. In return, he gave her a small amount of food that she shared with her daughter.

Two years later, her mother died and she continued working for the family that were lodging her mother. The girl declares that she was living in very difficult conditions due to the fact that she was submitted to very harsh labor and all sorts of trauma (psychological and physical), but also extreme poverty.³¹

These expelled people were turned out of the camps because they had lost their ration cards and were obliged to live in the villages surrounding the refugee camps. Even though they were not directly expelled after being obliged to leave the refugee camps, these people have, nevertheless, lost the international protection to which they were entitled according to refugee law.

³⁰ Interviewed by NRC on 06 September 2006, Kinazi

³¹ Interviewed by NRC on 31 august 2006, Kinazi

Particular Problems

The arrival of these expelled people caused a difficult humanitarian situation. The provincial authorities in Muyinga were not prepared to welcome these people. The Kinazi Transit Center was soon too small. With promises of assistance, more and more people wanted to enter into the site in order to benefit from the assistance being given. With the involvement of the local administrative authorities, (heads of hills, heads of zones), many speculative cases by the surrounding populations were discouraged.

No information from the Tanzanian authorities reaches the Burundian local authorities. Bilateral contacts between the governments and diplomatic missions between the two countries do not seem to remedy the concrete problems of those being expelled. Since the expulsions are taking place mostly between the District of Ngara and the Province of Muyinga, intensive exchanges at the local level are the best means to manage the expulsion of Burundians.

It is worth pointing out that the Rwandan government is actively involved diplomatically. In contrast with the case of Burundians, Rwandans about to be expelled from Tanzania are treated with dignity, and have the opportunity to sell or transport their belongings.

In the beginning, it was intended that people would stay two to three days in the transit camp prior to being transferred to their communes of origin. But, some people are without reference and do not even know their province or place of origin. Some others only know their province of origin but have no place to settle. These people have no other option but to stay in the site and must be assisted during the entire period that they are there.

Conclusion

In mid-2006, the Tanzanian authorities decided to expel all Rwandan and Burundian foreigners whose status is irregular. Sometimes groups of people are transported by the Tanzanian police to the Kobero border post; most often, people who had lived in Tanzania for many years are suddenly arrested and sent away by the local police with orders to immediately quit Tanzanian territory.

Even though Tanzania has the right to expel foreigners whose status is irregular from its territory, many human rights violations were observed during the expulsion of Burundians since the month of August 2006. Mixed families are separated, belongings and property are confiscated, stolen or people do not have the opportunity to sell their goods and land. There are testimonies of violence against those whose status is irregular. In no case were procedures of appeal available.

A particular problem to which those expelled from Tanzania must face is the of lack administrative documents (identity cards, certificate of marriage or of birth...). The people expelled were never informed on the procedures to regularize their stay and to request naturalization in order to obtain the Tanzanian nationality. They were not made aware of the importance of registering their children with the administration so that they could obtain Tanzanian nationality, especially those born of a Tanzanian parent.

The only documents they were able to get were vaccination cards for their children and voter's cards that were given to them before the elections. For many people, these cards were withdrawn afterwards. Thus, they have never received any official papers from the Tanzanian administration.

Another major problem concerns children born of a Tanzanian parent but who were not registered in Tanzania. According to Tanzanian legislation, a person born of a Tanzanian parent automatically has Tanzanian nationality. Likewise, for legally married mixed couples, they must be given to the option of continuing to live together, either in Burundi or in Tanzania. It is only in this way that their right to a family can be respected.

It is imperative that the rights of those expelled be respected and that the procedures provided for by Tanzanian law be systematically followed at the time of expulsion, with an effort to analyze each case individually.

Recommendations

To the Burundian Authorities:

- undertake more trans-border and diplomatic contacts with their Tanzanian counterparts, at all levels and especially at the local level, in order to better inform themselves on future expulsions of Burundian nationals
- advocate with the Tanzanian authorities in order to allow Burundians to better prepare for their return and, to either sell their land and belongings or to be able to bring their possessions to Burundi
- in partnership with Tanzanian authorities, sensitize Burundians living in Tanzania in order to encourage them to return voluntarily to Burundi
- provide economically sustainable resettlement solutions for people expelled, especially for those "without reference" or those who do not have access to land.
- allow and regularize residence in Burundi for family members of Tanzanian nationality

To the Tanzanian Authorities:

- respect the procedures provided for by the law for the expulsion of people and analyse individual cases, especially in respecting the rights of the refugees
- allow people who have the right, according to the legislation in force, to obtain Tanzanian nationality and to obtain the related identity papers
- respect the right to family unity and allow residence in Tanzania of Burundians living in a family with Tanzanian nationals
- encourage the local integration in Tanzania of 1972 refugees and other immigrants who have been in Tanzania for a long time

To the International Community:

- guarantee to those expelled assistance identical to that of returnees, including identifying them as vulnerable people
- integrate vulnerable expelled people in the assistance and support programs provided in the communities of return in order to facilitate their resettlement
- continue to assist, in Muyinga province, people living in a food insecure situation. This may discourage them from presenting themselves fraudulently as expelled individuals

Annex 1: Map of Burundi



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Department of Peacekeeping Operations
Cartographic Section

Annex 2: Structured interview guide – expulsions from Tanzania

Date and place of interview:

Trainer:

IDENTITY

- Family Name, First Name
- Age, sex
- Family composition, according to age and sex (children, spouse) (present/absent)
- Legally married; child(ren) registered?
- Possibility that family member(s) could have the right to Tanzanian nationality (Tanzanian parent)?
- Level of education
- Vulnerability (unaccompanied minors, pregnant women, breastfeeding women, female/child head of household)
- Appearance, health status, nutrition status

LIVING CONDITIONS IN TANZANIA

- Since when in Tanzania?
- Reason for leaving Burundi (related to conflict/socio-economic/private)
- Date/year of departure
- History of residence/ major events
- Occupation?
- Where in Tanzania (camp, village, hill; successive places)?
- Documents with regard to residence in Tanzania

IF REFUGEE CAMP:

- Which camp?
- How long?
- Reason for departure
- Details in case of loss of ration card
- Details in case of illegal expulsion (if in possession of refugee status)
- Problems of protection, security, assistance in camp?

EXPULSION

- Circumstances of expulsion
- Since when in Burundi?
- Violence? By whom?
- Threats? By whom?
- Belongings left? Looted? By whom?
- Problems related to mixed marriage/relationship
- Considered returning to Burundi soon?
- Scheduled for when?
- Why/why not yet?

SITUATION IN BURUNDI

- Place of origin (hill, commune, province)
- Any family there?
- Property, house?
- Information available?
- By whom, by what means?

- Immediate needs
- Waiting for what (transport, food, healthcare)? Specify
- Has already been assisted since arrival in Burundi? By whom?
- Assistance refused? For what reason?
- Expectations for future in Burundi (security, personal, professional)?

ANALYSIS

- Legitimate expelling or expulsion
- What human rights violated?
- Enumerate bad treatments, human rights violations

CREDIBILITY

Evaluate the credibility of the person according to certain indexes (level of education, details, appearance)

- Credible, detailed
- No indexes to put credibility into doubt
- Vague
- Contradictory
- Not credible