

**Mandates of the Special Rapporteur on the situation of human rights in Burundi. and the Special Rapporteur on the human rights of migrants**

Ref.: AL TZA 2/2026

(Please use this reference in your reply)

1 July 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Burundi and Special Rapporteur on the human rights of migrants, pursuant to Human Rights Council resolutions 60/15 and 61/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the conditions under which the repatriation process of Burundian refugees hosted on the territory of the United Republic of Tanzania is taking place, particularly in the Nduta and Nyarugusu camps.**

According to the information received:

Under the tripartite agreement of 8 May 2001 concluded between the Republic of Burundi, the United Republic of Tanzania and the UNHCR, more than 140,000 Burundian refugees were still being hosted on Tanzanian territory at the end of November 2025, mainly in the Nduta and Nyarugusu camps in the Kigoma region.

Between May and September 2025, the Government of the United Republic of Tanzania and UNHCR jointly conducted a Comprehensive Protection and Solutions Baseline Assessment (CPSBA) among 36,056 refugee households. This assessment showed that only 1.21% of refugees living in the camps are considering a return to Burundi, with less than a third of them willing to consider it within the year. The well-documented reasons for this reluctance relate mainly to security concerns, land tenure uncertainties and limited economic prospects. The report expressly recommends distinguishing between general hesitations and risks falling within the scope of international protection.

At its 26<sup>th</sup> meeting held in Dar es Salaam on 28 November 2025, the Tripartite Commission decided to use the conclusions of the CPSBA to guide planning and prioritization of individual cases. It also set a target of 3,000 returns per week and solemnly reaffirmed the United Republic of Tanzania's commitment to providing international protection to a residual population of Burundian refugees, in accordance with its treaty obligations.

In March 2026, the 2026-2028 Multi-Year Roadmap for Comprehensive Solutions for Burundian Refugees was published. Section 5 of this document sets out alternatives to repatriation, whilst section 7 outlines exemption procedures for residual cases in countries of asylum. The official end date is set for 1 July 2028 at the earliest.

On 18 March 2026 in Nairobi, the Regional Conference on Comprehensive Solutions for Burundian Refugees adopted a Joint Communiqué to which the United Republic of Tanzania added its signature. This document reaffirms that repatriation must be voluntary, safe and dignified, and guarantees the maintenance of residual protection for refugees who have compelling reasons not to avail themselves of the protection of their country of origin.

However, the preliminary interviews between May and September 2025 were conducted under conditions that did not provide all the procedural safeguards required by international law. In particular, it is alleged that refugees were asked to sign documents written in English without being provided with a translation or receiving a copy of their statements. It is also reported that a UNHCR partner organization, which had expressed reservations about the conditions under which these interviews were organized, was faced with the suspension of its activities and the detention of its staff for three days.

Preliminary interviews have reportedly already been conducted at the Nyarugusu camp. As was the case at the Nduta camp, refugees are said to have been given very little time to speak.

The aforementioned tripartite declaration of 17 October 2025 warrants particular attention from the perspective of international law. In particular, it appears difficult to reconcile with several commitments made by the parties: (i) the conclusions of the CPSBA, produced jointly by these same parties, which reveal that only 1.21% of refugees in camps are considering return and identify real protection risks; (ii) the decision of the 26<sup>th</sup> Tripartite Commission, which had specifically provided for the use of the CPSBA for the purposes of individual prioritization and not as the basis for a collective assessment; (iii) the 2026–2028 roadmap, whose exemption procedures and cessation milestone of 1 July 2028 at the earliest appear incompatible with the camp closures scheduled for March and June 2026; (iv) the Nairobi Joint Communiqué, signed by the Government of the United Republic of Tanzania, which guarantees the continued protection of refugees with compelling reasons not to return.

Reports indicate closures and the destruction of infrastructure in the camps at Nyarugusu (between October and December 2025) and Nduta (between December 2025 and March 2026): the closure of more than ten educational establishments, including four secondary schools, nursery and primary schools, as well as religious buildings; suspension of a programme to protect against gender-based violence; permanent closure of a vocational training centre offering training in several trades; demolition of housing. These measures were reportedly taken in circumstances such that they may have encouraged refugees to sign up for return convoys. Such measures would deprive refugees of resources – educational, professional and social – which the Roadmap and the CPSBA identify as essential conditions for sustainable reintegration.

There are also reports of measures that could undermine the voluntary nature of return: the posting of registration lists covering almost all Burundian refugees in the camps, accompanied by threats to suspend humanitarian aid for those who fail to comply; and restrictions on economic activities and freedom of

movement. These measures appear to apply exclusively to Burundian refugees, to the exclusion of Congolese refugees housed in the same facilities. It is further reported that only two out of ten health facilities remain operational in Nyarugusu, and that some refugees have fled to other countries in the region to escape the repatriation process.

Men in plain clothes, some of whom were hooded, often operating from vehicles with tinted windows, have reportedly kidnapped at least four Burundian refugees living in the Nduta and Nyarugusu camps. These kidnappings, which took place between 2 and 14 April 2025, are reported to have targeted refugees who were either members of opposition political parties or who were known for their critical stance towards the Burundian authorities.

The human rights situation in Burundi, which forms the context against which the request for protection by refugees, remains of concern as reports continue to indicate the persistence of gross human rights violations on the territory of Burundi in 2024-2025. Furthermore, individuals have encountered serious difficulties upon their return to Burundi.

Without prejudging the accuracy of these allegations, we would like to express our deep concern regarding the conditions under which the repatriation process of Burundian refugees hosted on the territory of the United Republic of Tanzania is taking place, particularly in the Nduta and Nyarugusu camps. In light of the information presented, the treaty obligations outlined and the formal commitments entered into by the United Republic of Tanzania, we respectfully submit the following recommendations for the Government's consideration:

- 1) The Government is urged to lift, without delay, any measures that could undermine the voluntary nature of return (such as the closure of educational or healthcare facilities, the demolition of housing, restrictions on freedom of movement, or threats to suspend aid), prior to any camp closure;
- 2) The Government is urged to confirm publicly, in clear and unequivocal terms, that all returns are carried out on the basis of the refugees' free and informed consent, and to clarify the scope of the tripartite declaration of 17 October 2025 in relation to the Nairobi commitments;
- 3) The Government is urged to establish a mechanism for the individual assessment of protection needs for refugees who are unable to return for security reasons, with guaranteed access to independent interpreters and effective remedies;
- 4) The Government is urged to postpone the closure of the camps until the alternative solutions and exemption procedures provided for in sections 5 and 7 of the 2026-2028 roadmap are effectively accessible;
- 5) The Government is urged to ensure equal treatment for the various refugee populations housed in the same facilities;

- 6) The Government is urged to accelerate the implementation of the measures set out in section 5 of the Roadmap for refugees from former settlements;
- 7) The Government is encouraged to host a visit by the Special Rapporteur on the situation of human rights in Burundi to the Nduta and Nyarugusu camps, to enable him to observe the conditions of the repatriation process on the ground.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measures taken or envisaged to address the situation.
3. Please provide information on the compatibility between the results of the CPSBA and the October 2025 declaration, in light of the decision by the 26<sup>th</sup> Tripartite Commission to use this document for the purpose of prioritizing individual cases.
4. Please clarify how the planned camp closures are compatible with the timetable of the 2026-2028 Roadmap and with the prior implementation of the alternative solutions and exemption procedures it provides for.
5. Please provide information on the measures taken or being considered to ensure the protection of persons who have stated that they are unable to return to Burundi due to political or security risks, in accordance with article 33 of the 1951 Convention, the decisions of the 26<sup>th</sup> Tripartite Commission and paragraph 9 of the Nairobi Communiqué.
6. Please provide information on the concrete measures taken to assist refugees from the former settlements who maintain lasting ties with Tanzania, particularly with a view to implementing the alternative solutions provided for in section 5 of the Roadmap.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a communication on this subject matter has also been sent to the Government of Burundi. A copy of this communication has been sent to UNHCR.

Please accept, Excellency, the assurances of our highest consideration.

Fortuné Gaetan ZONGO  
Special Rapporteur on the situation of human rights in Burundi

Gehad Madi  
Special Rapporteur on the human rights of migrants

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, the Special Rapporteur wishes to remind Your Excellency of the main international instruments to which the United Republic of Tanzania is a party and which apply to the situation described in this communication. Firstly, article 33 of the 1951 Convention enshrines the principle of non-refoulement, which is absolute and non-derogable, and applies to direct expulsions as well as to any measure having the effect of compelling a person to return to a country where their life or freedom would be in danger

The 1969 Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, the 2001 Tripartite Agreement, the 26th Tripartite Commission and the Nairobi Communiqué all provide for the maintenance of residual protection for refugees who are unable to return to Burundi for protection reasons.

Furthermore, we recall that the principle of non-refoulement is also codified in article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. It provides that no State shall expel, return (“*refouler*”) or extradite a person to another State where there are substantial grounds to believe that he would be in danger of being subjected to torture, ill-treatment or other irreparable harm. We recall also article 7 of the International Covenant on Civil and Political Rights, which includes the prohibition of *refoulement*, and general comment No. 20 of the Human Rights Committee, article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment), which states at para. 9: “States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement.”

We further recall general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, which refers to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory when there are substantial grounds for believing that there is a real risk of irreparable harm such as that contemplated in articles 6 and 7 of the Covenant. We recall general comment No. 36 (Right to Life), which provides (at para. 23), “The duty to protect the right to life requires States parties to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. Such persons include [...] victims of domestic and gender-based violence and human trafficking. They may also include children, especially [...] unaccompanied migrant children and children in situations of armed conflict, [...] displaced persons, asylum seekers, refugees and stateless persons.”

As an inherent element of the prohibition of torture and other forms of ill-treatment, the prohibition of refoulement under international human rights law (article 3 CAT) is also more expansive than the protections afforded under refugee law insofar as it applies to any form of removal or transfer of persons, regardless of their status or grounds for seeking protection, and is characterized by its absolute nature without any exception. Heightened consideration must also be given to children in the context of

return, whereby actions of the State must be taken in accordance with the best interests of the child and States must also consider the particular needs and vulnerabilities of each child, which may give rise to irreparable harm in the country of return<sup>1</sup>.

In its report on Enforced Disappearances in the Context of Migration (A/HRC/36/39/Add.2), the Working Group on Enforced or Involuntary Disappearances found that there is a clear lack of sufficient and qualitative investigations related to the matter the disappearance of migrants, which provokes a clear protection gap. According to the Working Group, impunity and lack of clarification of the facts are among the factors that most affect the relatives of the disappeared. The Working Group, therefore, called on States to adequately investigate any allegation of involvement, collusion or acquiescence of State authorities in acts, which may end in the disappearance of migrants and to criminalize all acts of enforced disappearances of migrants, which should be punished by appropriate penalties, taking into account their extreme seriousness.

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<sup>1</sup> See for example in CMW/C/GC/4-CRC/C/GC/23 para. 11: “States should adopt solutions that fulfil the best interests of the child, along with their rights to liberty and family life, through legislation, policy and practices that allow children to remain with their family members and/or guardians in non-custodial, community-based contexts while their immigration status is being resolved and the children’s best interests are assessed, as well as before return”.