



Petition for Referral of the Gatumba Massacre to the International Criminal Court (ICC) Pursuant to Article 13(b) of the Rome Statute

To: His Excellency Ambassador Eloy Alfaro de Alba President of the United Nations Security Council and Members of the United Nations Security Council , United Nations Headquarters 405 East 42nd Street New York, NY 10017 ,USA

From: Cradle for Human Rights and Peacebuilding (CHRP) Email: clauddegasta@gmail.com

Date: August 13, 2025, DRC

I. Introduction

We, the undersigned, representing Cradle for Human Rights and Peacebuilding (CHRP), respectfully submit this petition urging the United Nations Security Council to refer the case of the Gatumba Massacre to the International Criminal Court (ICC) under Article 13(b) of the Rome Statute.

On the night of August 13, 2004, armed assailants attacked the Gatumba refugee camp in Burundi. The assault resulted in the **torturous** killing of 166 civilians, including women and children, and left 106 others extremely wounded. **The victims were targeted solely based on their ethnic identity as Congolese Tutsi (Banyamulenge).** The massacre was later documented in the Joint Report of the United Nations Operation in Burundi (ONUB), the United Nations Mission in the Democratic Republic of Congo (MONUC), and the Office of the United Nations High Commissioner for Human Rights (OHCHR) into the Gatumba *Massacre (S/2004/821)*, as well as in the Human Rights Watch briefing paper, “*Burundi: The Gatumba Massacre – War Crimes and Political Agendas*” (burundi0904, September 2004).

The attacked Gatumba refugee camp was under the protection of both the United Nations High Commissioner for Refugees (UNHCR) and the Burundian government. The failure to prevent the attack represents a serious breach of international protection obligations and refugee rights.

The Gatumba massacre stands as one of the most horrific atrocities of the 21st century in the region, a stark warning of the dangers of unchecked ethnic violence and a deep wound to our shared humanity.

II. Legal Basis for Referral

At the time of the massacre, Burundi was not a State Party to the Rome Statute. Although it ratified the Statute in September 2004, the country later withdrew from the International Criminal Court, with the withdrawal taking effect on October 27, 2017.

While this legal trajectory does not exempt Burundi from its international obligations, particularly those arising from *jus cogens norms*, which are universally recognized binding and

non-derogable, it may nonetheless limit the ICC's direct jurisdiction over crimes committed outside the defined timeframe.

In light of the aforementioned context, referral by the UN Security Council under Chapter VII of the UN Charter stands as both the strongest and a viable legal pathway for the ICC to investigate and prosecute those responsible.

The nature, scale, and intent of the Gatumba massacre meet the threshold for multiple crimes under the Rome Statute, including:

- **Genocide (Article 6):** The deliberate targeting of Congolese Tutsi (Banyamulenge) civilians, with the intent to destroy the group in whole or in part, constitutes genocide. The ethnic motivation behind the killings, combined with the systematic nature of the attack, reflects genocidal intent.
- **Crimes against Humanity (Article 7):** The massacre involved widespread and systematic killings, persecution, torture, and other inhumane acts committed against a civilian population. These acts were not isolated; they were part of a coordinated attack, fulfilling the legal criteria for crimes against humanity.

III. Urgency and Importance

Despite widespread international condemnation and repeated calls for justice, including from survivors, human rights organizations, and global institutions, it has been 21 years, a staggering passage of time, yet what is most shocking is that no credible judicial process has ever been undertaken to hold the perpetrators accountable. A criminal case opened in Burundi in 2013 stalled in 2014 and has not resumed. Survivors continue to live with trauma, and affected communities remain without redress.

The impunity surrounding the Gatumba massacre continues to fuel ethnically motivated violence and threatens peace and stability in the Democratic Republic of Congo and across the Great Lakes region. Justice is not only a moral imperative; it is a safeguard against future atrocities.

A referral to the ICC would:

- **Reaffirm the UN's** commitment to justice and the protection of vulnerable populations
- **Deter future crimes** by signaling that impunity will not be tolerated
- **Offer a path** toward accountability and healing for survivors and victims' families

IV. Request

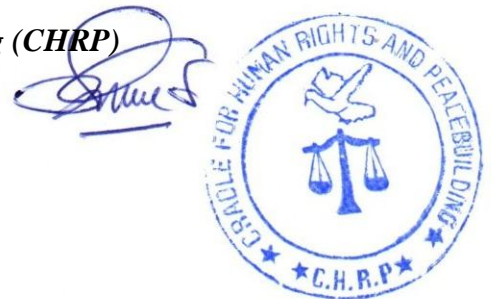
We respectfully call upon the United Nations Security Council to:

1. **Recognize** the Gatumba massacre as a threat to international peace and security
2. **Adopt** a resolution under Chapter VII of the UN Charter
3. **Refer** the situation in Burundi to the International Criminal Court under Article 13(b) of the Rome Statute.

V. Conclusion

The Gatumba massacre is a painful reminder of the international community's solemn duty to protect human dignity and uphold justice. We urge the Security Council to act decisively and ensure that those responsible are held accountable .**The blood of innocent victims and their tears flow with sorrow. They must not be buried in silence, their cry echoes loudly, crying out for justice.**

Respectfully submitted, *Cradle for Human Rights and Peacebuilding (CHRP)*



Adv. Claude Gasita Mutorero, Founder & Executive Director *CHRP*.

Cc:

- His Excellency António Guterres Secretary-General of the United Nations , United Nations Headquarters 405 East 42nd Street New York, NY, 10017 USA

- Office of the United Nations High Commissioner for Human Rights – Africa Branch, Geneva- Switzerland
- Office of the UN Special Envoy for the Great Lakes Region, Nairobi-Kenya