

39th FIDH's Word Congress
23th-27th of August 2016
Johannesburg, South Africa

Urgent Resolution on the situation in Burundi

Introduced by the ITEKA league

FIDH, meeting on the occasion of its 39th Congress in Johannesburg, South Africa

Deeply concerned by the continuing deterioration of the security and human rights situation prevailing in Burundi; and **Alerting on** the continuing mass arbitrary arrests and detentions, targeted killings and extrajudicial executions, torture and other cruel, inhuman or degrading treatment, enforced disappearances, sexual crimes and other serious human rights violations; **Recalling** that these crimes are committed mostly by Burundian security forces against civilians and under orders of authorities;

Strongly condemning all public statements inciting violence and ethnic hatred. **Condemning** especially speeches of some high ranking officials of the regime inciting hatred against Tutsis and all those considered opponents. **Concerned** by the fact that Tutsis are increasingly targeted by Burundian security services. **Alerting** on the genocidal character of the authorities' repression and on the risk that the ongoing crimes drift into a genocide;

Concerned by the persistent political impasse and the failure of last negotiations held in Arusha, Tanzania, between 12 and 14 July 2016, under the aegis of Ugandan mediation. **Recalling** that during this session of the inter-Burundian dialogue, Burundian authorities have again refused to dialogue with the opposition and independent civil society;

Recalling the decision of the African Union Peace and Security Council of 17 December 2015 underlining that “*only a genuine and truly inclusive dialogue, based on the respect of the Arusha Agreement and the Constitution of Burundi, will allow the Burundian stakeholders to overcome the serious difficulties facing their country, as well as strengthen social cohesion, democracy and the rule of law*”. **Recalling** the resolution 2248 of the UN Security Council of 12 November 2015 calling upon the national authorities to engage “*an inter-Burundian dialogue in coordination with the Government of Burundi and all concerned and peaceful stakeholders, both who are in Burundi and those outside the country, in order to find a consensual and nationally owned solution to the current crisis*”;

Strongly condemning the arming, training and deployment throughout the country of *Imbonerakure* – members of the Youth League of the ruling party – and their use as auxiliaries of the police, army, and the National Intelligence Service. **Condemning** the serious human rights violations committed by these *Imbonerakure* against civilians including arbitrary arrests and detentions, killings, enforced disappearances, torture and rapes;

Alarmed by the escalating violence related to the increased organisation, arming and training of rebel armed groups carrying out targeted attacks in various provinces of the country and **condemning** attacks against civilians and targeted killings carried out by these groups;

Denouncing repression against human rights defenders and journalists, which led to the suspension of the main human rights organizations as well as all independent media in the country. **Recalling** that almost all representatives of human rights organizations have fled the country following threats, acts of intimidation or attacks, and four of them are the subjects of an international arrest warrants, issued by the national authorities in October 2015. **Calling** for the immediate and unconditional release of Jean Bigirimana, journalist for Burundian independent press group Iwacu, who was arrested without warrant by the National Intelligence Service on 22 July 2016 and is still missing. **Urging** Burundian authorities to open as soon as possible an independent, impartial and effective investigation on the disappearance since 10 December 2015 of Marie-

Claudette Kwizera, ITEKA treasurer, to locate her whereabouts and, if necessary proceed to her immediate and unconditional release or provide information about her fate;

Recalling that the African Commission of Human and Peoples Rights (ACHPR) concluded after its investigations in Burundi that serious and massive human rights violations were committed in the country since April 2015 in great majority by security forces of Burundian government. **Recalling** that the ACHPR recommended the establishment of inquiry and judicial mechanisms to determine the criminal responsibility of perpetrators of human rights violations; **Concerned** that no credible and serious investigation into serious and massive human rights violations perpetrated since April 2015 has been initiated by Burundian authorities to identify and bring those responsible to justice;

Welcoming the decision of the International Criminal Court (ICC) Prosecutor of 25 April 2016 to open a preliminary examination into the situation in Burundi since April 2015;

Deploring that Burundi has boycotted the second phase of its review by the UN Committee against Torture on 29 July 2016;

Concerned by the continuing deterioration of the humanitarian situation in Burundi; and **Recalling** that, according to the United Nations High Commissioner for Refugees, since April 2015, nearly 274,000 people have fled the country on 30 June to seek refuge in neighbouring countries, in Tanzania, Uganda, Rwanda, Democratic Republic of Congo and Zambia.

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Urges Burundian Authorities to:

- Unsure that defence and security forces put an immediate end to arbitrary arrests and detentions, extrajudicial killings, torture, enforced disappearances, sexual violence, and other serious human rights violations; Conduct, with no further delay, independent, impartial and effective investigations to bring to justice the perpetrators of these crimes;
- Release all those arbitrarily detained in particular incommunicado and ensure their physical integrity and their right to be assisted by the counsel of their choice;
- Fully engage in the process of inter-Burundian dialogue conducted by the East African Community under the aegis of Ugandan mediation and ensure its effectiveness and inclusiveness by accepting the political opposition and independent civil society as interlocutors;
- Agree to the deployment of an independent international mission of inquiry to shed light on human rights violations taking place in Burundi since April 2015;
- Put an immediate end to attacks, threats, intimidation and harassment, including judicial, against human rights defenders and journalists; Proceed to the immediate release of those detained;
- Conduct, with no further delay, independent, impartial and effective investigations into the cases of those who were killed or are missing in order to bring the perpetrators to justice;
- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- Deposit the Special Declaration under its Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the establishment of the African Court on Human and Peoples' Rights allowing for individuals and NGOs to submit complaints directly to the Court ;

Urges upon the United Nations Secretary-General to:

- Implement as soon as possible the decision of the United Nations Security Council (UNSC) to authorize the *ceiling of 228 United Nations individual police officers for the component, to be deployed in Bujumbura and throughout Burundi*” responsible for “*to monitor the security situation and to support Office of the United Nations High Commissioner for Human Rights (OHCHR) in*

monitoring human rights violations and abuses” in accordance with UNSC resolution 2303 adopted on 29 July, 2016.

Urges the United Nations Security Council (UNSC) to :

- Unsurprisingly by all means that the Government of Burundi fully supports the deployment in Burundi of the UN police component in accordance with its resolution 2303 of 29 July 2016
- Create a Commission of inquiry to investigate serious human rights violations perpetrated in Burundi since the outbreak of the crisis, mandated by the Secretary General of the United Nations and supported by the African Union ;
- Establish sanctions mechanism including targeted individual sanctions for perpetrators of serious human rights violations and an arms embargo;
- Condition the participation of Burundian Forces in Peacekeeping Operations to respect for fundamental rights by national authorities;

Calls upon the African Union to :

- Support the process of inter-Burundian dialogue and make every effort to ensure its inclusiveness and effectiveness;
- Ensure, in coordination with Burundian authorities, the immediate deployment of one hundred human rights observers and one hundred military experts, according to the decision of Heads of State and Government of the African Union taken on the occasion of its 26th summit in late January 2016;
- Strengthen its sanctions regime against individuals and groups whose actions and words contribute to the persistence of violence and hinder the search for a peaceful solution to the crisis;
- Suspend Burundi from its organs if Burundian authorities: continue the ongoing serious human rights violations or don't fully engage in the inter-Burundian dialogue process and don't guarantee its effectiveness and inclusiveness;

Call upon the International Criminal Court Prosecutor to:

- Open with no further delay an investigation into crimes committed in Burundi since April 2015 that fall under the Court's jurisdiction;
- Make public statements on the progress of the preliminary examination opened on 25 March 2016 and on the conclusions of this examination.