

ACHPR/Res. 396 (LXII) 2018: Draft Resolution: Burundi

The African Commission on Human and Peoples' Rights (Commission), meeting at its 62nd Ordinary Session held from 25 April to 9 May 2018 in Nouakchott, Islamic Republic of Mauritania;

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (African Charter);

Considering its Resolution ACHPR/Res.357(LIX) 16 on the human rights situation in the Republic of Burundi and the conclusions and recommendations of its December 2015 fact-finding mission including the need for its relevant mechanisms to monitor and investigate human rights violations;

Welcoming the efforts made by the East African Community towards resolving the crisis in Burundi, and the consideration of the report of the Facilitator in the Burundi dialogue, H.E. Benjamin Mkapa, during the 19th Summit of the East African Community on 23 February 2018 in Kampala, Uganda;

Noting the Statement of the UN Security Council President (S/PRST/2018) of 5 April 2018, expressing concern over the slow progress of the inter-Burundian peace dialogue and calling for all the Burundian stakeholders, particularly Burundi Government, to participate actively and unconditionally in that process, based on the respect of the Arusha Agreement and the Constitution of Burundi;

Concerned by the lack of implementation of recommendations formulated in the African Commission's fact-finding mission report;

Further Concerned by the continuous human rights violations committed with impunity; the continued forced displacement of populations, arbitrary arrests and detentions, targeted killings, extrajudicial executions, acts of torture and other forms of cruel, inhuman and degrading treatment, enforced disappearances, sexual violence, and harassment and intimidation of human rights defenders, journalists and media professionals;

Concerned also by the negative impact of the crisis on the population, including in the areas of food, health and security;

Deeply concerned by the constant lack of independent investigation of reported incidents of violations of human rights and the lack of cooperation for independent international investigation of reports of continuing human rights violations in Burundi;

The Commission:

Calls upon the Government of the Republic of Burundi to:

- i. Implement its recommendations contained in its 2016 fact-finding mission report;
- ii. Respect, protect and guarantee human rights and fundamental freedoms for all, in line with the country's Constitution and its international obligations to adhere to the rule of law;
- iii. Ensure that any initiative in Burundi including the review of the Constitution of the country does not deepen polarization in Burundi and undermine the ongoing peace process efforts;
- iv. Conduct without delay transparent and impartial investigations against all those responsible for human rights violations, including members of the security forces and violent actors affiliated to political parties, in order to bring the perpetrators to justice;
- v. Put an end to acts of intimidation, reprisal and harassment against human rights defenders and release those detained for exercising their legitimate human rights work;
- vi. Fully cooperate with regional and international mechanisms mandated to investigate human rights violations in Burundi;
- vii. Extend an invitation to the Commission to undertake a general human rights promotion mission in Burundi, in collaboration with the government authorities.

Calls upon the East African Community and the Peace and Security Council of the African Union to:

- i. Take urgent action to ensure that the review of the Constitution of Burundi does not lead to deterioration of the crisis and impede the peace process;
- ii. Take appropriate measures to ensure that all stakeholders, including the Burundian government, participate actively and unconditionally in an all-inclusive inter-Burundian peace dialogue based on the respect of the Arusha Agreement and the Constitution of Burundi to end the current crisis as soon as possible;
- iii. Initiate as part of the peace process efforts for ensuring the cessation of all acts of human rights violations and abuses and the inclusion in the peace process of measures for ensuring accountability.

Adopted at the 62nd Ordinary Session of the African Commission on Human and Peoples' Rights held in Nouakchott, Islamic Republic of Mauritania, from 25 April to 9 May 2018

