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*Plenary sitting*

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**B8-1357/2015**

9.12.2015

## **MOTION FOR A RESOLUTION**

to wind up the debate on the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the situation in Burundi  
(2015/2973(RSP))

**Fabio Massimo Castaldo, Ignazio Corrao, Piernicola Pedicini, Laura Agea**  
on behalf of the EFDD Group

**B8-1357/2015**

**European Parliament resolution on the situation in Burundi  
(2015/2973(RSP))**

*The European Parliament,*

- having regard to the Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000,
- having regard to the Universal Declaration of Human Rights,
- having regard to the Cotonou Agreement,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to the African Charter on Democracy, Elections and Governance (ACDEG),
- having regard to the African Charter on Human and Peoples' Rights,
- having regard to the EU Guidelines on Human Rights Defenders and the EU Human Rights Guidelines on Freedom of Expression,
- having regard to the Constitution of Burundi of 2005,
- having regard to the joint statement of 12 November 2015 by the Deputy Secretary-General of the United Nations, Jan Eliasson, the Chairperson of the African Union, Nkosazana Dlamini-Zuma, and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, on Burundi,
- having regard to the communiqué on Burundi adopted by the African Union during the 515th meeting of the Peace and Security Council held on 13 June 2015 at the level of Heads of State and Government,
- having regard to the communiqué on the situation in Burundi adopted by the East African Community during the 3rd Summit of Heads of State of 6 July 2015,
- having regard to its resolution of 9 July 2015 on the situation in Burundi<sup>1</sup>,
- having regard to the declaration of 23 July 2015 by VP/HR Federica Mogherini on behalf of the EU following the presidential election in Burundi
- having regard to the statement attributable to the Spokesman for the UN Secretary-General on Burundi of 20 August 2015,
- having regard to the statement of 28 August 2015 by the Team of International Envoys

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<sup>1</sup> Texts adopted, P8\_TA(2015)0275.

and Representatives on the Great Lakes of Africa on the situation in Burundi,

- having regard to Council Decision (CFSP) 2015/1763 of 1 October 2015 concerning restrictive measures in view of the situation in Burundi<sup>1</sup>,
  - having regard to the Commission communication of 9 October 2015 concerning the opening of consultations with Burundi under Article 96 of the Cotonou Partnership Agreement (COM(2015)0500),
  - having regard to the declaration of 9 October 2015 by the EU Delegation to Burundi on the political and security crisis in Burundi,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas Burundi’s parliamentary and presidential elections took place on 29 June and 21 July 2015 respectively, despite the boycott by 17 opposition groups, the withdrawal of African Union and EU electoral observers, and the international community declarations that the conditions for free and fair elections were not in place;
- B. whereas Pierre Nkurunziza was elected President of Burundi for a third term with 69.4 % of the vote and the ruling party won 77 of the 100 available seats in the National Assembly;
- C. whereas Burundian President Pierre Nkurunziza’s third term represents a breach of both the Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000, and of Article 7(3) of Protocol II on Democracy and Good Governance in particular, and of the Constitution of Burundi, in particular Article 96 thereof, which states that the President is ‘elected for a term of five years, renewable only once. No one may serve more than two presidential terms’;
- D. whereas civil society organisations and opposition parties that have boycotted the elections complained about violence and intimidation by the Imbonerakure (the youth militia of the ruling party CNDD-FDD), biased use of state institutions, the lack of independence of Burundi’s independent national electoral commission (CENI) and government strategies aimed at narrowing the inclusivity of the electoral process;
- E. whereas the United Nations Electoral Observation Mission in Burundi (MENUB) declared that the overall electoral environment was not conducive to an inclusive, free and credible electoral process;
- F. whereas the Burundian Government disregarded the decisions and recommendations of the African Union and East African Community (EAC) adopted on 13 June 2015 and on 6 July 2015 respectively, whose full implementation would have paved the way for credible and inclusive elections;
- G. whereas President Nkurunziza’s candidacy for a third term and his subsequent re-election have plunged the country into a severe political crisis characterised by a spread of violence in the country; whereas to date the crisis has resulted in over 240 deaths,

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<sup>1</sup> OJ L 257, 2.10.2015, p. 37.

thousands of people being wounded, and more than 200 000 Burundians fleeing to neighbouring countries, as documented by the United Nations Refugee Agency;

- H. whereas according to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other human rights organisations, politically motivated human rights violations, human rights abuses and acts of violence have been carried out in the country during both the pre-election and the post-election period, targeting opposition activists, human rights defenders and journalists in particular, including Pierre Claver Mbonimpa; whereas there is a widespread perception that they are mostly, but not exclusively, linked to state institutions; whereas the prime responsibility for ensuring security in Burundi and protecting the Burundian population, with due respect for the rule of law, human rights and international humanitarian law, lies with the Burundian Government;
- I. whereas the Burundian refugees in neighbouring states have caused humanitarian emergencies in Rwanda, the Democratic Republic of the Congo and Tanzania, where an outbreak of cholera has been reported;
- J. whereas the African Union has highlighted that the current crisis could have catastrophic consequences if not resolved peacefully as the security conditions and the instability may have a spillover effect in neighbouring countries, thus posing a major threat for the entire region;
- K. whereas, on 1 October 2015, the Council adopted travel restrictions and an asset freeze in respect of four persons whose activities are undermining democracy or obstructing efforts to achieve a political solution to the current crisis in Burundi, in particular through acts of violence, repression or incitement to violence, including acts which constitute serious human rights violations; whereas the African Union and the USA adopted similar measures;
- L. whereas, on 26 October 2015, the EU requested the opening of consultations in accordance with the procedure provided for in Article 96 of the EU-ACP Partnership Agreement in the event of failure to respect essential elements of the Agreement, namely human rights, democratic principles and the rule of law; whereas these consultations started on 8 December 2015;
- M. whereas, by means of Decree 530/1597, the Burundian authorities suspended the activities of 10 human rights organisations, namely ACAT-Burundi, APRODH, AMINA, FOCODE, FORSC, Fontaine-ISOKO, Maison Shalom, PARCEM, RCP and SPPDF, and blocked their bank accounts;
1. Expresses its strong concern about the ongoing crisis in Burundi, the escalation of violence and the worsening humanitarian situation in the country; strongly condemns any act of violence, repression, intimidation, violation of human rights and constitutional abuses committed by any party;
  2. Calls on all Burundian actors to make all necessary efforts to restore the conditions necessary for engaging in dialogue with the aim of achieving a lasting and inclusive political solution through an inter-Burundian process based on the Arusha Agreement; recalls the crucial role of civil society in such dialogue;

3. Urges all stakeholders and political leaders to take a stand against all activities aimed at inciting or perpetrating human rights violations and violence as the solution to this crisis should be a peaceful and political one;
4. Calls for an immediate end to violence, human rights violations and political intimidation of opponents and for the immediate disarmament of all armed groups allied to political parties, in strict accordance with international law and human rights;
5. Points, in particular, to the presence of many young people within the armed groups operating in Burundi and calls on the international community to pay specific attention to their reintegration and to the promotion of their participation in a peaceful political process;
6. Strongly condemns any manipulation of ethnicity by both the government and the opposition and in particular any speech echoing the language that was used in Rwanda during the 1994 genocide; calls on all political actors to refrain from any declaration that may incite violence or hatred towards different groups in Burundian society;
7. Supports mediation efforts by the East African Community, the African Union and the United Nations to improve the political dialogue on all divisive issues;
8. Reminds the Burundian authorities of their obligation to ensure security within the country's territory and guarantee human rights, civil and political rights and fundamental freedoms, as provided for in the Burundian Constitution, the African Charter on Human and Peoples' Rights, and other international and regional human rights instruments;
9. Recalls that Burundi, as one of the Cotonou Agreement contracting parties, must comply with all its provisions, including those related to Articles 8 and 9 concerning political dialogue and respect for all human rights and fundamental freedoms, fundamental social rights and democracy; welcomes the EU's decision to request the opening of consultations on the cases of non-respect for human rights, democratic principles and the rule of law as provided for in Article 96 of the Cotonou Agreement;
10. Expresses its deep concern about the socioeconomic, security and humanitarian-related impact of the crisis in the country and in the whole region as it could endanger the regional stability and give rise to an escalation of violence and a further spread of infectious diseases;
11. Expresses its grave concern about the difficult situation of the Burundian refugees who fled their country after the beginning of the crisis; calls on the international community to provide adequate humanitarian assistance;
12. Asks for the Burundian Senate to rapidly approve the new media law adopted unanimously by the National Assembly on 4 March 2015 allowing its promulgation and ratification; calls on the Burundian Government to decriminalise media offences and to ensure complete media freedom and independence;
13. Calls for the repeal of Decree 530/1597 providing for the provisional suspension of the activities of 10 human rights organisations and the immediate lifting of the freeze on

- their bank accounts, so that these organisations can freely exercise their activities;
14. Calls for the immediate and unconditional release of those arrested for exercising their political and democratic rights, including political opponents, journalists and human rights defenders;
  15. Welcomes the deployment by the AU of human rights observers and experts to monitor the human rights situation, and stresses the importance of cooperating with them in order to facilitate the implementation of their mandate; calls, moreover, on the International Criminal Court to investigate alleged human rights violations, within its jurisdiction, committed during the recent crisis;
  16. Asks the Commission and the Member States to divert aid for Burundi from central budget support to increasing financial support to civil society and to focusing primarily on both humanitarian and socioeconomic problems;
  17. Highlights that those who are directly or indirectly involved in violent acts and breaches of human rights must be held individually responsible and brought to account in a court of law, while avoiding inhuman and degrading treatment; supports EU travel restrictions and asset freeze measures against Burundian persons, entities or bodies involved in planning, directing or committing acts that violate international human rights law or humanitarian law;
  18. Reaffirms the conviction that only dialogue and consensus, based on the respect of the Arusha Agreement and the Constitution of Burundi, will make it possible to find a lasting political solution, ensuring the consolidation of peace, as well as the strengthening of democracy and the rule of law;
  19. Instructs its President to forward this resolution to the ACP-EU Council, the Commission, the Government of Burundi, the governments of the East African Community, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, the African Union and the Secretary-General of the United Nations.