



Plenary sitting

B8-0335/2018

3.7.2018

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Burundi
(2018/2785(RSP))

Elena Valenciano, Victor Boștinaru, Josef Weidenholzer, Maria Arena
on behalf of the S&D Group

B8-0335/2018

**European Parliament resolution on Burundi
(2018/2785(RSP))**

The European Parliament,

- having regard having regard to its previous resolutions on Burundi notably those of 9 July 2015¹, 17 December 2015² and 19 January 2017³, and July 2017,
- Statement by the President of the UN Security Council at its meeting of the Security Council, held on 5 April 2018,
- having regard to United Nations Security Council Resolutions 2248 (2015) of 12 November 2015 and 2303 (2016) of 29 July 2016 on the situation in Burundi,
- having regard to the international commission of inquiry report presented to the United Nations Human Rights Council on 15 June 2017,
- having regard to the UN Secretary-General's report on the situation in Burundi, of 23 February 2017 and of 25 January 2018,
- having regard to the UN Security Council Press Statement on Situation in Burundi 13 March 2017,
- having regard to the UN Security Council press release of 9 March 2017 regarding the situation in Burundi,
- having regard to the report of the UN Independent Investigation on Burundi (UNIIB), published on 20 September 2016,
- having regard to the Arusha Peace and Reconciliation Agreement for Burundi (Arusha Agreement) of 28 August 2000,
- having regard to the declaration on Burundi by the African Union summit of 13 June 2015,
- having regard to the Decision on the Activities of the Peace and Security Council and the State of Peace and Security in Africa (Assembly/AU/Dec.598(XXVI)), adopted at the 26th Ordinary Session of the Assembly of Heads of State and Government of the African Union held on 30 and 31 January 2016 in Addis Ababa (Ethiopia),
- having regard to the Decisions and Declarations of the Assembly of the African Union (Assembly/AU/Dec.605-620(XXVII)), adopted at the 27th Ordinary Session of the Assembly of Heads of State and Government of the African Union held on 17 and 18

July 2016 in Kigali (Rwanda),

- having regard to the resolution of the African Commission on Human and Peoples' Rights of 4 November 2016 on the human rights situation in the Republic of Burundi,
- having regard to the declaration on Burundi by the East African Community (EAC) summit of 31 May 2015,
- having regard to Council Decision (EU) 2016/394 of 14 March 2016 concerning the conclusion of consultations with the Republic of Burundi under Article 96 of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States (ACP), of the one part, and the European Community and its Member States, of the other part,
- having regard to the resolution adopted by the Human Rights Council on 29 September 2017 (36/19) on the renewal of the mandate of the Commission of Inquiry on Burundi ,
- having regard to Council Regulation (EU) 2015/1755 of 1 October 2015 and Council Decisions (CFSP) 2015/1763 and (CFSP) 2016/1745 concerning restrictive measures in view of the situation in Burundi,
- having regard to the Council conclusions of 16 March, 18 May, 22 June and 16 November 2015 and 15 February 2016 on Burundi,
- having regard to the Declaration by the High Representative, Federica Mogherini, on behalf of the European Union on the situation in Burundi ahead of the constitutional referendum 08/05/2018,
- having regard to the statements of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 28 May 2015, 19 December 2015 and 21 October 2016,
- having regard to the statement of 6 January 2017 by the VP/HR spokesperson on the banning of Iteka League in Burundi,
- having regard to the 1966 International Covenant on Civil and Political Rights,
- having regard to the African Charter on Human and Peoples' Rights,
- having regard to the African Charter on Democracy, Elections and Governance,
- having regard to the revised Cotonou Agreement, in particular Article 96 thereof,
- having regard to the Constitution of Burundi, in particular Article 96 thereof,
- having regard to the Universal Declaration of Human Rights,
- having regard to Rules 122(5) and 123(4) of its Rules of Procedure,

- A. Whereas Burundi has suffered a regressing and volatile political and security situation since 2015, while the current situation especially during the referendum period has exacerbated the tendency of violence and threats; whereas the intensity of violence has decreased compared to 2015 (despite the recent increase in attacks with grenade, constrained disappearances, corpses found in Lake Tanganyika and the different neighborhoods of Bujumbura, kidnappings and extrajudicial executions), widespread abuse is perpetrated on a continuous basis;
- B. Whereas Burundi has remained in the grip of instability and sporadic unrest intensified with violent clashes in a number of locations, leading to multiple population displacements; whereas the lack of civil liberties and restrictions on freedom of space also remained serious human rights concerns in the country;
- C. Whereas the situation in Burundi has not yet been declared as a large-scale humanitarian crisis however, deteriorating living conditions and acute humanitarian basic livelihood continue to decrease during this time of insecurity.; whereas in the same time, a significant number of Burundian are still refugees in the neighboring countries;
- D. Whereas on May 17, Burundians voted in favor of a new constitution; whereas according to the Independent National Electoral Commission (CENI), which announced provisional results on May 21, 73.25% of the 4.8 million voters voted in favor of the text during a poll with a turnout rate of just over 96.24%;
- E. Whereas the amended constitution adopted by referendum on 17 May 2018 extends the president's term from five to seven years(which will allow President Pierre Nkurunziza to remain in power until 2034); whereas however, at the beginning of June, the Burundian President however announced that he would not be a candidate for his succession in 2020; whereas the new constitution also allows for ethnic quotas to be removed which can reduce inclusiveness and pose further serious consequences for political stability in Burundi;
- F. Whereas in 2018 in the referendum period, rights organizations have reported the cases of a shrinking civic space and a degrading media space: both on a national and local level local NGO's and human rights defenders have increasingly been threatened and targeted by the government since 2015, press freedoms and the conditions in which journalists are working have steadily deteriorated; whereas private media and journalists have already paid a high price in the battle with the government, including being the targets of arrests, summary executions and enforced disappearances or sometimes classified as criminal or even terrorist by the government;
- G. Whereas Burundi has banned six human rights organization from operating in the country between October 2016 and January 2017, whereas Burundian authorities have banned the BBC and VOA (Voice of America) as well as two local broadcasters on 7 May 2018, just weeks before the referendum, for "breaching the law governing the press and ethics", whereas the bans fall in line with a context in which journalists are getting threatened for reporting on some of the oppression;

- H. Whereas Civil liberties continue to be severely restricted in Burundi, while a significant portion of the political opposition remains in exile as well as a large number of independent journalists and members of organizations engaged in the collection of data on human rights violations; whereas all media houses suspended in 2015, with the exception of two, remain closed;
- I. Whereas Burundi has become the first nation to leave International Criminal Court with effect on 27 October 2017, whereas the decision of withdrawal has come at a time when the machine was continuing to kill with impunity in the country; whereas ICC officials authorised to open *proprio motu* investigation: 25 October 2017
- J. Whereas the African Union and the East African Community, expressed at the thirtieth African Union summit and the nineteenth East African Community summit, their commitment to a peaceful resolution of the political situation in Burundi through an inclusive dialogue on the basis of the Arusha Agreement of 28 August 2000
Whereas;
- K. Whereas a number of bilateral and multilateral partners including the EU have suspended their financial and technical assistance to the Government of Burundi, in view of the situation in Burundi;
- L. Whereas as the UN Commission of Inquiry (UNCI)¹ has pointed out, political violence, arbitrary arrests, extrajudicial executions, beatings, hate speech and various other abuses continue to plague the population;
- M. Whereas On 26 April, 2018, the Ntahangwa High Court in Burundi sentenced Germain Rukuki a human rights defender, who works for Association des juristes catholiques du Burundi –to 32 years in prison on charges of “rebellion”, “breach of State security”, “participation in an insurrectional movement” and “attack on the head of state;
- N. Whereas Journalist Jean Bigirimana has now been missing for almost two years, and is one of many victims of enforced disappearances during this crisis; whereas there is a total lack of accountability;
- O. Whereas members of the political opposition continue to be among the first targets of repression by the ruling party; whereas in recent months, members of the FNL of Agathon Rwasa have been victims of arrests, intimidation, violence and constrained disappearances as well as extrajudicial executions.
1. Remains deeply concerned by the political and human rights situation in Burundi, which undermines any initiative for reconciliation, peace and justice. It highlights, in particular, the persistence of extrajudicial executions and arbitrary arrests, (including of human rights defenders such as Nestor Nibitanga and Germain Rukuki, who faces a sentence which is as arbitrary as it is harsh) and the lack of political space and restrictions on freedom of expression and association;

2. Underscores its deep concern regarding the continued worsening of the humanitarian situation, marked by nearly 169,00,000 internally displaced persons, 3.6 million people in need and more than 410,000 Burundians seeking refuge in neighboring countries, and commends the host countries for their efforts, and calls upon Governments in the region to ensure that their return is voluntary, based on informed decisions and in safety and dignity;
3. Deplore all forms of attack as well as aggressions and provocations against human rights defenders and activists which include; arbitrary killings and inhuman treatment of the civilian population, underlined, that attacks targeting human rights defenders are unacceptable and calls on the authorities to guarantee in all circumstances that they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment;
4. Call on Burundian government to cease targeting all human rights defenders and journalists in all circumstances and take appropriate measures to ensure that Burundi strictly adheres to its commitments in the East African community, particularly about the free movement of goods and people so that they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment;
5. Commends the mediation efforts of the East African Community (EAC), which helped to organise the first inter-Burundian dialogue meeting on 28 December 2015 in Entebbe, support and encourage the East African Community (EAC) and key EAC member States by providing regional support to heads of state for the implementation of a road map leading to a meaningful, sustainable and inclusive solution for the political crisis in Burundi;
6. Regrets however, the slow progress of the inter-Burundian dialogue led by the East African Community and the lack of engagement by the Government of Burundi in that regard and calls on all parties, and in particular the Burundian authorities, to subscribe to the urgent resumption of the inter-Burundian dialogue which should be organised in a truly inclusive framework and without preconditions;
7. Regrets also that Burundi persisted in its refusal to cooperate with the UN inquiry Commission, which would make it possible to mention the Government's views in the final report. It also regretted that the Government did not consent to the resumption of the activities of the Office of the Observer for the Office of the United Nations High Commissioner for Human Rights;
8. Urge Burundi to revert to the agenda of regional and international community meetings to agree on a compromise for the implementation of existing decisions at the UN and AU levels namely: Implementation of the resolution 2303; Signing of the Memorandum of Understanding with AU Observers; Resume cooperation with the OHCHR;
9. Takes note of the announcement by President Nkurunziza that he will not run for

another term in 2020, calls on the international community to closely follow the situation in Burundi despite the statement by President Nkurunziza about the 2020 elections;

10. Call for the immediate and unconditional release of Germain Rukuki, drop all charges against him and ensure his liberty and security to carry out his legitimate and peaceful work in the defence of human rights;
11. Calls on the UN to launch a prompt, and impartial investigations of all alleged violations of human rights and humanitarian law, appropriately prosecute those responsible; criminals and killers must be brought to justice, no matter what group they belong to and provide adequate redress for victims and survivors of grave human rights violations in Burundi and their families, deserve reparation and justice;
12. Urge the EU Member States to provide flexible and direct financial support to civil society and media organizations, including women's organizations, who are still working in the field but also those in exile, in particular those working for the promotion and protection of political, civil, economic, social and media rights;
13. Call for the effective implementation of the UNSC decision to deploy to Burundi the 228 United Nations police officers in accordance with UNSC Resolution 2303 adopted on 29 July 2016;
14. Call on the EU in line with its mechanism for the protection of Human Rights defenders to help facilitate internal relocation or issuance of emergency visas to human rights defenders and organizations at risk in Burundi, to help ensure their physical and psychological integrity at all times;
15. Call for the expansion of the EU targeted sanctions and urge the UN Security Council to impose targeted sanctions, including travel bans and asset freezes, against individuals responsible for ongoing serious human rights violations in Burundi;
16. Reiterates that an inclusive political dialogue, under international mediation and in compliance with the Arusha Agreement and the Constitution of Burundi, remains the only way to ensure lasting peace in Burundi, call therefore on the East African Community as the key Convener of the inter-Burundian dialogue, to take appropriate measures to engage firmly and without delay, the Burundian government in an inclusive dialogue for a peaceful and lasting solution to the current crisis;
17. Remains deeply concerned that the new Constitution adopted by referendum on 17 May 2018, could start to dismantle the carefully negotiated provisions, defined in the 2000 Arusha agreement that helped end Burundi's civil war;
18. Calls on the Burundian authorities to launch an independent investigation into the disappearance of Jean Bigirimana, a journalist who has been missing since 22 July 2016;
19. Urges the Burundian government to respond concretely to the concerns of the international community in resolving the crises by adoption of a proactive approach to

providing security to the locals;

20. Instructs the Burundian President to forward this resolution to the Burundian Parliament, the EU HR/VP, the Commission, the governments and parliaments of the EU and the UN High Commissioner for Refugees and the UN Human Rights Council.
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