Situation in Burundi

European Parliament resolution of 17 December 2015 on the situation in Burundi (2015/2973(RSP))

The European Parliament,

– having regard to the revised Cotonou Agreement,
– having regard to the Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000,
– having regard to the Constitution of Burundi, and in particular Article 96 thereof,
– having regard to the African Charter on Democracy, Elections and Governance (ACDEG),
– having regard to the African Charter on Human and People’s Rights,
– having regard to the joint statement of 13 December 2015 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, and the Commissioner in charge of International Cooperation and Development, Neven Mimica, on the deteriorating situation in Burundi,
– having regard to the Council conclusions on the EU-Burundi consultations under Article 96 of the Cotonou Agreement, adopted on 8 December 2015,
– having regard to UN Security Council Resolution 2248 (2015) of 12 November 2015 on the situation in Burundi,
– having regard to the joint statement of 12 November 2015 by the Deputy Secretary-General of the UN, Jan Eliasson, the Chairperson of the African Union, Nkosazana Dlamini-Zuma, and the VP/HR, Federica Mogherini, on Burundi,
– having regard to the decisions of the Peace and Security Council of the African Union (AU) of 13 June, 17 October and 13 November 2015 on the situation in Burundi,
– having regard to the statements issued by the East African Community on 31 May and 6 July 2015 on the situation in Burundi,
– having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 9 December 2015 on the situation in Burundi,

– having regard to Council Regulation (EU) 2015/1755 of 1 October 2015 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 on Burundi,

– having regard to its resolution of 9 July 2015 on the situation in Burundi
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– having regard to the letter approved by the Council on 26 October 2015 requesting the opening of consultations with the Burundian authorities under Article 96 of the Cotonou Agreement,

– having regard to the statement made by the Prosecutor of the International Criminal Court, Mrs Fatou Bensouda, on 6 November 2015,

– having regard to Article 123(2) and (4) of its Rules of Procedure,

A. whereas the security situation in Burundi has seriously deteriorated over the past few days, following the attacks of three military camps in Bujumbura; whereas Burundian security forces killed at least 87 people on 11 and 12 December 2015; whereas many of these killings seem to have been random executions;

B. whereas Article 96 of the Constitution of Burundi and Article 7(3) of Protocol II to the Arusha Peace and Reconciliation Agreement stipulate that the President cannot serve more than two terms; whereas President Pierre Nkurunziza has been in office since 2005, having been re-elected in 2010;

C. whereas Burundi held legislative and local elections on 29 June 2015 and presidential elections on 21 July 2015; whereas both electoral processes were considered by the international community not to be transparent, inclusive, free and credible; whereas for that reason the African Union (AU) refused to send observers to follow the elections, the EU suspended its electoral mission to Burundi and a large part of the Burundian opposition decided to boycott the elections;

D. whereas President Nkurunziza’s candidacy for a third term and his subsequent re-election following the elections of 21 July 2015 have plunged the country into its deepest political crisis since the end of the civil war;

E. whereas the Burundian Government disregarded the decisions and recommendations by the AU and the East African Community (EAC) adopted on 13 June 2015 and 6 July 2015 respectively, whose full implementation would have paved the way for credible and inclusive elections;

F. whereas, according to the OHCHR and other human rights organisations, politically motivated human rights violations, human rights abuses and acts of violence were carried out in the country during both the pre-election and the post-election periods, targeting opposition activists, human rights defenders and journalists in particular, including Pierre Claver Mbonimpa, whose son was found dead after having been

arrested by the police, Marguerite Barankitse, Antoine Kaburahe and Bob Rugurika; whereas there is a widespread perception that these acts are mostly, but not exclusively, linked to state institutions; whereas the prime responsibility for ensuring security in Burundi and protecting the Burundian population, with respect for the rule of law, human rights and international humanitarian law, lies with the Burundian Government; whereas more than 200 000 people have been internally displaced or have sought refuge in neighbouring countries as a result of the worsening political situation in Burundi; whereas in July 2015 the EU stepped up its humanitarian assistance and mobilised an additional EUR 4.5 million in aid for displaced populations; whereas Burundi is one of the least developed countries in the world; whereas nearly half (45%) of the 10.6 million inhabitants of Burundi are aged 15 or under (children below the age of 5 represent 19.9%); whereas Burundi ranks first in the Global Hunger Index, with three in five children suffering stunted growth; whereas between 2013 and 2014 Burundi fell two places, from 178th to 180th, in the UNDP’s Human Development Index, whereas four out of five people in Burundi live on less than USD 1.25 per day, and whereas 66.9% of the population live below the poverty line; whereas on 26 October 2015 the EU requested the opening of consultations under Article 96 of the Cotonou Agreement to investigate the failure to respect essential elements of the agreement, in particular human rights, democratic principles and the rule of law; whereas these consultations started on 8 December 2015; whereas on 8 December 2015 the EU considered that the positions expressed by Burundi during the Article 96 Cotonou Agreement consultations would make it impossible to remedy Burundi’s failure to respect essential elements of its partnership with the EU; whereas the EU also considered that the positions expressed by Burundi would not allow a satisfactory response to the decisions by the Peace and Security Council of the African Union of 17 October and 13 November 2015, in particular as regards the need to establish without delay a sincere and inclusive dialogue based on the Arusha Agreement; whereas the political deadlock in Burundi, marked by a lack of dialogue among Burundian stakeholders and a deterioration in the security and economic situation as a result, are having serious consequences for the population and pose a serious risk for the stability of the region, where several elections are planned for the next two years (Uganda, the Democratic Republic of the Congo, Rwanda); whereas the international community plays a significant role as the guarantor of the Arusha Accords; whereas so far all regional and subregional efforts aimed at addressing the crisis and restoring dialogue between all political forces have failed to produce positive results; whereas on 1 August 2015 the political opposition and civil society gathered in Addis Ababa to create the National Council for the Restoration of the Arusha Accords and the Rule of Law; whereas on 23 September 2015 the President signed a decree creating a national commission for inter-Burundian dialogue to lead negotiations for six months; whereas civil society has shown great scepticism as to the potential achievements of this commission because most of the actors from the opposition or civil society who oppose
President Nkurunziza’s third mandate are being pursued on charges of insurrection and complicity in the failed coup of 13 and 14 May 2015; whereas the Speaker of the new National Assembly, Pascal Nyabenda, stated that ‘the people involved in the organisation and implementation of the coup (…) will not be included in the dialogue’;

O. whereas the AU, the EU and the US have imposed an asset freeze and travel ban on government and opposition leaders whose actions and statements contribute to the persistence of violence and impede the search for a political solution to the crisis in Burundi;

P. whereas the US and a number of other countries have advised their citizens to leave Burundi immediately given the deteriorating security situation;

Q. whereas on 17 October 2015 the Peace and Security Council of the AU requested the finalisation of a contingency planning for the purposes of the deployment in Burundi, should the situation so require, of an African-led Mission to prevent violence in the country, and agreed on the launching of a thorough investigation into the violations of human rights and other abuses against the civilian population in Burundi;

R. whereas on 30 November 2015 the Secretary-General of the United Nations, Ban Ki Moon, made three proposals to the Security Council recommending a revision of the mandate of the UN presence in Burundi on the basis of the evolution of the situation, which opens the door to a peacekeeping mission, as a last resort, should the crisis worsen;

S. whereas a UN support team will be deployed with a view to supporting an inter-Burundian dialogue, advising the government on strengthening rule-of-law institutions and disarmament issues, coordinating with regional actors, monitoring and reporting on the situation on the ground and facilitating UN planning for greater presence in Burundi;

T. whereas the AU and other international actors have repeatedly called for a genuine and inclusive dialogue involving all stakeholders, based on respect for the Arusha Agreement and the Burundian Constitution, in order to find a consensual solution to the conflict in Burundi; whereas the EU and the UN support this position;

U. whereas mediation efforts continue, with the full support of the AU, the EU and the UN, in order to promote inter-Burundian dialogue with a view to finding a consensual and peaceful solution to the crisis in Burundi;

V. whereas the EU contributes significantly to Burundi’s annual budget, approximately half of which comes from international aid, and has recently allocated EUR 432 million to Burundi from the European Development Fund 2014-2020;

W. 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 Shalon, PARCEM, RCP, SPPDF, and blocked their bank accounts;

1. Expresses its deepest concern regarding the grave security and political situation in Burundi, the rapidly worsening humanitarian situation and the consequences that this may have for security and stability in the entire subregion;
2. Strongly condemns the recent violent attacks and the increased cases of human rights violations and abuses, including assassinations, extra-judicial killings, violations of people’s physical integrity, acts of torture and other cruel, inhuman and/or degrading treatment, arbitrary arrests and illegal detentions, including of children and the occupation of schools by military and police, and violations of the freedom of the press and of expression, as well as the prevalence of impunity; calls for a thorough and independent inquiry into the killings and abuses and for the perpetrators of these acts to be brought to justice;

3. 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;

4. Urges all parties to establish the necessary conditions for rebuilding trust and fostering national unity, and calls for the immediate resumption of an inclusive and transparent national dialogue, including the government, opposition parties and civil society representatives;

5. Stresses that such dialogue, aimed at achieving lasting peace, security and stability, and at restoring democracy and the rule of law, in the interest of the citizens of Burundi, should be based on the Arusha Agreement and the Burundian Constitution, which requires compliance with international law and treaties;

6. Points in particular to the presence of many young people, including children under the age of 18, 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;

7. Demands that all sides in Burundi refrain from any action that would threaten peace and security in the country; strongly condemns all public statements aimed at inciting violence or hatred towards different groups in Burundian society, which have the potential to aggravate the current tension, and calls on all actors to refrain from making such statements;

8. Reminds the Burundian authorities of their obligation to ensure security in its 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 in other international and regional human rights instruments;

9. Recalls, in this context, that the EU-Burundi partnership is governed by the Cotonou Agreement, and that all parties are bound to respect and implement the terms of that agreement, in particular respect for human rights; recalls, in particular, that Article 96 of the Cotonou Agreement provides for the possibility of instituting consultation procedures in cases of failure to respect human rights, democratic principles and the rule of law, and welcomes, in this respect, the EU’s decision to request the opening of consultations as provided for in that article;

10. Strongly condemns President Nkurunziza’s violation of the Arusha Agreement in being sworn in for a third presidential term;

11. Urges the Burundian authorities to encourage the establishment of the truth about the mass crimes committed between 1962 and 2008, through judicial and non-judicial
measures, such as a truth and reconciliation commission and special tribunals, promoting national reconciliation;

12. Welcomes the mediation efforts led by the EAC, with the support of the AU and the UN, to facilitate dialogue among the Burundian stakeholders; calls on the VP/HR also to support these mediation efforts; urges the Government of Burundi and other stakeholders concerned to fully cooperate with the mediator;

13. Expresses its grave concern at the number of victims and cases of serious human rights violations reported since the beginning of the crisis; urges the competent authorities to undertake a rigorous and prompt investigation into the circumstances and motives behind these crimes and to ensure that those responsible are brought to justice; reiterates that there can be no impunity for those responsible for violations or serious abuses of human rights; calls on the authorities to ensure that schools remain a safe haven for learning; calls on the ICC Prosecutor to closely monitor the situation in Burundi and supports her declaration of 6 November 2015;

14. Calls for the repeal of Decree 530/1597 providing for the provisional suspension of the activities of several human rights organisations, and calls for the immediate lifting of the freeze on their bank accounts, so that these organisations can freely exercise their activities;

15. Calls for the safe return of journalists and human rights defenders in exile, the reopening of the media that were closed after the failed coup attempt of 13 and 14 May 2015 and for the charges against those journalists accused of having taken part, directly or indirectly, in the abortive coup to be dropped;

16. Is particularly concerned by the dramatic levels of discrimination against, and criminalisation of, LGBTI people in Burundi; points out once again that sexual orientation forms part of freedom of expression and of people’s right to a private life, as enshrined in international human rights law, under which the principles of equality and non-discrimination must be upheld and freedom of expression guaranteed; calls, therefore, on the National Assembly and on the Government of Burundi to repeal the articles of the penal code which discriminate against LGBTI people;

17. Underlines the severe impact of the crisis on children and calls on the Commission to remain engaged with international partners in order to secure the provision of health care services, including essential drugs, safe access to education and protection of children from all forms of violence, and to guarantee access to other social services;

18. 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;

19. Welcomes the targeted sanctions approved by the EU, consistent with the decision taken by the AU to impose targeted sanctions, including a travel ban and asset freeze against Burundians whose actions and statements contribute to the perpetuation of violence and obstruct efforts to achieve a political settlement of the crisis; calls for the EU to extend such sanctions to all those whose actions represent a threat to peace and stability in the region, inciting hate and violating the Arusha Agreement;
20. Urges the EU and its Member States, in view of the way in which the public consultation conducted under Article 96 of the Cotonou Agreement has evolved, to consider freezing all non-humanitarian assistance to the Government of Burundi until such time as the excessive use of force and human rights violations by government forces, as recorded by the OHCHR, have stopped, and a political solution resulting from a genuine inter-Burundian dialogue has been found, and to reorientate the aid with a view to strengthening civil society; considers that EU aid should tackle the root problems of inequality, poverty and chronic malnutrition in order to achieve the recently approved Sustainable Development Goals;

21. Expresses its deep concern at the continued exodus of Burundian refugees to neighbouring countries; reiterates its support for all humanitarian organisations operating on the ground and for the neighbouring host countries; appeals to the international community and humanitarian agencies to continue to provide assistance to all those who are now refugees and displaced persons as a result of the conflict; welcomes the EU’s commitment to increasing financial support and humanitarian aid to address the urgent needs of these populations;

22. Calls on the AU, the UN and the EU to seriously consider the regional dimension and prevent any further destabilisation of the region by increasing their presence on the ground, in particular by maintaining a permanent political dialogue between countries in the region; urges the AU, in this connection, to consider, in coordination with the UN Security Council, deploying an African-led peacekeeping mission should the security and human rights situation further deteriorate in Burundi;

23. Urges the VP/HR, Federica Mogherini, to continue the efforts to secure the immediate release of Richard Spiros Hagabimana, a police officer in Burundi who has been illegally imprisoned and tortured because as a policeman he refused to shoot at a crowd on 28 July 2015;

24. Takes the view that Burundi’s problems are interlinked with disputes linked to control over fertile farmland, income inequality and discrimination; calls, in this context, for the setting-up of a responsible regulatory framework to govern the way corporations comply with human rights obligations and obligations with respect to social and environmental standards;

25. Instructs its President to forward this resolution to the Government and Parliament of Burundi, the ACP-EU Council, the Commission, the Council, the East African Community and the governments of its member states, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the institutions of the African Union and the Secretary-General of the United Nations.