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*Plenary sitting*

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**B8-0336/2018**

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))

**Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi, Rolandas Paksas**  
on behalf of the EFDD Group  
**Bodil Valero**

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

*The European Parliament,*

- Having regard to the revised Cotonou Agreement, in particular Article 96 thereof,
- Having regard to the Universal Declaration of Human Rights,
- 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 Human Rights Council resolution 33/24 of 30 September 2016 establishing the Commission of Inquiry on Burundi and to resolution 36/19 of 4 October 2017 renewing its mandate for one additional year,
- Having regard to the Statement by the spokesperson on the situation in Burundi of 8 June 2018, the Statement by the spokesperson on the Burundian political dialogue of 15 December 2017 and to the Statement by the Spokesperson on Burundi and the International Criminal Court of 27 October 2017,
- Having regard to the report of the international commission of inquiry report presented to the United Nations Human Rights Council on 15 June 2017,
- Having regard to the findings of the Commission of Inquiry on Burundi delivered to the Human Rights Council and the oral briefing by the members of the Commission of Inquiry on Burundi to the 38th session of the UN Human Rights Council on 27 June 2017,
- Having regard to the findings by the African Commission on Human and Peoples' Rights at its 62nd regular session,
- Having regard to the outcome of the Universal Periodic Review on Burundi at the Human Rights Council on 28 June 2018,
- Having regard to the Arusha Peace and Reconciliation Agreement for Burundi (Arusha Agreement) of 28 August 2000,
- Having regard to Council Decision (CFSP) 2015/1763 of 1 October 2015 concerning restrictive measures in view of the situation in Burundi and the decision to prolong them until 31 October 31,
- Having regard to its previous resolutions on Burundi;

- A. Whereas a constitutional referendum took place in Burundi in May 2018 with an overwhelming victory of "yes"; whereas under the new constitution President Nkurunziza would be allowed to run for re-election for two consecutive seven-year mandates and could stay president until 2034; whereas despite the changes to the constitution President Nkurunziza announced he would not run in the 2020 elections;
- B. Whereas in a number of public speeches delivered before the referendum President Nkurunziza warned, through concealed threats, all those against the referendum creating an environment of intimidation that deeply affected the referendum; whereas these statements were echoed by other officials of the government or of the army;
- C. Whereas the opposition claimed that the constitutional referendum was tainted by intimidations and frauds with officials and Imbonerakure militias escorting the voters to the booth and urging to vote yes; whereas the opposition did not recognize the result of the referendum but the Constitutional court validated the victory on the 31st of May;
- D. Whereas on November 2017 the International Criminal Court opened an investigation into alleged crimes against humanity in Burundi; whereas Burundi had withdrawn from the ICC a month earlier, becoming the only ever State to withdraw from the Rome Statute of the International Criminal Court (ICC);
- E. Whereas the Commission of Inquiry on Burundi in its oral briefing to the Human Rights Council defined the situation in Burundi as very disturbing as it documented several human rights violations carried out since the beginning of 2018, including executions, enforced disappearances, acts of torture and other cruel, inhuman or degrading treatment, targeting those opposed to the proposed amendments of the Constitution; whereas the violations includes arrests of people who called for a "no" vote and the execution or abduction of members of the opposition;
- F. Whereas the Imbonerakure keep perpetrating human rights violations, including the excessive use of force, abductions, torture or ill-treatment, acting with the complicity or the approval of State officials and harassing and intimidating the population and in general taking actions outside the framework provided by the law;
- G. Whereas Burundi is in a state of continuing socio-economic deterioration and at the last but one position in world GDP per capita ranking and whereas around 3.6 million of Burundians, 30 percent of the population, are in need of assistance and 1.7 million remain food insecure; whereas this situation of poverty is worsened by the introduction of a "voluntary" contribution for the 2020 elections which is often forcibly collected by the Imbonerakure and that amounts at around 10 per cent or more of the monthly salary of civil servants;
- H. Whereas the work of independent media is severely hampered in the country as illustrated by the suspension of the BBC and the Voice of America (VOA) on 4th May 2018 and the warnings received by Radio France Internationale (RFI) and two Burundian radio stations;

- I. Whereas several opposition and civil society actors in exile have recently called for a "revolution" further aggravating an already tense situation;
  - J. Whereas Burundi continues to refuse to cooperate with the Commission of Inquiry on Burundi and other mechanisms; whereas the team of experts set up by the HRC was expelled from Burundi last month, and have since been barred access to the country; whereas the Burundian minister of Human Rights condemned the content of the oral report of the Commission of Inquiry to the Human Rights Council;
  - K. Whereas The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Burundi on 28 June 2018 during its 38th session; whereas Burundi accepted 125 out of 242 recommendations of the Universal Periodic Review, refusing in particular those recommendations who called for practical steps to improve the country's human rights record;
  - L. Whereas a growing number of members of civil society organizations and human rights defenders in the country have been imprisoned or continue to experience pressure; whereas Emmanuel Nshimirimana, Aimé Constant Gatore and Marius Nizigiyimana, members of the Burundian non-governmental organization Words and Actions for the Awakening of Consciences and the Evolution of Mentalities (PARCEM), have been charged with 'threatening interior state security' and using fake documents and sentenced to 10 years in prison on 8 March 2018; whereas Burundian human rights defender Germain Rukuki has been charged with "threatening state security" and "rebellion" and sentenced to 32 years in jail; whereas Burundian human rights defender Nestor Nibitanga has been arrested on 21 November 2017 and held in pre-trial detention since then;
- 1. Expresses its deep concern at the political and security situation in Burundi; condemns the human rights violations, including the excessive use of force, killings, torture, kidnappings and enforced disappearances, arbitrary arrests and detentions, mostly committed by the Burundian security services and the Imbonerakure militia as well as by unidentified armed men; calls on the Burundian authorities to put an end to these violations and to investigate and prosecute their perpetrators, regardless of their rank and function, and provide reparations to the victims;
  - 2. Takes note of President Nkurunziza declaration that he will not stand for election in 2020, which is in line with the principle of democratic change of government as set out in the Arusha Agreements and the African Charter on Democracy, Elections and Governance; calls on President Nkurunziza to hold true to its decision which is a first and important step to guarantee the credibility of 2020 elections;
  - 3. Takes note of the result of the referendum but express its doubts about the voting process that took place amid widespread abuse, fear, and pressure and in a climate that is clearly not conducive to free choice; is worried that some constitutional changes adopted through the referendum are challenging the achievements and principles from the 2000 Arusha Peace and Reconciliation Agreement, that remains the main instrument for peace and stability in Burundi and the region;

4. Welcomes Burundi acceptance of 125 recommendations from the UPR but regrets the refusal of almost as many; calls on Burundi to reconsider its position on these recommendations and to effectively match rhetoric with effective human rights protection by taking the practical steps needed to improve the human rights situation; calls on Burundi to ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
5. Considers human rights defenders Emmanuel Nshimirimana, Aimé Constant Gatore, Marius Nizigiyimana, Nestor Nibitanga and Germain Rukuki as prisoners of conscience, solely detained on account of their human rights work; calls on the authorities to release them and any other wrongfully imprisoned HRDs immediately and unconditionally; calls on the European Union to engage with the Burundian government and to use all its diplomatic instruments in this sense;
6. Calls on Burundi to establish as soon as possible a national preventive mechanism, in line with its previous ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to conduct effective investigations into all allegations of acts of torture and inhuman and degrading treatment in its detention centres;
7. Urges Burundi to allow full and unfettered access to all parts of the country and to fully cooperate with all relevant international and regional human rights observers, including the Commission of Inquiry;
8. Calls on Burundi to guarantee the full exercise of the rights to freedom of expression and association and ensure a safe environment conducive to the work of human rights defenders and civil society organizations;
9. Calls on all those who are opposed to the Government of Burundi to refrain from any acts or speeches of a violent nature that could significantly worsen the already tense situation in the country and on Burundian authorities to refrain from harassing civil society and opposition members in exile; calls on the EU to support Burundian civil society in Burundi and in exile;
10. Reiterates its call on all Burundian stakeholders to engage in an inclusive inter-Burundian political dialogue in a context where all the parties are safe and independent civil society is widely represented; reiterates its support to the mediation process under the auspices of the East African Community, with the backing of the African Union and the Special Representative of the Secretary-General; reminds that Arusha Peace Agreement remains the main instrument for peace and stability in Burundi;
11. Condemns Burundi's withdrawal from the ICC and the Rome Statute; expects Burundi, as a former party to the Rome Statute, to continue its cooperation with the court considering that the fight to impunity, the prosecuting to all human rights violations and accountability remain necessary steps to solve the crisis and for a lasting peaceful solution;

12. Welcomes the decision of the Council to renew the EU restrictive measures against Burundi until 31 October 2018; calls on the Council to adopt new targeted restrictive measures against those who are responsible for ongoing serious human rights violations in Burundi;
13. Calls on the AU to ensure the establishment of enhanced vetting procedures for elements of the Burundian armed forces deployed within the African Union Mission to Somalia (AMISOM), to ensure that no Burundian soldier or officer having been responsible for human rights violations since April 2015 be deployed within AMISOM; calls furthermore to ensure that the funding of the Burundian military personnel deployed within AMISOM is subject to strict control procedures so that the funds do not benefit under any circumstance the Burundian authorities;
14. Instructs its President to forward this resolution to the Government and Parliament of Burundi, the ACP-EU Council of Ministers, the European Commission, the Council of Ministers of the European Union, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the EU Member States, the member countries and institutions of the African Union, and the Secretary-General of the United Nations.