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*Plenary sitting*

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**B8-0465/2017**

4.7.2017

## 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 the situation in Burundi  
(2017/2756(RSP))

**Judith Sargentini, Maria Heubuch, Heidi Hautala, Florent Marcellesi, Michèle Rivasi, Bodil Valero, Barbara Lochbihler, Bart Staes, Ernest Urtasun, Igor Šoltes, Davor Škrlec, Bronis Ropė, Jordi Solé**  
on behalf of the Verts/ALE Group

**European Parliament resolution on the situation in Burundi  
(2017/2756(RSP))**

*The European Parliament,*

- having regard to the revised Cotonou Agreement, in particular Article 96 thereof,
- 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 UN 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 United Nations-appointed panel of experts report of 15 June 2017 on human rights violations;
- having regard to the first UN Secretary-General's report on the situation in Burundi, published on 23 February 2017,
- having regard to the 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 resolution adopted by the United Nations Human Rights Council on 30 September 2016 on the human rights situation in Burundi,
- 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 AU 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 the European Parliament resolutions on Burundi, notably those of 9 July 2016<sup>1</sup>, 17 December 2016<sup>2</sup> and 18 January 2017<sup>3</sup>,
- 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 Council Regulation (EU) 2015/1755 of 1 October 2015 and Council Decisions (CFSP) 2015/1763 and 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 statements by the 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 Bureau decision of 14 June 2015 to suspend the election observation mission of the Assembly to Burundi owing to the situation in the country,
- having regard to declaration by the Co-Presidents of 17 June 2015 on the situation in Burundi,
- having regard to its resolution of 9 December 2015 on the situation in Burundi following

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

<sup>2</sup> Text adopted, P8\_TA(2015)0474

<sup>3</sup> Text adopted, P8\_TA(2017)0004

the elections,

- having regard to the Constitution of Burundi, in particular Article 96 thereof,
- having regard to Rule 125 of its Rules of Procedure,

- A. whereas Burundi has been in the throes of a profound political, social and security crisis since the announcement in April 2015 by President Pierre Nkurunziza of his intention to seek a third term of office, which was considered by certain Burundians and by the international community as a breach of the Burundian constitution and the Arusha Accords;
- B. whereas, according to international observers, those opposing his re-election faced a massive government crackdown in July 2015, leading to an alarming deterioration of the human rights situation in the country;
- C. whereas President Pierre Nkurunziza is not ruling out the possibility of amending the Constitution, enabling him to stand for a fourth term as of 2020; whereas internal procedures have been initiated seeking to remove restrictions on terms of office; whereas this appears to run counter to previous declarations by President Pierre Nkurunziza, undermining the collective efforts to find a viable long-term solution to the crisis;
- D. whereas the report of the United Nations Independent Investigation on Burundi (UNIIB) points to ‘abundant evidence of serious human rights violations and abuses’ in the country, perpetrated mainly by the security forces and the authorities; whereas cases inciting to violence and hate have risen since April, namely at the occasion of gathering of the Imbonerakure, the youth militia of the ruling party CNDD/FDD; whereas opposition figures and civil society activists, notably human rights defenders and journalists, have been the primary targets of these abuses; whereas the final report of the Inquiry Commission established by the Human Rights Council is expected in September;
- E. whereas the reported acts of violence include murder, abduction, enforced disappearances, torture, rape and arbitrary arrests and imprisonment; whereas corruption and the failure of the public authorities to take action is perpetuating a culture of impunity that is preventing many of those perpetrating acts of deadly

violence, including members of the security forces and intelligence services, from being brought to justice;

- F. whereas, in October 2016, the Burundian authorities banned five human rights organisations; whereas, in January 2017, the oldest of these organisations in the country, the League Iteka, was also outlawed; whereas, in December 2016, Parliament passed a law imposing strict controls on international NGOs;
- G. whereas the clampdown on independent media and newspapers has been stepped up; whereas journalists have been victims of disappearances, threats, physical assaults and judicial harassment; whereas all independent radio stations have been suspended; whereas ‘Reporters Sans Frontières’ ranks Burundi 160th out of 180 countries in its 2017 World Press Freedom Index;
- H. whereas UN officials are reporting a tendency for government officials to sow the seeds of discord, raising fears of spiralling violence and a possible escalation of the crisis along ethnic lines; whereas there have been reports of widespread violence and intimidation by the CNDD-FDD (National Council for the Defence of Democracy – Forces for the Defence of Democracy) and its Imbonerakure youth militia;
- I. whereas Burundi took formal steps in October 2016 to withdraw from the Rome Statute, thereby indicating its intention to leave the ICC, following the court’s decision to open a preliminary investigation into acts of violence and human rights abuses in the country;
- J. whereas, in August 2016, the Burundian Government rejected the deployment of UN police officers to monitor the situation in Burundi; whereas the Burundian Government decided to suspend cooperation with the Office of the UN High Commissioner for Human Rights and refused cooperation with the commission of inquiry mandated by the UN Human Rights Council;
- K. whereas, on 21 December 2015, the Burundian Parliament rejected the proposed AU peacekeeping force, stating that any military intervention by AU troops would constitute an invasion by an occupation force;
- L. whereas, on 8 December 2015, the EU began consultations with the Government of Burundi under Article 96 of the Cotonou Agreement, in the presence of representatives of the ACP Group of States, the African Union (AU), the East African Community (EAC) and the UN; whereas, in March 2016, the EU closed consultations,

having concluded that the commitments proposed by the Burundian Government in terms of human rights, democratic principles and the rule of law were unsatisfactory;

- M. whereas, at the close of these proceedings, the EU set out specific measures to be taken by the Government of Burundi in order to resume full cooperation;
- N. whereas the EU suspended direct financial support to the Burundian administration, including budget support; whereas the EU committed to maintaining financial support for the population and humanitarian assistance, including projects aimed at ensuring access to basic services;
- O. whereas the EU has adopted targeted sanctions in respect of persons, entities or bodies undermining democracy or obstructing the search for a political solution in Burundi; whereas the African Union is also currently planning to adopt sanctions;
- P. whereas the inter-Burundian dialogue, led by the East African Community and endorsed by the AU and EU, is regarded by the UN Security Council as the only viable process for a sustainable political settlement in Burundi; whereas the dialogue should be as inclusive as possible, including civil society and members of the diaspora;
- Q. whereas the political deadlock in Burundi and the deteriorating economic situation are having serious consequences for the population; whereas the UN Agency for Refugees estimated that over 420 000 people have fled Burundi to seek refuge in neighbouring countries; whereas according to the Under-Secretary-General of the UN currently 209.000 internally displaced persons are listed; that 3 million people need humanitarian aid and 2,6 million people are facing acute food insecurity; whereas 700.000 people depend on urgent food aid despite the fact that the government has lifted certain restrictions; whereas this situation represents a risk for stability of the region as a whole;
1. Expresses its deep concern at the political and security situation in Burundi; strongly condemns the acts of violence, killings and other human rights abuses that have taken place in Burundi since 2015; calls for effective and proportionate action to prevent further violence;
  2. Is concerned about the perception of impunity for the perpetrators of violence and human rights abuses; recalls that the Burundian authorities have an obligation under

international and regional human rights legislation to guarantee, protect and promote fundamental rights, including the civil and political rights of the citizens; calls, in this context, for a thorough and independent inquiry into the killings and abuses that have occurred in recent years in Burundi, and for measures to ensure that those responsible are held to account;

3. Deplores the fact that the Government of Burundi has initiated proceedings for withdrawal from the Rome Statute establishing the ICC; calls on the Government of Burundi to reverse the withdrawal procedure and ensure that the country continues to participate fully in the ICC;
4. Urges the Burundian Government to respect in full UN Security Council Resolution 2303 (2016) and authorise the deployment of a UN police unit to monitor the security situation in the country;
5. Welcomes the UN Commission of Inquiry on Human Rights in Burundi, established in November 2016 to investigate human rights violations and abuses committed in Burundi since April 2015; urges the Burundian authorities to cooperate fully with the members of the Commission of Inquiry;
6. Reiterates its commitment to freedom of expression and reaffirms the key role played by civil society, lawyers, human rights organisations and the media in a democratic society; calls on the Burundian authorities, in this connection, to lift the prohibitions and restrictions imposed on those entities, reconsider the new legislation regarding foreign NGOs and ensure that journalists and human rights defenders can operate freely and safely in the country;
7. Is concerned about great risk of the present state of affairs creating deeper divisions between different ethnic groups and leading to ethnic conflict; urges all sides in Burundi to refrain from any behaviour or language that might further aggravate violence, deepen the crisis or undermine regional stability in the long run and to respect fully the Arusha Agreement by ensuring ethnic representation in all the institutions, for example;
8. Condemns the acts of incitement to hatred and violence by the leaders of the Imbonerakure youth militia against refugees and opposition members, especially public incitement to rape the wives of opposition members, and calls for the immediate disarmament of militias; is extremely concerned at the adoption of a new

law on the creation of a national volunteer corps that would legalise the activities of such militias;

9. Urges all parties to establish the necessary conditions for rebuilding trust and fostering national unity through an open, transparent and inclusive national dialogue between government, opposition parties and civil society in accordance with the Burundian Constitution, the Arusha Agreement and the country's international commitments;
10. Notes that the situation in Burundi is having a significant impact on the region as a whole; welcomes, in this regard, the negotiations being carried out under the auspices of the East African Community with the support of the African Union, and calls for the commitment and cooperation of the Burundian authorities for an immediate, long-term, sustainable solution to this conflict; expresses strong concern, however, about the slow progress of this dialogue;
11. Recalls the importance to ensure participation of regional players in the resolution of the crisis; calls to establish a road map of the facilitator appointed by the EAC, Mr. Mkapa, former president of Tanzania;
12. Welcomes the decision of the AU Peace and Security Council authorising the deployment of an African Prevention and Protection Mission in Burundi to pave the way for a political solution; urges the Burundian Government to honour in full the commitment to facilitating the swift deployment of observers and experts on human rights, in particular through immediate issuing of visas and completion of other requisite formalities;
13. Considers that a stronger presence of international observers in Burundi would substantially contribute to improving the situation in the field of human rights and security; asks for deployment of additional 200 military and human rights observers by the African Union (AU), in order to reinforce 30 observers already present;
14. Considers it necessary to clarify, in coordination, with the AU, the traceability of funding allocated to Burundian soldiers deployed in the AMISOM;
15. Calls on the AU and the EU to seriously consider the regional dimension and prevent any further destabilisation of the region, in particular by maintaining a permanent political dialogue between the countries of the region;
16. Welcomes the EU's decision, following the consultation with the Burundian authorities under Article 96 of the Cotonou Agreement, to suspend direct financial



support to the administration of Burundi and welcomes the adoption of the travel restrictions and asset freeze measures by the European Union against those seeking to undermine peace efforts or human rights; emphasises that the EU is maintaining full financial support for the people of Burundi, including the refugees, in the key sectors regarding healthcare, nutrition and education, and also humanitarian support provided through direct channels; supports the renewed targeted sanctions by the European Union, and the EU Council decision to suspend funding for Burundi following the consultations under Article 96;

17. Is deeply concerned by the influx of Burundian refugees in neighbouring countries, and the alarming humanitarian situation of displaced persons in Burundi and reiterates its support for the humanitarian organisations present in the region and in neighbouring countries that are hosting refugees; urges the EU and other donors to step up funding and humanitarian aid for Burundians who are internally displaced or refugees;
18. 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.