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*Plenary sitting*

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**B9-0058/2020**

14.1.2020

## **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 144 of the Rules of Procedure

on Burundi, notably freedom of expression  
(2020/2502(RSP))

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on behalf of the GUE/NGL Group

**B9-0058/2020**

**European Parliament resolution on Burundi, notably freedom of expression (2020/2502(RSP))**

*The European Parliament,*

- 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, and to the African Charter on Democracy, Elections and Governance,
- having regard to the Arusha Peace and Reconciliation Agreement for Burundi (Arusha Agreement) of 28 August 2000,
  - having regard of the UN-Human Rights Council's Report of the Commission of Inquiry on Burundi of the 6th of August 2019;
- having regard to the European Parliament resolutions on Burundi, notably those of 4 of July 2018, 9 July 2016, 17 December 2016, 18 January 2017, and 5 July 2017,
  - having regard to Rule 144 of its Rules of Procedure,

A. Whereas Burundi is still marked by the civil war that took place between 1993 and 2005 and that has left more than 300,000 dead; whereas the decision taken by President Pierre Nkurunziza in 2015 to seek a third term plunged Burundi into the most serious political crisis since the end of the civil war;

B. whereas Burundi has been experiencing a political and economic crisis for more than four years; whereas the human rights violations are essentially political in nature, and the suppression of civil liberties is intensifying in the run-up to the 2020 presidential and legislative elections;

C. whereas the human rights violations occurred in the wake of the constitutional referendum in May 2018 or are taking place against the backdrop of preparations for the 2020 elections; whereas for the most part, the victims continue to be opponents – actual or alleged – of the Government or the ruling party (the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD)), first and foremost members of the new political opposition party led by Agathon Rwasa, the Congrès national pour la liberté, which was registered in February 2019; whereas Burundian nationals who, having sought refuge abroad, have returned to the country since the beginning of 2017 under the assistance programme for repatriation are also targeted as human rights defenders;

D. whereas serious human rights violations have continued to be committed in Burundi since May 2018, in a general climate of impunity; whereas according to UN some of these

violations constitute international crimes including breached of the right to life, security and liberty, the right not to be subjected to torture or illtreatment, cases of sexual violence and breaches of civil liberties; whereas in its conclusions, the UN report of the Commission of Inquiry on Burundi declare that *“the Commission concludes that serious human rights violations – including crimes against humanity – have continued to take place since May 2018, in particular violations of the right to life, arbitrary arrest and detention, torture and other forms of ill-treatment, sexual violence, and violations of economic and social rights, all in a general climate of impunity. Violations of civil liberties are also on the rise”*;

E. whereas members of the youth league of the ruling party, the Imbonerakure, are the main perpetrators; whereas Officers of the National Intelligence Service and the police, along with local administrative officials, are also frequently identified as perpetrators of such violations;

F. whereas the Government controls the dissemination of media outputs in the country through the National Communication Council; whereas many national and international news media have had sanctions imposed on them; whereas recent examples include the radio station Voice of America, which was suspended indefinitely, BBC radio, which had its licence withdrawn, and Radio France Internationale, which received a warning; whereas they are charged with having broadcast criticism of the Government or reports that contradicted official statements; whereas independent media are regularly accused of seeking to tarnish the country’s image and cause breaches of the peace;

G. whereas the new law regulating the press, promulgated in September 2018, has contributed directly to the reduction of democratic space in the run-up to the elections; whereas among other requirements, it imposes an obligation on journalists to “publish only information that is balanced ... the source, reliability and accuracy of which have been established and carefully verified”;

H. whereas the Government treats any discourse not in line with official propaganda as an attempt to destabilize the country or an attack on national sovereignty; whereas by contrast, discourse, songs and political statements inciting intolerance and violence against any political formation other than CNDD-FDD are tolerated by the authorities; whereas statistics from international organizations deemed unfavourable have also been condemned by the authorities; whereas on June 17, 2019 a government order was published suspending the independent rights organization PARCEM, accusing the organization of tarnishing the image of the country and its leaders;

I. whereas in November 2018, the 32-year sentence of human rights activist Germain Rukuki, (a member of Action by Christians for the Abolition of Torture - ACAT), was confirmed on appeal; whereas he was convicted of charges related to state security in April 2018; whereas Nestor Nibitanga, an observer for the Association for the Protection of Human Rights and Detained Persons (APRODH), who was sentenced to five years for “threatening state security” in August 2018, remained in detention;

J. whereas since the morning of October 22, social media accounts and exiled media organizations have shared reports of fighting near Kibira natural reserve, in Bubanza province; whereas the rebel group RED-Tabara (Mouvement de la Résistance pour un État de Droit au Burundi), which was created in 2016 and operates in neighbouring Democratic

Republic of Congo, claimed responsibility on Twitter for the attack; whereas the administration and security forces confirmed that 20 people were kidnapped – and later released – and that a policeman was killed; whereas the Public Security Ministry said in a tweet that 14 “criminals” were killed;

K. whereas four journalists from Iwacu newspaper: Christine Kamikazi, Agnès Ndirubusa, Egide Harerimana, and Tércence Mpozenzi, and their driver: Adolphe Masabarakiza, were arrested in Musigati on October 22 while reporting on clashes in the country’s Bubanza province; whereas the four journalists remain in prison while Masabarikiza was released in November; whereas on December 30 Burundi’s public prosecutor asked for a 15-year prison term for “undermining state security”; whereas the court is expected to rule on the case later in January;

L whereas numerous cases of sexual violence have been documented; whereas the majority of victims were women and girls. Such violence most often took the form of gang rape, the perpetrators being for the most part Imbonerakure and, in one case, military personnel; whereas the majority of the rape cases occurred in rural areas;

M. the UN Commission of inquiry was denied the access to victims and the Government has repeatedly refused to hand over evidence; whereas despite the standing invitation granted by Burundi to special procedures mandate holders, no UN special rapporteur or working group has been able to visit the country since December 2014, and no visit is scheduled for the coming months, although the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Enforced or Involuntary Disappearances have requested visits; whereas since February 2016, Burundi has ceased to cooperate with the special procedures mandate holders on alleged cases of human rights violations

N. whereas Burundi is a geostrategic point in the Great Lakes region; whereas there are still many natural resources unexploited, such as metallic and non-metallic minerals, and hydrocarbons;

O. whereas Burundi is one of the world’s poorest countries, with 74.7 per cent of its population living in poverty; whereas the country is ranked 185th out of 189 on the Human Development Index, life expectancy at birth is only 57.9 years and gross national income per capita (at purchasing power parity) is US\$ 702 per year; whereas the country, which was in recession in 2015 and 2016, has been recovering since 2017, albeit unsteadily, as the political crisis has limited its access to international aid, on which it is heavily dependent, and led to a trade deficit, a shortage of foreign exchange and a rise in the cost of living; whereas one in four Burundians are affected by food shortages, malnutrition or epidemics such as malaria and cholera; whereas More than 3 million people experience food insecurity and more than 2 million have limited access to drinking water;

P. whereas the people are also forced, without any legal grounds, to make regular contributions of various sorts, including to finance the construction of local offices of the ruling party, CNDD-FDD; whereas the main contributions associated with the 2020 elections were partly compulsory, but on 30 June 2019, the President announced that they had been abolished and would in future be made only on a “voluntary” basis; h The various contributions were collected by Imbonerakure, who did not shy away from resorting to

violence and threats; whereas according to evidence provided by witnesses, people who were unable to pay were often subjected to ill-treatment or deprived of access to public services (or both).

Q. whereas the political crisis has further aggravated the socio-economic situation and the living conditions of the population; whereas Burundi has seen a sharp decline in its agricultural production which has resulted in increases in food prices of up to 50%; whereas climate change adversely affects food production, competition for scarce land results in population displacements and property disputes; whereas the reduction in budgetary and institutional support provided by the international community, the disruption of markets and trade, together with state budget cuts, has significantly reduced people's access to basic services;

R. whereas many refugees who returned to Burundi under the assistance programme for repatriation have had the food kits and the money they were given taken from them by Imbonerakure and local administrative authorities; whereas the perpetrators' remarks, reported by the victims, indicated that their food and money were taken in what amounted to retaliation for having fled the country after 2015 and for not having participated in its development or contributed to the elections;

S. whereas according to the Office of the United Nations High Commissioner for Refugees, there were 344,931 Burundian refugees in neighbouring countries as at 30 June 2019, and 3,603 new arrivals had been registered between 1 January and 30 June 2019.<sup>15</sup> The humanitarian crisis affecting the Burundian refugees is the world's most underfinanced emergency. Thus, in 2018, the Office received only 33 per cent of the annual budget sought and, at the end of June 2019, only 18 per cent of the requested annual funds had been received.

1. Expresses its deep concerns about the situation in Burundi; considers that the current socio-political crisis can only be resolved through political dialogue at national and regional level;

2. Condemns all human rights violations committed in Burundi, including killings, extrajudicial executions, attacks on the physical integrity of persons, rape and sexual violence, acts of torture and other cruel, inhuman or degrading treatment, arbitrary detentions and illegal detentions, as well as violations of press freedom, freedom of association and freedom of expression and general impunity in the country;

3. Calls for the immediate and unconditional release of all detainees in relation to the expression of their democratic rights; calls on the Burundian authorities to drop charges and immediately and unconditionally release the recently jailed Iwacu journalists Christine Kamikazi, Agnès Ndirubusa, Egide Harerimana, and Tércence Mpozenzi; calls in the same way for the immediate and unconditional release of Germain Rukuki and Nestor Nibitanga;

4. Calls for the immediate cessation of acts of violence, the violation of human rights and political intimidation against civil society and the opposition, as well as the disarmament of all illegal armed groups; demand that people not empowered by law, not perform maintenance activities or participate in them;

5. Urges the authorities to engage a political dialogue and to repeal laws that restrict freedom of expression, assembly and the NGOs' work in order to ensure a climate conducive

to the expression of democracy; calls for the abolition of measures taken against NGOs, radio stations and other independent media in the country;

6. Invites authorities to establish a national mechanism for the prevention of torture in accordance with the provisions of the Optional Protocol to the UN Convention against Torture;

7. Expresses its deep concern about the results of the International Commission of Inquiry and urges the authorities to fulfil with their international obligations, to follow the recommendations of the UN Human rights Council and to conduct prompt, independent and effective investigations into the cases of violations documented by the Commission since 2015 with a view to creating a climate of trust and political tolerance conducive to inclusive participation in the electoral process;

8. Urges in the same way the government of Burundi to re-engage constructively and cooperatively with all international and regional human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights, enabling them to carry out their human rights monitoring mandates fully and freely;

9. Calls on the competent authorities to protect women and girls from all forms of sexual violence and requests that victims and survivor of sexual violence be provided with the necessary medical and psychological assistance;

10. Denounces the "ethnicization" of the crisis through the use of propaganda that equates opponents, members of civil society, journalists and Tutsis with "enemies of the regime" who must be eliminated; denounces in this sense, statements of incitement to hatred or calls for violence and requests that the perpetrators be brought before the courts;

11. Expresses its deep concern about the economic and social situation of all Burundian people, including the growing number of refugees and internally displaced persons; calls on the European Union and its Member States to unblock the funds needed to deal with the humanitarian crisis in the Great Lakes region, in cooperation with United Nations agencies and to increase official development assistance; reiterates its support for all humanitarian organizations in the field and all neighbouring countries hosting refugees and calls the EU and its Member States to increase their contribution to these bodies in line with their declarations and commitments in this area;

12. Calls on the international community and humanitarian agencies to increase their assistance to all those who are currently refugees or displaced by the conflict; Urges the EU and its Member States, as recommended by the United Nations International Commission of Inquiry, to grant refugee status (without preconditions) to asylum-seekers from Burundi;

13. Reaffirms that the activities of European companies operating in third countries must fully respect international human rights standards; calls on the Member States, therefore, to ensure that companies governed by their national legislation, respect human rights and social, health and environmental standards when installing or operating in a third state; Calls for sanctions to be imposed on European companies that do not respect these standards or that do not satisfactorily compensate victims of human rights violations directly or indirectly responsible for them;

14. Considers that the problems of Burundi can only be solved in the country guaranteeing the same rights to all citizens and addressing the problems of control of fertile agricultural land, unemployment and poverty, the fight against corruption, poverty, inequality and discrimination and the promotion of social, political and economic reforms to create a democratic and stable state;

15. Considers the lack of access of the populations to the country's natural resources, the widening of income inequalities, the increase in unemployment, the deterioration of the social situation and impoverishment are obstacles to stability and that the fight against these problems they should be a priority in the immediate future;

16. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Security Council, the UN Secretary-General, the President of the 74th session of the UN General Assembly, the President of the UN Human Rights Council, the UN High Commissioner for Human Rights and the EU Heads of Delegation.