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## TEXTS ADOPTED

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### **P8\_TA(2017)0004**

#### **Situation in Burundi**

#### **European Parliament resolution of 19 January 2017 on the situation in Burundi (2017/2508(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Burundi, in particular its last two resolutions, adopted on 9 July 2015<sup>1</sup> and 17 December 2015<sup>2</sup>,
- having regard to the revised Cotonou Agreement, in particular Article 96 thereof,
- 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<sup>3</sup>,
- having regard to its resolution of 4 October 2016 on the future of ACP-EU relations beyond 2020<sup>4</sup>,
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 9 December 2015 on the situation in Burundi,
- having regard to the Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000,
- having regard to the Constitution of Burundi, 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 Peoples' Rights,
- having regard to the Universal Declaration of Human Rights,
- having regard to the declaration of 21 October 2016 by the Vice-President of the

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

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

<sup>3</sup> OJ L 73, 18.3.2016, p. 90.

<sup>4</sup> Texts adopted, P8\_TA(2016)0371.

Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on behalf of the European Union on South Africa and Burundi and the International Criminal Court (ICC),

- having regard to Council Regulation (EU) 2015/1755 of 1 October 2015 concerning restrictive measures in view of the situation in Burundi<sup>1</sup>, and to their renewal of 29 September 2016,
  - having regard to the African Commission on Human and Peoples' Rights resolution of 4 November 2016 on the human rights situation in the Republic of Burundi,
  - having regard to the report of 20 September 2016 of the United Nations Independent Investigation on Burundi (UNIIB) established pursuant to Human Rights Council resolution S-24/1,
  - having regard to the report of 17 June 2016 of the UN High Commissioner for Human Rights on the human rights situation in Burundi,
  - having regard to the resolution adopted by the United Nations Human Rights Council on 30 September 2016 on the situation of human rights in Burundi,
  - having regard to the report of 17 May 2016 of the Delegation of the African Commission on Human and Peoples' Rights on its fact-finding mission to Burundi of 7-13 December 2015,
  - having regard to the statement of 6 January 2017 by the EEAS spokesperson on the banning of Ligue Iteka in Burundi,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Burundi has been undergoing a dramatic political, social and economic crisis since its president, Pierre Nkurunziza, decided, in violation of the Arusha Agreement and the country's constitution, to run for a third presidential term in April 2015; whereas President Nkurunziza recently made statements in which he did not exclude the possibility of revising the Burundian Constitution with a view to allowing him to run for a possible fourth term from 2020 onwards;
- B. whereas Burundi notified the ICC of its withdrawal from the Rome Statute and the ICC on 19 October 2016 following the decision of the ICC to open a preliminary investigation into violence and human rights abuses in the country;
- C. whereas on 15 November 2016 Ligue Iteka published a report co-written with the International Federation for Human Rights (FIDH) entitled 'Repression and genocidal dynamics in Burundi', after a two-year investigation in the country, which provided an update on government repression and massive violations of human rights; whereas, a few weeks later, Ligue Iteka also published several investigative reports on the most serious crimes committed by government forces in Burundi: murders, abductions, forced disappearances, torture, rape and large-scale detentions; whereas these crimes have continued with absolute impunity; whereas by October 2016 five other rights organisations had already been banned, namely the Forum pour le renforcement de la

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<sup>1</sup> OJ L 257, 2.10.2015, p. 1.

société civile (FORSC), the Forum pour la conscience et le développement (FOCODE), Action chrétienne pour l'abolition de la torture (ACAT), Association burundaise pour la protection des droits humains et des personnes détenues (APRODH) and the Réseau des citoyens probes (RCP);

- D. whereas in November 2016 the FIDH reported more than 1 000 deaths, 8 000 people detained for political reasons, 300 to 800 missing persons, hundreds of cases of torture, hundreds of women made victims to sexual violence, thousands of arbitrary arrests, more than 310 000 people made refugees in neighbouring countries and 61 000 internally displaced persons; whereas the security situation in Burundi poses risks for the stability of the region as a whole;
- E. whereas the government has been tightening its grip on independent media and newspapers, with journalists facing forced disappearance, physical threats and attacks, or judicial harassment; whereas all independent radio stations have been suspended; whereas Reporters sans frontières ranks Burundi 156th out of 180 in their 2016 World Press Freedom Index;
- F. whereas in March 2016 the EU closed consultations under Article 96 of the Cotonou Agreement and suspended direct financial support to the Burundian administration, concluding that the commitments proposed by the government in terms of human rights, democratic principles and the rule of law were unsatisfactory;
- G. whereas the justice system in Burundi is deeply corrupt and, despite hundreds of people being killed and tortured since the crisis began, many of whom by the police and intelligence services, very few have been brought to justice;
- H. whereas there are fears of an 'ethnicisation' of the crisis by the government, and divisive rhetoric by state officials is becoming a common trend, as also mentioned by UN officials;
- I. whereas, according to reports, members of the youth league of the ruling party, the Imbonerakure, arrest, beat and steal possessions from residents, and also use rape as a weapon; whereas they focus their attacks on opposition members, especially members of the National Liberation Forces (FNL); whereas scores of opposition members and perceived opponents have been killed, detained, beaten and tortured in recent months;
- J. whereas on 29 September 2016 the Council renewed the EU's restrictive measures against Burundi, extending them until 31 October 2017; whereas these measures consist of a travel ban and asset freeze against targeted individuals whose activities have been deemed to undermine democracy or obstruct the search for a political solution to the crisis in Burundi;
- K. whereas mediation efforts continue, with the full support of the African Union, the East African Community, 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;
- 1. Expresses its deep concern at the worsening political and security situation in Burundi; condemns the violence occurring in Burundi since 2015, which has led to death, torture, targeted violence against women, including collective rape, harassment and imprisonment of thousands of people, the forced displacement of hundreds of thousands of Burundians, arbitrary arrests and illegal detentions, and violations of freedom of the press and of

expression, as well as the widespread impunity for such acts; calls for a thorough independent inquiry into the killings and abuses, and for the perpetrators of these acts to be brought to justice;

2. Reminds the authorities of Burundi of their obligations to guarantee, protect and promote fundamental rights, including the civil and political rights of its citizens such as freedom of speech and freedom of assembly, as provided for in the African Charter on Human and Peoples' Rights, and in other international and regional human rights instruments; reminds Burundi's Government of its international obligations under the International Covenant on Civil and Political Rights, in particular regarding respect for fundamental freedoms and the rule of law and the handling of court cases, particularly the right to a fair and impartial trial;
3. Is deeply worried about the adoption by the National Assembly in Burundi on 23 and 28 December 2016 of two draft laws that establish tighter controls on the actions of domestic and international NGOs; highlights that on 3 January 2017 those laws led to Ligue Iteka being banned from operating in the country; urges the Burundian authorities to reconsider this decision; reaffirms the essential role of civil society and human rights activists in a democratic society; calls on the local authorities to allow them to operate freely and safely;
4. Calls for the immediate and unconditional release of all prisoners of conscience; calls for the EU and its Member States to redouble their efforts in supporting and protecting human rights defenders and organisations at risk in the country;
5. Calls on the Burundian authorities to open up the media without delay, and to allow opposition leaders in exile to return to the country;
6. Urges the Government of Burundi to resume cooperation with the Office of the High Commissioner for Human Rights and the UN Human Rights Council, and to grant access to OHCHR staff to places of detention; urges the Government of Burundi to respect and guarantee human rights and fundamental freedoms for all, in line with their international obligations;
7. Firmly supports the democratic principles and values, human rights and the rule of law as essential elements of the ACP-EU Partnership Agreement and the principles set out in the Arusha Agreement; urges all parties to establish the necessary conditions for rebuilding trust and fostering national unity through an inclusive and transparent national dialogue, including the government, opposition parties and civil society representatives in accordance with the Arusha Agreement and the Burundian Constitution;
8. Notes with deep concerns that Burundi has formalised its withdrawal from the Rome Statute; recalls that the ICC is a key institution that assists citizens in achieving justice when confronted with the most serious crimes, in instances where it is not possible at national level;
9. Calls on the UN Security Council and the ICC to quickly open a full investigation into alleged human rights violations in Burundi, including the danger of genocide within its jurisdiction, committed during the recent crisis in the country;
10. Condemns the adoption of a new law on the creation of a national volunteer corps that

would legalise the activities of the violent youth militia ‘Imbonerakure’, widely accused by international human rights organisations and the UN of grave human rights abuses and of operating in a climate of impunity; calls for the immediate disarmament of the militia;

11. Supports the decision by the Council, after the failure of the discussions launched under Article 96 of the Cotonou Agreement, to suspend direct financial support to the Burundian administration, including budgetary support, while maintaining full financial support for the population and humanitarian aid through direct channels;
12. Welcomes the targeted sanctions adopted by the EU on 1 October 2015, consistent with the decision taken by the African Union to impose targeted sanctions, including travel restrictions and asset freezes against Burundians responsible for human rights violations and those who obstruct efforts to achieve a political solution to the crisis; calls for the EU to extend such sanctions to all persons whose actions represent a threat to peace and stability in the region, inciting hate and violating the Arusha Agreement;
13. Expresses concern that the political crises could lead to an ethnic conflict; condemns the listing of people in the Burundian administration and army by their ethnicities; urges all parties to respect the Arusha Agreement;
14. Welcomes the UN Commission of Inquiry on Human Rights in Burundi, established in November 2016 to investigate human rights violations and abuses in Burundi since April 2015; urges the Burundi authorities to cooperate fully with the members of the Commission of Inquiry;
15. Supports the UN Security Council resolution of July 2016 authorising the deployment of a UN police force in Burundi with a view to reducing violence and human rights abuses in the country; urges the African Union’s Peace and Security Council to urgently send a delegation to Bujumbura to meet with President Nkurunziza and pressure him to put a stop to abuses by the security forces;
16. Calls for the African Union, the UN and the EU to seriously consider the regional dimension and to prevent any further destabilisation in the region; urges the VP/HR to engage with Burundi’s authorities and all other relevant stakeholders and to support, renew and enhance the credibility of the regional mediation efforts by the East-African Community to find a durable solution to the crisis which respects the constitution, the Arusha Agreement and international human rights law through an open and inclusive dialogue;
17. Is deeply concerned about the growing flow of refugees to neighbouring countries and the alarming humanitarian situation in Burundi; reiterates its support to, and solidarity with, all humanitarian organisations operating on the ground, as well as the neighbouring host countries; further calls for the EU to step up its assistance in the region;
18. Expresses strong concerns about President Nkurunziza’s announcement of 30 December 2016 that he might run again for a fourth presidential term in 2020;
19. Is particularly concerned by the dramatic levels of discrimination against, and criminalisation of, LGBTI people in Burundi; calls therefore on the National Assembly and the Government of Burundi to repeal the articles of the penal code which discriminate against LGBTI people;

20. 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.