



TEXTS ADOPTED

P8_TA(2018)0305

Burundi

European Parliament resolution of 5 July 2018 on Burundi (2018/2785(RSP))

The European Parliament,

- having regard to its previous resolutions on Burundi, notably those of 9 July 2015¹, 17 December 2015², 19 January 2017³ and 6 July 2017⁴,
- 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 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 oral briefing by the UN Commission of Inquiry on Burundi (UNCI) to the UN Human Rights Council of 27 June 2018,
- having regard to the first report of the UN Secretary-General on the situation in Burundi, published on 23 February 2017, and to the statement by the President of the UN Security Council on the political situation and ongoing violence in Burundi, which strongly urged the government and all parties to immediately cease and reject such violence,
- having regard to the UN Security Council press statement of 13 March 2017 regarding the situation in Burundi and to the statement by the President of the UN Security Council of 5 April 2018 condemning all violations and abuses of human rights in

¹ OJ C 265, 11.8.2017, p. 137.

² OJ C 399, 24.11.2017, p. 190.

³ Texts adopted, P8_TA(2017)0004.

⁴ Texts adopted, P8_TA(2017)0310.

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 UN 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 African Union 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 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 part¹,
- having regard to Council Regulation (EU) 2015/1755 of 1 October 2015² and Council Decisions (CFSP) 2015/1763 of 1 October 2015³ and (CFSP) 2016/1745 of 29 September 2016⁴ 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 Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, of 28 May 2015, 19 December 2015, 21 October 2016 and 27 October 2017,

¹ OJ L 73, 18.3.2016, p. 90.

² OJ L 257, 2.10.2015, p. 1.

³ OJ L 257, 2.10.2015, p. 37.

⁴ OJ L 264, 30.9.2016, p. 29.

- having regard to the statement of 8 June 2018 by the Spokesperson of the VP/HR on the situation in Burundi,
 - having regard to the declaration of 8 May 2018 by the VP/HR on behalf of the EU on the situation in Burundi ahead of the constitutional referendum,
 - having regard to the statement of 6 January 2017 by the Spokesperson of the VP/HR on the banning of the Iteka League in Burundi,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Burundi has been facing a political, human rights and humanitarian crisis since April 2015, when President Nkurunziza announced that he would run for a disputed third term, which was then followed by months of deadly turmoil with 593 people killed according to the International Criminal Court (ICC), and, according to the UNHCR, 413 000 people having fled the country since then, and 169 000 people having been internally displaced; whereas 3,6 million people in the country are in need of humanitarian assistance according to the UN Office for Coordination of Humanitarian Affairs (OCHA);
 - B. whereas the constitutional changes voted for during the referendum include the expansion of Presidential powers, the reduction of the powers of the Vice-President, the appointment of the prime minister by the President, the introduction of a simple majority procedure to pass or change legislation in parliament, the ability to review the quotas implemented by the Arusha Agreement, and the prohibition from participating in government of political parties with less than 5 % of the votes, all of which endanger the Arusha Agreement;
 - C. whereas violence and intimidation against political opponents across the country escalated ahead of the constitutional referendum on 17 May 2018, with the enforced disappearance and intimidation of opponents of the aforementioned constitutional revision; whereas the constitutional referendum also allows the negotiated provisions of the Arusha Agreement to be removed, which can reduce inclusiveness and entail further serious consequences for political stability in Burundi; whereas despite the changes to the constitution President Nkurunziza announced he would not run in the 2020 elections;
 - D. whereas, according to Amnesty International, during the official campaign period there were frequent reports of arrests, beatings and intimidation of those campaigning for a ‘No’ vote; whereas the referendum took place in a context of continuing repression, prompting Burundi’s Catholic bishops to say that many citizens live in fear, so much so that people do not dare to say what they think for fear of reprisals;
 - E. whereas as the UNCI has pointed out, political violence, arbitrary arrests, extrajudicial executions, beatings, hate speech and various other abuses continue to plague the population; whereas Imbonerakure, the youth league of the ruling political party, continue to perpetrate human rights violations and employ various intimidation tactics, such as setting up roadblocks and checkpoints in some provinces, extorting money, harassing passers-by, and arresting people they suspected of having links to the opposition, many of whom have been detained, raped, beaten and tortured, some dying from the treatment;

- F. whereas during the referendum period in 2018, rights organisations reported cases of shrinking civic space and degrading media space, both at a national and local level; whereas local NGOs and human rights defenders have increasingly been threatened and targeted by the government since 2015, while press freedom and the conditions in which journalists are working have steadily deteriorated; whereas private media and journalists have already paid a high price in the battle with the government, including being the targets of arrests, summary executions and enforced disappearances, or sometimes being labelled criminal or even terrorist by the government;
- G. whereas Reporters Without Borders ranks Burundi 159th out of 180 in its 2018 World Press Freedom Index;
- H. whereas many human rights activists have been served lengthy prison sentences, most notably Germain Rukuki, who works for the Association of Catholic Jurists of Burundi and has been sentenced to 32 years, or remain detained awaiting trial, such as Nestor Nibitanga; whereas restrictive laws to control local and international NGOs have been approved; whereas some organisations have been forced to suspend their activities and others to close permanently, such as the ITEKA League, the FOCODE and ACAT; whereas many leaders and human rights defenders have been exiled, while those who are still present are under constant pressure or facing arrest; whereas Emmanuel Nshimirimana, Aimé Constant Gatore and Marius Nizigama have been sentenced to prison terms of between 10 and 32 years, while Nestor Nibitanga may face 20 years; whereas the journalist Jean Bigirimana has now been missing for almost two years, and is one of the crisis's many victims of enforced disappearances;
- I. whereas in October 2017, ICC judges authorised the ICC prosecutor to open an investigation regarding crimes within the jurisdiction of the Court allegedly committed in Burundi or by nationals of Burundi outside Burundi between 26 April 2015 and 26 October 2017; whereas with effect from 27 October 2017, Burundi became the first nation to leave the ICC following the Court's decision in April 2016 to open a preliminary investigation into violence and human rights abuses and possible crimes against humanity in Burundi, while the regime continues to kill with impunity in the country;
- J. whereas the presence of Burundian troops in peacekeeping missions enables President Nkurunziza's regime to conceal the reality of internal problems and present Burundi as a stabilising factor in other countries in crisis, at a time when Burundi itself is experiencing an unprecedented crisis marked by gross violations of human rights; whereas by doing so Burundi is gaining a huge amount of money, which is not being redistributed in favour of the population; whereas no peaceful, free, democratic and independent elections can be possible without disbanding the Imbonerakure militia;
- K. whereas Burundi is in a state of continuing socio-economic deterioration and in penultimate place in the global GDP per capita ranking; whereas around 3,6 million Burundians (30 % 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 Imbonerakure and amounts to around 10 % or more of a civil servant's monthly salary;
- L. whereas at the 30th African Union summit and the 19th East African Community summit, the African Union and the East African Community respectively expressed

their commitment to a peaceful resolution of the political situation in Burundi through an inclusive dialogue on the basis of the Arusha Agreement of 28 August 2000;

- M. whereas a number of bilateral and multilateral partners have suspended their financial and technical assistance to the Government of Burundi in view of the situation in the country; whereas the EU has suspended direct financial support to the Burundian administration, including budget support, but is maintaining support to the population and its humanitarian assistance;
- N. whereas the EU and the USA have adopted targeted and individual sanctions against Burundi; whereas on 23 October 2017 the Council renewed the EU's restrictive measures against Burundi and extended them until 31 October 2018; 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;
- O. 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 of the Review's 242 recommendations, notably rejecting those calling for practical steps to improve the country's human rights record;
- P. whereas the Constitutional Court has upheld the results of the referendum of 17 May 2018 and rejected a petition filed by the opposition alleging intimidation and abuse;
1. Expresses its deep concern about endemic impunity and human rights violations, including summary executions, torture, enforced disappearances and arbitrary detention; reminds Burundi of its obligation, as a member of the UN Human Rights Council, to resume and fully cooperate with the UNCI on Burundi and the team of three UN experts, and to grant country access to the UN Special Rapporteur on the situation of human rights defenders;
 2. Calls on the Government of Burundi to fully respect the Arusha Agreement as the main instrument for peace and stability in the country; calls on the Government of Burundi to respect its international legal obligations regarding human and civil rights, and to promote and protect the rights of freedom of expression and association enshrined in the International Covenant on Civil and Political Rights, to which Burundi is a State party;
 3. Denounces once again the intimidation, repression, violence and harassment of journalists, opposition supporters and human rights defenders; calls on the Burundian authorities to respect the rule of law and fundamental human rights, such as freedom of expression and freedom of the media, and to immediately and unconditionally release Germain Rukuki, Nestor Nibitanga, Emmanuel Nshimirimana, Aimé Constant Gatore and Marius Nizigama, five human rights defenders who have been detained solely for their human rights work but stand accused by the authorities of undermining the internal security of the state; demands that the Burundian authorities launch investigations with regard to the situation of the journalist Jean Bigirimana;
 4. Condemns Burundi's decision to withdraw from the ICC; supports the continuation of the ICC's preliminary investigation into the extensive crimes and acts of repression in Burundi; calls for the EU to continue to push for accountability for the crimes committed in Burundi; expects Burundi to resume and continue its cooperation with the

ICC, in view of the fact that the fight against impunity, prosecution of all human rights violations, and accountability remain necessary steps for resolving the crisis and for a lasting peaceful solution;

5. Welcomes the UNCI on Burundi's oral briefing and commends its vital work in documenting the ongoing human rights crisis in the country;
6. Underlines its concern about the humanitarian situation, which is marked by 169 000 internally displaced persons, 1,67 million people in need of humanitarian assistance, and more than 410 000 Burundians seeking refuge in neighbouring countries; commends the host countries for their efforts and calls on governments in the region to ensure that the return of refugees is voluntary, based on informed decisions and carried out in safety and dignity;
7. Regrets, however, the slow progress of the inter-Burundian dialogue led by the East African Community and the lack of engagement by the Government of Burundi in that regard, and calls on all parties, in particular the Burundian authorities, to commit to the urgent resumption of the inter-Burundian dialogue, which should be organised within a truly inclusive framework and with no preconditions;
8. Calls for a renewed and coordinated approach between the AU, the EU, the UN Economic Commission for Africa (ECA) and the UN as a whole; regrets the fact that the Government of Burundi is not taking into consideration the reports of the UN Secretary-General, the resolutions of the UN Human Rights Council in Geneva, the AU decision of January 2018 or the mediation efforts of the ECA; encourages bilateral and multilateral partners and the Government of Burundi to continue their dialogue with a view to the Government of Burundi creating conditions conducive to the resumption of assistance; calls for all Burundian stakeholders to participate actively in this process; reiterates its support for the mediation process with the backing of the AU and the Special Representative of the UN Secretary-General;
9. Commends the assistance provided by bilateral and multilateral partners in alleviating the humanitarian situation, and calls on the international community to continue to provide support to respond to the humanitarian needs in the country; encourages the Commission to provide additional direct support to the population in 2018; stresses that a return to a classical mode of cooperation requires a return to the rule of law and democracy, including the fight against impunity and the protection of Burundian citizens;
10. Is worried that the ongoing political crisis may turn into an ethnic conflict through the use of propaganda, statements inciting to hatred or calls for violence, equating opponents, members of civil society, journalists and Tutsis with 'enemies of the regime' who must be eliminated; urges all sides in Burundi to refrain from any behaviour or language that may further aggravate violence, deepen the crisis or affect regional stability in the long run;
11. Remains deeply concerned that the new constitution adopted by referendum on 17 May 2018 could start to dismantle the carefully negotiated provisions defined in the Arusha Agreement that helped to put an end to Burundi's civil war;
12. Reaffirms its support for 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 Government of Burundi, and welcomes the EU's adoption of travel restrictions and asset freeze measures against those seeking to undermine peace efforts or human rights;

13. Demands an end to be put to any further payment to the Burundian troops and various contingents from Burundi engaged in UN and AU peacekeeping missions; takes note of the announcement by President Nkurunziza that he will not run for another term in 2020; calls on the international community to closely follow the situation in Burundi, irrespective of President Nkurunziza's statement about the 2020 elections;
14. Recalls the VP/HR's strong declaration of 8 May 2018 on the launch of the final preparatory phase for the constitutional referendum of 17 May 2018; regrets the lack of a consensual approach between the various societal and political groups in Burundi, the lack of official public information on the key elements of the draft Constitution, and the close control of journalists and the media;
15. Reminds the Government of Burundi that the conditions for holding inclusive, credible and transparent elections in 2020 imply the right to freedom of expression, access to information and the existence of a free area in which human rights defenders can speak out without intimidation or fear of reprisals;
16. Instructs its President to forward this resolution to the Government and Parliament of Burundi, the ACP-EU Council of Ministers, the Commission, the Council, 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.