

ACHPR/Res. 357(LIX) 2016: Resolution on the Human Rights Situation in the Republic of Burundi

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples' rights under the African Charter on Human and Peoples' Rights (the African Charter);

Mindful of its Statement of 3 May 2015, made at its 56th Ordinary Session held from 21 April to 7 May 2015 in Banjul, The Gambia, and its Resolution ACHPR/Res.309 ((EXT.OS/ XVIII) on the human rights situation in Burundi;

Recalling the decision of the Peace and Security Council of the African Union (PSC) of 17 December 2015 stressing that "only a genuine and truly inclusive dialogue, based on the respect of the Arusha Agreement and the Constitution of Burundi, will allow the Burundian stakeholders to overcome the serious difficulties facing their country, as well as strengthen social cohesion, democracy and the rule of law";

Considering the conclusions and recommendations contained in the Commission's report following its fact-finding mission undertaken in Burundi in December 2015 at the request of the Peace and Security Council, and the report of the United Nations Independent Investigation Mission on Burundi (UNIIB);

Deeply concerned about the security and human rights situation in Burundi marked by continuous arrests and arbitrary detentions, targeted killings, extrajudicial executions, acts of torture and other forms of cruel, inhuman and degrading treatment, abductions and enforced disappearances, harassment and intimidation of journalists and media professionals, sexual violence, and other forms of serious human rights violations;

Concerned by the continuous political impasse and the lack of constructive dialogue between all the stakeholders towards finding a peaceful solution to the crisis;

Further concerned by the decision of the Burundian authorities of 19 and 24 October 2016, to deregister five civil society organisations notably the Forum for the Strengthening of Civil Society (FORSC), Forum for Consciousness and Development (FOCODE), Association for the Protection of Human Rights and Detained Persons (APRODH), Action by

Christians for the Abolition of Torture in Burundi (ACAT-Burundi) and Network of Honest Citizens (RCP); and to suspend five other organisations, including Civil Society Coalition for Election Monitoring (COSOME), Burundian Coalition for the International Criminal Court (CB-CPI), Burundi Union of Journalists (UBJ), Burundian Human Rights League “ ITEKA”, and SOS Torture Burundi; accused of conducting activities that are likely to disturb public order and security;

Concerned about the decision taken by the Burundian authorities to suspend cooperation with the Office of the United Nations High Commissioner for Human Rights in Burundi (HCHR) and to declare the UNIIB experts *persona non grata*, following the presentation of the final report of the Investigation Mission during the 33rd Session of the UN Human Rights Council on 27 September 2016;

The Commission:

1. **Condemns** the various human rights violations committed in the country since April 2015;
2. **Condemns** the continuous repression against human rights defenders which led to the deregistration and suspension of the main human rights organisations and the suspension of independent media outlets in the country;
3. **Regrets** the decision of the Burundian authorities to suspend cooperation with the Office of the HCHR in Burundi and to declare the UNIIB experts *persona non grata*;
4. **Calls on** the Government of the Republic of Burundi to:
 - i. immediately end all human rights violations;
 - ii. release all persons arbitrarily detained, especially persons detained incommunicado, and ensure their physical integrity;
 - iii. end attacks, threats, acts of intimidation and harassment, including judicial harassment, of human rights defenders and journalists;
 - iv. authorise the unconditional resumption of the activities of all the deregistered and suspended civil society organisations;
 - v. take the necessary urgent measures to conduct prompt, independent, impartial and effective investigations in order to prosecute the perpetrators of these crimes;
 - vi. ensure that victims of the above violations and their families obtain full and adequate redress,

- including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- vii. extend full cooperation with all regional and international human rights institutions, including the Office of the UN High Commissioner for Human Rights and the African Union particularly regarding the full deployment of all the human rights observers and military experts, in accordance with the decision of the Heads of State and Government of the African Union adopted at the 26th Summit held from 21 to 31 January 2016;
 - viii. authorise the Commission to undertake a mission to follow up on the recommendations in the Report of the Fact-finding Mission;
5. ***Calls on*** the African Union and the international community to continue their efforts to resolve the crisis in Burundi.

**Done in Banjul, Islamic Republic of The Gambia, 4
November 2016**