

Joint Statement by Burundian Civil Society Organisations (CSOs) and International Organisations

To the Summit of Heads of State of the East African Community (EAC)

29th February 2016, Arusha, Tanzania

The situation in Burundi has progressively deteriorated since 25 April 2015, the day President Pierre Nkurunziza was nominated by his party the National Council for Defence of Democracy – Forces for Defence of Democracy (CNDD-FDD) to stand for election for a third term in office, and the violent repression by security forces of the protests that ensued.

Hundreds of people have been killed since the beginning of the crisis in April and thousands have been arrested in the government crackdown on suspected opponents.ⁱ Human rights organisations have documented extrajudicial executions, torture and other forms of ill-treatment, arbitrary arrests, enforced disappearances, extortion and looting by security forces. There has been a wide-ranging crackdown on independent media and human rights organisations.

According to the United Nations High Commissioner for Refugees (UNHCR), 245,265 people have fled from Burundi to neighbouring countries as of 24 February 2016.ⁱⁱ The ever-increasing numbers of refugees are just one sign that the crisis is taking on a regional dimension with a serious impact on citizens from East Africa in general, and from Burundi in particular. Ending the crisis in Burundi must remain a top priority for the Heads of State of the EAC, who are meeting later this week in Arusha. The EAC has been involved in efforts to resolve the crisis since it began and has a vital role to play.

In consideration of the above, we, Burundian and international civil society organisations, are joining our voices today to address the EAC Heads of State:

- 1. We are deeply concerned that the Burundi crisis is not on the Agenda of the Summit despite the worsening situation and request that it be given due priority;**
- 2. We urge the Summit to ensure implementation of the decisions taken by the three Extraordinary Summits on the situation in Burundi;**
- 3. We call on the Summit to support the establishment of a credible investigative mechanism to independently investigate all allegations of human rights violations in Burundi, as recommended by the Sub-Committee on Regional Affairs and Conflict Resolution of the East African Legislative Assembly;**
- 4. We ask the Summit to reaffirm the urgent need for the regional or international protection of Burundian citizens being killed and brutalized on a daily basis;**

5. We further request the Summit to reaffirm the importance and urgency of an all-inclusive inter-Burundian Dialogue in a neutral location to bring an end to the crisis; and
6. We call on the EAC to ensure that, pending resolution of the humanitarian and human rights crisis, it maintains strict real and perceived impartiality of the Chair and the Secretary-General towards all parties to the mediation in Burundi.

Background Information

The **EAC** has been involved in resolving this crisis since it began. It discussed the Burundi issue at three (3) Extraordinary Summits in Dar es Salaam and formulated, among others, the important resolutions:

- 1st Extraordinary Summit, held on 13 May 2015
 - *The Region will not accept nor standby if violence does not stop or escalates in Burundi.*
- 2nd Extraordinary Summit, held on 31 May 2015
 - *The Summit called for urgent disarmament of all armed youth groups allied to political parties.*
 - *The Summit encouraged the Government of Burundi to create conducive conditions for the return of refugees to Burundi.*
- 3rd Extraordinary Summit, held on 6 July 2015
 - *Given the continuing political impasse in Burundi, the Summit appointed H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda to facilitate dialogue at the highest level, among the parties in Burundi with a view to finding solutions to all contentious issues.*
 - *The Government of Burundi to disarm Imbonerakure and other armed youth groups allied to political parties.*
 - *The AU should urgently deploy military observers to oversee the disarmament process.*

Furthermore, the **AU Peace and Security Council**, in its latest statements on the Burundi situation, reiterated as well the need for an inclusive dialogue with all Burundian stakeholders in order to end the crisis. It adopted the following resolutions:

- At its 557th Meeting, held on 13 November 2015, Addis Ababa:
 - §6: *In this regard, Council stresses the centrality of the regional dialogue facilitated by the EAC Mediator, and to be convened outside Burundi, in a location to be determined by the Mediation, in order to enable all Burundian stakeholders, both those within and outside Burundi, to participate in the said dialogue in the required security conditions;*
- At its 565th Meeting, held on 17 December 2015, Addis Ababa:
 - §7: *Council reaffirms the centrality of the regional process, as the only one that would make possible the conduct of inclusive talks bringing together all Burundian stakeholders;*

- At its 571st Meeting, held on 29 January 2016, Addis Ababa:
 - §7: *Council urges all Burundian stakeholders to respond, unconditionally and without delay, to the call of the Mediator for the continuation of the Dialogue in Arusha, Tanzania. As such, Council requests the Facilitator to conclude, as soon as possible, his consultations with the Government of Burundi and with other stakeholders in the Inter-Burundian Dialogue for its immediate resumption;*

The **AU Assembly of Heads of State** issued a Statement at the January 2016 Summit, reinforcing the AU PSC Statements on the mediation and the responsibility of Burundi to take necessary actions:

- At its 26th Ordinary Session, held on 30-31 January 2016, Addis Ababa, “Decision on the report of the Commission on Governance, Constitutionalism and Elections in Africa” Doc. Assembly/AU/9(XXVI):
 - §3(V): *take cognizance of the growing trend of the formation and use of youth/militia arms of political parties. The AU must firmly discourage this trend in its Member States as it undermines democratisation and peace-building. The AU should call upon Member States to take immediate steps to discourage political parties from establishing such groups and disband them where they already exist;*
- At its 26th Ordinary Session, held on 30-31 January 2016, Addis Ababa, “Decision on the report of the Peace and Security Council on its activities and the state of Peace and Security in Africa” Doc. Assembly/AU/2(XXVI):
 - §13: *In this regard, the Assembly **STRESSES** the centrality of the regional dialogue, facilitated by the Mediator of the East African Community (EAC), President Yoweri K. Museveni, **WELCOMES** the reactivation of the Inter-Burundian dialogue, with the meeting held in Entebbe on 28 December 2015, **REAFFIRMS** the support of the AU to the mediator, as well as the need to rapidly continue the dialogue in Arusha, as programmed by the Mediation. (...)The Assembly **APPEALS** to the Government of Burundi to accept, without further delay, the deployment of the African Prevention and Protection Mission in Burundi (MAPROBU) and **EXPRESSES ITS DETERMINATION**, for lack of explicit consent of the Government, to take the necessary action, within the spirit of the PSC Communiqué of 17 December 2015 and in conformity with the relevant provisions of the Constitutive Act.*

Moreover, the **Sub-Committee on Regional Affairs and Conflict Resolution of the East African Legislative Assembly**, held public hearings on 14th - 15th and 25th January 2016 that heard presentations from all parties, including from the Government of Burundi. On 4th February 2016, it submitted its report to the EALA Plenary, which report contained specific recommendations for the EAC Summit to address the deteriorating human rights and humanitarian situation in Burundi.

Among the recommendations:

- §55, On the Humanitarian Rights Crisis in Burundi, on the duty of care and responsibility to protect, Recommendations to the Council of Ministers.;

- *The Committee holds the view that the Community under the Treaty obligation, the African Union under the Constitutive Act, the United Nations and other international players owes a duty of care and responsibility to protection of the people of Burundi.*
- §57, On the need to Establish a credible Mechanism to Investigate allegations of Gross Human Rights Violations, Prayers to the Summit
 - *That the Assembly requests the Summit to affirm that the Community has a duty of care and responsibility to protect the people of Burundi from violence and guarantee the safety and security of all citizens and persons in Burundi.*
 - *That the Summit to consider to facilitate and support the establishment of a credible investigative mechanism to independently investigate all allegations of human rights violations in Burundi.*
 - *That the Summit will put in place actions that will fully utilize all possible measures allowed by the Treaty and Community law to be directed against any person or entity that will undermine the establishment and operationalization of a credible investigative mechanism.*

Signed in Arusha, this 29th Day of February, 2016 by the following Burundian and international civil society organisations.

1. Actions des Chrétiens pour l'Abolition de la Torture (ACAT Burundi)
2. Amnesty International
3. Atrocities Watch-Africa (AWA)
4. Burundi Coalition for ICC (CB CPI)
5. Centre for Citizens' Participation in the African Union (CCP-AU)
6. East African Civil Society Organisations' Forum (EACSOF)
7. East Africa Law Society (EALS)
8. Fahamu
9. Forum pour la Conscience et le Développement (FOCODE)
10. Forum pour le Renforcement de la Société Civile (FORSC)
11. Groupe de Recherche et d'Appui au Développement des Initiatives Démocratiques (GRADIS)
12. Mouvement Citoyen Halte au Troisième mandat (HTM)
13. International Commission of Jurists – Kenyan Chapter (ICJ Kenya)
14. Kituo cha Katiba (KcK)
15. Pan African Lawyers' Union (PALU)
16. Réseau des Citoyens Probes (RCP)
17. Women and Girls Movement for Peace and Security in Burundi

ⁱ The UN Office of the High Commissioner for Human Rights reported that as of 14 January 2016, at least 439 people had been killed since 26 April 2015. See "Alarming new patterns of violations emerging in Burundi – Zeid", 15 January 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16953&LangID=E>. In December,

OHCHR also reported at least 3,496 arrests since the start of the crisis. See Opening Statement by Zeid Ra'ad Al Hussein United Nations High Commissioner for Human Rights at the Human Rights Council 24th Special Session, Geneva, 17 December 2015,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16895&LangID=E>. According to a report presented by APRODH at the East African Legislative Assembly (EALA) Sub-Committee Meeting on Regional Affairs and Conflict Resolution's Public Hearing on 15 January 2016, 1,180 people have been killed between 1st January 2015 and 3rd December 2015, of whom, 627 died between 26th April 2015 and 3rd January 2016.

ii Official Website of UNHCR, Refugees from Burundi: Post-Influx, 22 February 2016, <http://data.unhcr.org/burundi/regional.php>, (consulted on 23 February 2016).