

## Side Event Report

# Crisis in Burundi: How to address impunity and prevent future violations?

*UN Human Rights Council 30<sup>th</sup> Regular Session, Geneva, 17 September 2015*

### Key messages

- The crisis is not over; the political and human rights situation are in many respects deteriorating.
- The regionalisation of the current crisis is a genuine risk.
- Urgent action is needed by the international community to avert the recurrence of violence, beginning with the Human Rights Council ensuring that Burundi remains on the formal agenda.
- Independent and impartial international monitoring of the human rights situation is needed.
- The independent media must be re-opened, with the safety and security of journalists guaranteed.
- Impunity for past crimes and present-day abuses must be addressed.
- A long-term, coordinated strategy that tackles the different dimensions of the crisis is urgently needed.

### **Burundi in crisis - Background**

Burundi is in the middle of its worst crisis since the end of a decade-long civil war, sparked by the April 2015 announcement by the CNDD-FDD that it had nominated Pierre Nkurunziza to run for a



third term in office. Upwards of 200,000 people have fled the country, accounting for around 2% of the population, including the majority of the political opposition and human rights defenders. In the immediate aftermath of the failed coup d'état on 13 May 2015, the independent radios that have been a beacon of hope for

peacebuilding and free speech in Burundi since the war were completely destroyed. Hundreds of people have been arbitrarily arrested and imprisoned.<sup>1</sup> The police have utterly failed to protect the population and have acted as an armed wing of the party in power rather than protecting the population. Members of the *Imbonerakure* youth wing of the party have goaded, intimidated, terrorised and killed Burundians, often with the complicity of the authorities and security forces.

More than a hundred people have lost their lives since the crisis began and the death toll continues to rise. The protests and violent clashes may have ended, but the violence has to some extent become increasingly clandestine. Each morning the bloody bodies of (mostly) young men are found with gunshot wounds or visible signs of torture, many of them with their hands tied behind their backs. High profile political assassinations or attempted assassinations are increasing once again,<sup>2</sup> and rumours of a rebellion being planned by exiled politicians would appear highly plausible.

The prevailing climate in Burundi is best described as one of fear. Yet the perception seems to exist outside of Burundi that the situation is gradually improving – a sense of *business as usual*. As the mounting gross violations of human rights within Burundi and the risks of the regionalisation of violence prove, nothing could be further from the truth on the ground. It should be remembered that the decision of the President to run for a third term, whilst highly contested, was merely the spark that lit the powder-keg of malaise, discontent and resentment at an entire socio-economic and socio-political system built upon impunity, structural violence and neopatrimonialism.<sup>3</sup> That system has been fostered under the governance of President Nkurunziza. The fervour with which many young Burundians took to the streets is testament to the level of alienation and absence of opportunities that are a consequence of this system. *Business as usual* for a population where 65% of people are younger than 25 years of age is no longer an acceptable state of affairs.

### **Urgent action needed – *The Side Event***

Against this background, Impunity Watch (IW) organised a Side Event on the Burundi crisis on the margins of the 30th Regular Session of the UN Human Rights Council (HRC) in Geneva. The event was above all motivated by a desire to raise attention to the gravity of the deepening crisis in the country, the crucial importance of giving a platform for voices from the ground to be heard, and a profound concern that international attention to the crisis has all but faded after a peak of attention during the protests and electoral period.

The Side Event was therefore organised to coincide with the presentation of two reports to the HRC by the UN Special Rapporteur on the promotion of truth, justice, reparations, and guarantees of non-

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<sup>1</sup> See for example, Amnesty International, *Burundi: “Just Tell me What to Confess to”. Torture and Other Ill-Treatment by Burundi’s police and Intelligence Service Since April 2015*, AI Index: AFR 16/2298/2015, 24 August 2015. Available at: <https://www.amnesty.org/en/documents/afr16/2298/2015/en/>

<sup>2</sup> These include the high-profile assassinations of Lieutenant General Adolphe Nshimirimana, Colonel Jean Bikomagu, and senior members of the political opposition. The most recent attempted assassination on 11 September 2015 targeted the army Chief of Staff, Prime Niyongabo.

<sup>3</sup> Impunity Watch, *Burundi: La citoyenneté en crise*, Great Lakes Dispatches, Numéro 1, Aout 2015. Available at: [http://www.impunitywatch.org/docs/IW\\_Great\\_Lakes\\_Dispatches\\_%28Numero\\_1\\_-\\_Aout\\_2015%29.pdf](http://www.impunitywatch.org/docs/IW_Great_Lakes_Dispatches_%28Numero_1_-_Aout_2015%29.pdf)

recurrence, Mr. Pablo de Greiff – a report on the status of transitional justice in Burundi and a report on guarantees of non-recurrence. In conjunction with the Permanent Delegations of the Netherlands and Switzerland to the UN in Geneva, and under the umbrella of the ‘Peace Beyond Borders’ Programme,<sup>4</sup> the event was moderated by IW’s Executive Director, Ms. Marlies Stappers, and brought together a distinguished panel of experts: Mr. Pablo de Greiff (UN Special Rapporteur), Mr. Peter Sørensen (EU Ambassador to the UN in Geneva), Frère Emmanuel Ntakarutimana (the first President of Burundi’s National Independent Human Rights Commission) and Mr. René Claude Niyonkuru (governance, human rights and development expert).

Following short welcome remarks by Ms. Quirine van de Linde (First Secretary to the Netherlands Permanent Delegation to the UN in Geneva) stressing the concerns of the Netherlands and Switzerland about Burundi, the panel discussion was kicked-off by the screening of a short film produced by IW of the ‘life history’ of a young member of one of the country’s opposition parties. Panellists discussed the role that the country’s culture of impunity is playing in the current crisis, the linkages between the crisis and failures to address gross human rights violations committed in the past, and the prospects for preventing violence in the future.

### *Risks of violence*

The panellists were unanimous in their conclusion that a significant risk of violence exists today in Burundi, warning the international community that “the crisis is definitely not over”. Crucial attention was drawn to the potential of renewed civil war, with each expert pointing out that the (re)emergence of divisions within the army would be catastrophic. Mr. Niyonkuru suggested that the violence is now evolving within the population, drawing parallels with the findings of a recent

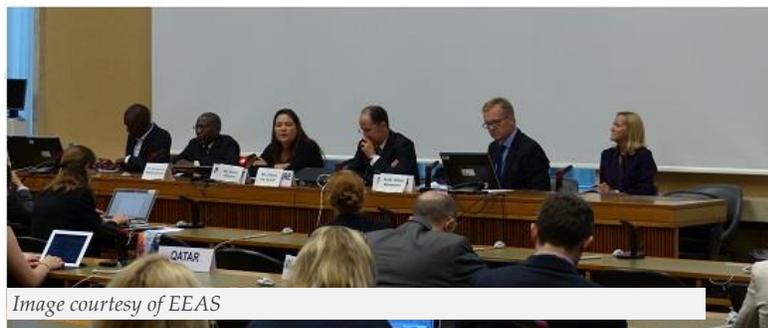


Image courtesy of EEAS

study by IW that young people from across the political divide are prepared to resort to arms to defend their rights.<sup>5</sup> The panellists moreover warned of the regional implications of the crisis for the DRC and Rwanda to explain why it cannot be treated as a solely internal matter. Recalling that the EU is

pushing for wide-ranging measures to be taken to address the ongoing crisis, the EU Ambassador stressed that for many of these reasons, “Burundi must stay on the agenda of the Human Rights Council”.

<sup>4</sup> The ‘Peace Beyond Borders Programme’ or *Programme Paix Au-Delà des Frontières*, is being implemented by a consortium of ten national and international organisations in the Great Lakes Region of Africa (Burundi, DRC, Rwanda) with multi-annual funding from the Netherlands Ministry of Foreign Affairs. The Programme aims to uncover new approaches to conflict transformation in the Great Lakes, based on an approach that privileges the experiences, opinions and ideas of local populations affected by violent conflict.

<sup>5</sup> Impunity Watch, *Burundi: La citoyenneté en crise*, Great Lakes Dispatches, Numéro 1, Aout 2015. Available at: [http://www.impunitywatch.org/docs/IW\\_Great\\_Lakes\\_Dispatches\\_%28Numero\\_1\\_-\\_Aout\\_2015%29.pdf](http://www.impunitywatch.org/docs/IW_Great_Lakes_Dispatches_%28Numero_1_-_Aout_2015%29.pdf)

Attention was drawn to the climate of fear that exists in Burundi at present, which is being fuelled by the upsurge in assassinations and extrajudicial killings, as well as the prevailing lack of independent media in the country. The latter, in conjunction with the international media having now largely left Burundi after the electoral period, was highlighted as contributing to a lack of information originating from within Burundi. Panellists stressed that a lack of regular reporting should not be taken as an indication that the situation is improving. It was shown that the opposite is in fact the case and that the human rights situation is deteriorating. Frère Emmanuel Ntakarutimana pointed out that the crisis looks set to further deepen since the economy is in freefall, which will almost certainly exacerbate the intensity of human rights violations.

### *Tradition of impunity*

Reiterating a number of the findings from his report on Burundi, the Special Rapporteur, Mr. de Greiff, was unequivocal in his message that the roots of the ongoing crisis are in large part to be found in the “tradition of impunity” that ensnares the present and compromises the future of the country. Mr. de Greiff issued a call to action to the Human Rights Council and the international community, insisting that accountability must be a central feature in the prevention of mass violence and for guaranteeing non-recurrence. Together with members of the audience the panellists pointed out the crucial role that civil society including religious bodies and the media must play in any democratic system and for the prevention of violence through civilian oversight.

Finally, the Burundian experts emphasised the “rupture of trust towards the state” that is in part a consequence of a total lack of accountability within state institutions and in part down to a perceived side-stepping of the Arusha Peace and Reconciliation Agreement (2000) and the 2005 Constitution. Mr. Niyonkuru underlined that this absence of trust should also be attributed beyond civil and political rights to guarantees of economic, social and cultural rights. It was once again pointed out that the issues at the heart of the Burundi crisis are structural issues that curtail people’s life chances and development.

The hopes for change that brought an unprecedented number of Burundians to the streets to demand a more equitable system have been crushed by the machinery of the state that was dispatched with full force to quell them, but most importantly by the failure of all internal and external actors to shine a light on the root causes. The panellists decried that only viewing the crisis through the lens of the third mandate leaves us blind to the wider issues at stake. Without concerted action on Burundi they suggested that a young population living in fear and without hope for the future, which had already attempted non-violent means for demanding change, may be left with few choices in the months ahead.

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