

AFRICAN UNION

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African Commission on
Human & Peoples' Rights

Commission Africaine des Droits
de l'Homme & des Peuples

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FINAL COMMUNIQUÉ

FACT-FINDING MISSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS TO BURUNDI

7-13 DECEMBER 2015

Acting on the request from the Peace and Security Council of the African Union, a Delegation of the African Commission on Human and Peoples' Rights (the Commission), undertook a fact-finding mission to the Republic of Burundi from 7 to 13 December 2015. The mission was carried in accordance with the promotion and protection mandate of the Commission and pursuant to Article 45 and 58 of the African Charter on Human and Peoples' Rights. The Delegation was composed of:

- Honourable Commissioner Pansy Tlakula, Chairperson of the Commission and Special Rapporteur on Freedom of Expression and Access to Information in Africa;
- Honourable Commissioner Reine Alapini-Gansou, Special Rapporteur on Human Rights Defenders in Africa;
- Honourable Commissioner Jamesina Essie L. King, Chairperson of the Working Group on Economic, Social and Cultural Rights; and
- Honourable Commissioner Dr Solomon Ayele Dersso, Chairperson on the Working Group on Extractive Industries, the Environment and Human Rights Violations.

The objectives were the following:

- Investigate all the human rights violations and other abuses in Burundi since the beginning of the crisis in April 2015;

- Establish the causes, facts and circumstances that precipitated and constitute such violations and abuses within the framework of the African Charter on Human and Peoples' Rights as well as such relevant international humanitarian law rules; and
- Specify and qualify the human rights violations and other abuses that emerged since the beginning of the current crisis.

The report of the mission to be submitted to the Peace and Security Council of the African Union would propose a number of recommendations.

During its mission, the Delegation met and discussed with various stakeholders from the state apparatus, civil society, media actors, members of the diplomatic corps, international organisations and humanitarian organisations.

The Delegation visited also a detention centre, a hospital and received testimonies from victims of the crisis.

The preliminary findings of the Delegation indicate that the situation of violence is of great concern. During our interaction with stakeholders we received reports of ongoing human rights violations and other abuses including arbitrary killings and targeted assassinations, arbitrary arrests and detentions, torture, arbitrary suspension and closure of some civil society organizations and the media, etc.

Of equal concern to the Delegation are also reports of people being forced to flee from their homes and continuing flow of refugees as well as social services such as schools and hospitals being seriously affected.

On Friday 11 December, the eruption of major exchange of gunfire, explosions and shootings that lasted for the whole day has led to the escalation of violence and human rights violations. In order to stop the escalation of violence and remove conditions leading to human rights violations and abuses, the Delegation of the African Commission:

- (i) Emphasizing that the current crisis cannot be solved through the use of violence, urges all state and non-state actors to put an immediate end to the ongoing violence and the human rights violations;
- (ii) Calls on the Government of Burundi to ensure that all acts of violations of human rights are investigated and redressed in accordance with the standards in the African Charter on Human and Peoples' Rights as well as in other relevant regional and international instruments to which Burundi is a party;
- (iii) Urges that humanitarian actors are provided with unfettered access for providing assistance to affected communities and deliver social services;

- (iv) Underscoring the importance of the presence of neutral monitors, expresses its support for the human rights observers and the military experts and calls for the strengthening of their numbers and full cooperation in the discharge of their mandates; and
- (v) Calls on the people of Burundi to urgently and immediately commence a process that will end the crisis and bring lasting peace in Burundi.

The Delegation expresses its appreciations to the Government of Burundi for accepting to host the mission and for the measures taken to ensure the smooth conduct of the mission, and commends all stakeholders for their collaboration and openness during the mission.

Done in Bujumbura on 13 December 2015