

## WHY BURUNDI HAS WITHDRAWN FROM THE ROME TREATY.

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Burundi ratified the Rome Statute of the International Criminal Court in August 2003. By ratifying the Rome Statute, Burundi intended to join the rest of the international community to fight against impunity for specific category of crimes in the statute. Unfortunately some world powers, the project initiators of the creation of this Court who instigated others, mainly African countries to ratify the Rome Statute to the extent of using pressure, refused to ratify the Statute with the intention of protecting their potential criminals.

It is an unimpeachable fact that this Court which is financed by over 70% by the European Union has become an instrument of political pressure on poor countries and their Governments with the intent to control then dominate or destabilize them. Indeed, it is not a secret that the initiation of investigations against African leaders is done under pressure from major powers, calling into question the independence of the Prosecutor of the International Criminal Court and the Court herself.

In the case of Burundi, everyone knows that since April 2015

violent demonstrations which turned into acts of terrorism have occurred in Burundi, specifically in some neighborhoods of the capital Bujumbura. This insurrection that was financed and supported by some Western countries and some international organizations, led to the loss of human lives and the destruction of considerable material goods. The insurrection then ended in the attempt to overthrow the Republican Institutions of the Republic of Burundi on May 13, 2015. The well-coordinated efforts by coup leaders, some radical opposition activists and terrorist elements with foreign support to render the country ungovernable by indiscriminately targeting in their attacks and criminal acts, the civilian population, members of government, state officials, security and national defense personnel have been well documented. In addition to information obtained from several hundreds of civilians who were forcefully conscripted and trained a foreign country to attack their own country, and who have surrendered, Burundi has in its possession, intercepted communications between the perpetrators of these acts of criminality and their sponsors. These individuals have publicly claimed responsibility for these crimes including distributing grenades and arms to civilians to carry out these attacks.

Despite the magnitude of the senseless violence and atrocities that occurred during the insurrection directed against civilians and members of security forces, the Prosecutor of the ICC, some Western countries and the European Union failed to condemn the perpetrators or at least include in their various report on the situation in Burundi these crimes which were publicly and widely acknowledged by the perpetrators.

Whereas the security forces, officials of state institutions as well as the civilian population of Burundi are the prime targets of this senseless wave of criminality in which the perpetrators have claimed responsibility, tainted reports from supposed human rights experts have consistently published tainted reports based on concocted evidence attributing the responsibility to the victims of these criminal attacks. It is significant to note that while the Burundian justice system have deployed every sustained efforts to investigate and prosecute the perpetrators of these crimes, some of the very countries and institutions that have led a campaign of blackmail against Burundi have evinced every effort to frustrate these efforts by granting funding and golden asylums in their countries from where they continue to carry out destabilizing actions against Burundi.

Paradoxically, the ICC Prosecutor, ignoring its duty of neutrality, has continued to multiply statements directed against the Government of Burundi to announce the opening of a preliminary review on the situation in Burundi based on false reports produced by the individuals who are subject of international arrest warrants to face justice in Burundi and granting them a platform and voice to further their objectives. Lately after two brief visits to Burundi, a group of supposed independent experts of the UN Human Rights Commission whitewashed a false report prepared by these Burundi fugitives and submitted to the Office of the Prosecutor of the ICC even before the said report was considered by the UN

Human Rights Commission. The media frenzy and press comments by the Burundi fugitives praising this conduct that violates the spirit and letter of the Rome Treaty and the independence of the Office of the Prosecutor, could not be condoned by the Government and people of Burundi who spontaneously demonstrated in protest and called on Burundi to withdraw from the Rome Treaty. The Government and Parliament of Burundi obliged to this popular demand for the good of its people, sustainable peace, security and progress.

The ICC Prosecutor did not allege in her decision to intervene that the Government of Burundi breached its treaty obligations by failing to investigate or prosecute the perpetrators of crimes within the ICC's jurisdiction over the territory of Burundi. Thus, the ICC Prosecutor violated the sacrosanct principle of complementarity enshrined in the Rome Treaty, regarding collaboration and complementarity with the State concerned.

The Government of Burundi believes that the decision of the Prosecutor of the ICC to intervene in the ongoing political conflict in Burundi, the pressure of the powers that finance its operation in this case, the European Union, by initiating a preliminary examination while she had assurances and information establishing that Burundi was in the process of fulfilling its obligations as provided in the Rome Statute constitutes a serious and flagrant violation of the sovereignty and national security of Burundi. Indeed, to undertake the preliminary examination potentially encourage negative forces and their sponsors and encourages violence and impunity.

Consequently, the Government considers that maintaining Burundi as a party to the Rome Statute of the International Criminal Court cannot be justified. Burundi believes the letter and spirit of the Rome Treaty in relation to her participation have been breached with potential prejudice to the fight against impunity in Burundi, peace, security and progress in Burundi and the sub-region.

In arriving at its decision, Burundi considered the fact that the Security Council that has primary responsibility for ensuring world peace and security and has referral authority under the Rome Statute visited Burundi twice and did not find any reason to exercise its mandate under the Rome Statute. The ICC intervention has a high potential of compromising encouraging efforts that are ongoing by the Government of Burundi to investigate and prosecute all the crimes within its national territory and commendable efforts by the UN Security Council, African Union, East Africa Community, Conference on Peace and Security in the Great Lakes, Inter-Burundi Dialogue Commission, and the multiple actors aimed at bringing justice, enduring peace, security and progress in Burundi and the sub-region.

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