

412 Resolution on the Human Rights Situation in the Republic of Burundi - ACHPR/Res. 412 (LXIII) 2018

The African Commission on Human and Peoples' Rights (Commission) meeting at its 63rd Ordinary Session held from 24 October to 13 November 2018 in Banjul, Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in accordance with Article 45 of the African Charter on Human and Peoples' Rights (African Charter);

Further recalling its previous Resolutions in which it expressed deep concern about the continued deterioration of the human rights situation in Burundi, namely Resolutions ACHPR/Res. 357 (LIX) 2016 and ACHPR/Res. 396 (LXII) 2018;

Also recalling the conclusions and recommendations of its Fact-finding Mission undertaken in December 2015, in particular the need for the Commission to continue to monitor and investigate human rights violations;

Concerned by the non-implementation of the recommendations made in the report of its fact-finding mission;

Noting the recent reports of the United Nations Commission of Inquiry on Burundi, in particular its last report published at the time of adoption of this Resolution entitled "Detailed Final Report of the Commission of Inquiry on Burundi" and presented to the Human Rights Council at its Thirty-ninth Session held from 10 to 28 September 2018 in which the said Commission expressed concern at the continued serious human rights violations in Burundi;

Noting with concern the stagnation at the level of the 5th Round of the Inter-Burundi Dialogue initiated by the East African Community and which is aimed at resolving the crisis that began in 2015;

Alarmed by allegations that prohibitions and restrictions on the work of human rights defenders in Burundi continue to have a negative impact on the lives of populations which benefit from the work of these stakeholders, particularly in the areas of health, nutrition, agriculture, water, sanitation, hygiene, etc.;

Deeply concerned by the lack of adequate and independent inquiries into reported cases of human rights violations and the lack of cooperation for the conduct of an international independent inquiry into reports of persistent human rights violations in Burundi;

The Commission:

Urges the Government of the Republic of Burundi to:

- i. Respect, protect and guarantee human rights and fundamental freedoms for all, in accordance with the Constitution of Burundi and the country's international obligations, including by respecting the principles of the rule of law;
- ii. Conduct prompt independent, impartial and effective investigations with a view to prosecuting the alleged perpetrators or accomplices of extra-judicial execution, enforced disappearance, acts of torture, sexual violence, unlawful arrest and detention, and other alleged serious human rights violations;
- iii. Identify all victims and their beneficiaries to ensure that they receive appropriate reparation and put in place the necessary guarantees of non-repetition;
- iv. Release all persons who have been arbitrarily detained, in particular human rights defenders, including by strictly respecting the relevant applicable procedures;
- v. Engage fully, without delay or preconditions, in the Inter-Burundi Dialogue process and guarantee its effectiveness and inclusiveness;
- vi. Cooperate with all international community stakeholders, including the African Union, the United Nations and the East African Community, in the search for a peaceful and human rights responsive solution to the crisis situation in Burundi;

Calls on the United Nations, the African Union, and the East African Community to intensify their efforts, actions and support for a peaceful resolution of the crisis in strict observance of human rights and protection of Burundian populations while ensuring that all parties involved in the crisis are held accountable for their actions and that victims, for whom non-repetition should be guaranteed, are taken into consideration.

Done in Banjul, Republic of The Gambia, on 13 November 2018