



# The Inside Track

## **SPECIAL EDITION**

**24th special session of  
the Human Rights Council  
on preventing further  
deterioration of the  
human rights situation in  
Burundi**

17th December 2015

On 17th December 2015, in view of the on-going crisis in Burundi, the UN Human Rights Council will convene a Special Session on 'preventing the further deterioration of the human rights situation in Burundi.'

This will be the Council's 24th Special Session, and the second Special Session of 2015 (the previous Session in 2015, which addressed terrorist attacks and human rights abuses and violations committed by the terrorist group Boko Haram, was held on 1st April 2015).

Special Sessions of the Council, held pursuant to paragraph 10 of GA resolution 60/251, paragraphs 119 to 128 of the annex to Human Rights Council resolution 5/1, and rules 5 and 6 of the rules of procedure of the Human Rights Council, aim to provide a platform for the Council to consider and act on urgent human rights issues of either a country-specific or a thematic nature.

The Special Session on Burundi was called by 18 Members of the Council: Albania, Argentina, El Salvador, Estonia, France, Germany, Ghana, Ireland, Japan, Latvia, Mexico, Montenegro, the Netherlands, Portugal, the Republic of Korea, the former Yugoslav Republic of Macedonia, UK and the US. Over 20 Observer States also supported the request.

The 24th Special Session will consider how the international community can prevent further human rights violations and the further deterioration of the situation in Burundi.

Burundi is experiencing its worst political turmoil since the end of its 12-year civil war in 2005

## Burundi: Key facts



**10.4m population**  
**50 years - life expectancy for a man**  
**2nd poorest country in the world**  
**50% of Burundi annual budget is funded by donors**  
**85% are Hutu, 14% Tutsi**  
**300,000 died in civil war**

Sources: UN, World Bank, CIA

## Situation analysis

The Special Session is convened at a critical moment for Burundi and its people. Significant violations have already occurred, and without preventative action the human rights situation in Burundi could rapidly deteriorate.

A mounting death toll (some estimates suggest around 240 people have been killed, with bodies often dumped in the streets), apparent arbitrary executions, increasingly hard-line rhetoric and an increasing number of refugees (more than 200,000) indicate that divisions are widening, and the “national dialogue” is doing little to relieve the mounting tensions.

According to media reports and local NGOs, it appears that President Pierre Nkurunziza and those around him intend to use force to end the protests that have been held in Bujumbura since April 2015. The President has given a public ultimatum giving the “criminals” seven days to lay down their arms. Révérien Ndikuriyo, the Senate President, gave a thinly veiled warning on 1st November 2015 that the police would soon “go to work” and asked district heads to identify “elements which are not in order.”

## Timeline Burundi crisis

**April 2015** - Protests erupt after President Pierre Nkurunziza announces he will seek a third term in office.

**May 2015** - Constitutional court rules in favour of Mr Nkurunziza, amid reports of judges being intimidated. Tens of thousands flee violence amid protests.

**May 2015** - Army officers launch a coup attempt, which fails.

**July 2015** - Elections are held, with Mr Nkurunziza re-elected. The polls are disputed, with opposition leader Agathon Rwaswa describing them as a “joke.”

**November 2015** – Burundi’s Government gives those opposing President Nkurunziza’s third term five days to surrender their weapons ahead of a promised crackdown.

**November 2015** – UN Security Council adopts strongly worded resolution condemning gross human rights violations in Burundi.

**November 2015** - UN warns it is less equipped to deal with violence in Burundi than it was for the Rwandan genocide.

**December 2015** – UN Human Rights Council Special Session.

## Briefings and statements of the High Commissioner for Human Rights

According to a briefing of the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, during the 30th regular session of Council in September 2015, State repression and restrictions on freedom of expression and freedom of assembly increased sharply in advance of, and after, the 2015 elections.

On 9th November 2015, the High Commissioner briefed the Security Council, informing Members that at least 240 people have been killed since protests begin in April 2015.

In a statement made on 25th November 2015, the High Commissioner deplored Burundi’s decision to suspend the licenses of ten NGOs. He argued this was a clear attempt by the authorities to silence dissenting voices and to limit the country’s democratic space. He also drew renewed attention to the growing number of extrajudicial killings in Burundi.

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## Consideration of the situation by the Security Council

On 12th November, the UN Security Council unanimously adopted resolution 2248 (2015), calling on all parties in Burundi to engage in peace talks, warning of further action against those who incite more violence in the Central African country, and warning of “potentially devastating consequences” for the entire region if the violence persists.

The Security Council called on the Government to protect human rights and cooperate with regional African mediators to immediately convene “an inclusive and genuine inter-Burundian dialogue” to find a peaceful resolution of the crisis.

The resolution stressed the Council’s “intention to consider additional measures against all Burundian actors whose actions and statements contribute to the perpetuation of violence and impede the search for a peaceful solution.”

It asked Secretary-General Ban Ki-moon to deploy a UN team in Burundi to work with the Government, African Union and other partners to develop options to address political and security concerns and to report back in two weeks with options for a future UN presence in the country. It also welcomes his intention to appoint a Special Advisor on Conflict Prevention, including in Burundi, to work with the Government and other stakeholders towards a peaceful resolution of the crisis.

In a briefing to the Council, UN Under-Secretary-General for Political Affairs Jeffrey Feltman painted a grim picture of the situation in Bujumbura: “Traumatized residents frequently discover mutilated bodies, victims of executions,” he noted.

Also addressing States, the UN High Commissioner for Human Rights voiced deepening concern:

*“There have been hundreds of cases of arbitrary arrest and detention in the past month alone, targeting members of the opposition, journalists, human rights defenders and their families, people attending the funerals of those who have been killed, and inhabitants of neighbourhoods perceived to be supportive of the Opposition.”*

In a further meeting on 30th November, a US initiative for a Security Council Mission to Burundi was also discussed. While all Security Council Members agreed in principle that the Mission should take place, some countries (Russia, Venezuela, and the African members of the Council) questioned the timing from a logistical standpoint. They also suggested that it would be better to wait and see the impacts of Security Council resolution 2248, the visit of Mr Jamal Benomar, Special Advisor of the Secretary-General to Burundi, and the recent visit of the Head of Peacebuilding Commission’s Burundi Configuration, Ambassador Jurg Lauber.

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## Consideration of the situation by the Human Rights Council

Between 2007 and 2011, the Human Rights Council passed four resolutions focused on the situation in Burundi. All of these resolutions were tabled under agenda item 10 (technical assistance and capacity-building) and sought to provide Burundi with ‘advisory services’ in the field of human rights. At first the resolutions were tabled by Burundi itself, then by France, and latterly by the African Group (based on its strategy of taking the lead on issues involving African States). All were adopted by consensus.

From 2011, the Council discontinued consideration of the situation in Burundi under agenda item 10.

That changed in September 2015, when the EU took steps to bring the situation back onto the Council's agenda. Following negotiations with the African Group, the latter eventually 'took over' the draft resolution (though with EU States as main sponsors), which was eventually adopted by consensus (resolution 30/27).

In a relatively softly worded text, the Council expressed concern about the human rights situation, recognised its own role in preventing further violations, welcomed certain steps taken by the Government, called on the authorities to take certain further steps, requested the High Commissioner for Human Rights to present an oral update on the situation (at its 31st session), present a written report on the implementation of the present resolution (32nd session), and hold an interactive dialogue on the matter (33rd session).

There were significant doubts raised at the time as to whether such an item 10 approach was appropriate to the situation in Burundi. Those doubts have only increased since that time.

Against this background, the Special Session represents a vitally important step for the Council to play its correct institutional role (as per its mandate) to address violations of human rights and to prevent further violations.

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## African Union's reaction to the Burundi Crisis

In a communiqué issued on 12th December 2015, the Chairperson of the African Union stated, inter-alia, that she is deeply concerned by the escalation of violence in Burundi. She reiterated the AU's rejection of violence and gross human rights violations.

The Chairperson furthermore warned of the possible consequences of the deteriorating human rights situation, both for Burundi itself and also for the entire region. She reiterated the AU's support for an inclusive inter-Burundian dialogue based on respect for the Arusha Agreement for Peace and Reconciliation.

## UN Special Procedures

On 13th November 2015 a group of seven human rights Special Procedures issued a call welcoming the adoption of Security Council resolution 2248 (2015), but warning that the central African country “is going towards an unacceptable path of atrocities.”

The experts welcomed the “clear message and alert” sent by the resolution, but emphasized that actions must now be undertaken to follow up the text and provide “concrete responses fitting the magnitude of the risks at stake, for Burundi and the region.”

The experts went on to warn of the rapidly deteriorating situation, with daily reports extra-judicial killings, arbitrary arrests and detentions, torture, attacks on independent media and harassment and killing of human rights defenders, and unjustified limitations on freedoms of peaceful assembly and expression.

“This is a crisis that is eminently political in nature and entails an increased risk of escalation of violence and further fracturing of the Burundian society,” the experts warned. They also urged the Burundian authorities to take immediate steps “to put an end to the rampant human rights violations and ensure there is no impunity for the perpetrators.”

Human Rights Watch (HRW) has documented numerous instances in which Burundian intelligence officials and police have arbitrarily arrested, ill-treated and in some cases tortured suspected opponents and other detainees.

Notwithstanding, many abuses outside the capital remain unreported due to the Government’s closure of Burundi’s main private radio stations and the risks faced by human rights defenders and journalists – which may prevent them from speaking out. There has also been an alarming increase in the number of targeted killings of Opposition party members (as well as ruling party members) in recent weeks.

## International NGO research

## Some key points for consideration

- Many observers are concerned that the warning signs point to a worsening of the human rights situation in Burundi and perhaps to civil war. There is an increasingly violent and open confrontation between armed Government forces and a large Opposition consortium, also increasingly armed.
- The economy is barely functioning (according to the IMF, GDP will have shrunk by 7.2 per cent this year).
- Many businessmen and women, civil society leaders and journalists have already fled the country.
- According to reports, law enforcement, security and judicial institutions are politicized and divided.
- Regional spill over is no longer just a threat, but a reality. Human rights violations have caused several hundred thousand Burundians to flee across the country's borders. The formal refugee numbers (215,000) - undoubtedly understated - include 70,000 in Rwanda, more than 100,000 in western Tanzania and the rest in DRC and Uganda. Serious tensions with Rwanda include the severing of diplomatic ties, with Kigali accusing Burundi of tolerating the presence of the Rwandan Hutu FDLR militia (Democratic Forces for the Liberation of Rwanda, an armed militia that may still include former genocidaires), and Bujumbura accusing Kigali of recruiting, training and arming Burundian refugees in refugee camps in Rwanda.
- The crisis presents a fundamental challenge to the Arusha Peace Agreement (August 2000), painstakingly negotiated over four years to bring peace to a country where 300,000 had died in more than a decade of conflict. The Agreement, negotiated with the facilitation of two African Presidents (President Julius Nyerere and President Nelson Mandela) and endorsed by the UN, AU, US France and the EU, institutionalized political and ethnic power sharing between Hutu and Tutsi. The Arusha agreement explicitly mentions the two-term limit for presidents (article 7).
- The decision of the Council to hold a Special Session on the situation in Burundi is therefore a welcome one. However, to move beyond past failures, the international community, led in this instance by the Human Rights Council, will need to resolve some difficult question related to: the effectiveness of existing UN interventions; the nature of any future UN response; what is the correct and useful role of the Human Rights Council; what tools does it have at its disposal to prevent further human rights violations; how can its work complement other responses by the Security Council and the AU; and what should be the outcome of the Session?

# Important links

## **Burundi as a Member of the Human Rights Council**

<http://www.YourHRC.org/Burundi>

## **Human Rights Council resolutions on Burundi**

<http://www.universal-rights.org/human-rights/human-rights-resolutions-portal>

## **2015 Security Council Presidential statement**

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PRST/2015/18](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2015/18)

## **2015 Security Council resolution (12th November)**

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2248\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2248(2015))

## **2015 Secretary-General's Report on Burundi (30 November 2015)**

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2015/914](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/914)

## **Reports by UN Special Procedures**

<http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/BIIndex.aspx>



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