Monday 16th November 2015

Petition of the Citizens of East African Community on the deteriorating human rights and humanitarian situation in the Republic of Burundi

To: The Right Honourable Daniel Fred Kidega
Speaker of the East African Legislative Assembly (EALA)
East African Community (EAC) Headquarters
Barabara ya Afrika Mashariki
Arusha, TANZANIA

To: The Right Honourable the Speaker and Members of the East African Legislative Assembly (EALA)

The Petition of citizens of the East African Community draws the attention of the House to the deteriorating human rights and humanitarian situation in the Republic of Burundi, and seeks of this Honourable House a number of specific actions:

The Background

There has been a political, human rights and humanitarian crisis unfolding in the Republic of Burundi, from as early as February 2015. The political crisis emanates from the support, on the one hand, and opposition on the other hand, by sections of the Burundi population, for the candidacy, for a third term, of President Pierre Nkurunziza. The human rights crisis emanates from the attempt by several Burundian citizens to demonstrate in opposition to the candidacy; the response of the Police, security officials and members of the *Imbonerakure,* the youth wing of the CNDD-FDD political party, by violently cracking down on demonstrators and protestors; and the counter response by a section of the population taking up arms and confronting the Police, security officials and members of the said *Imbonerakure*. The humanitarian catastrophe is occasioned by thousands of Burundi citizens and other residents being internally displaced within Burundi, or seeking refuge in neighbouring countries, thus triggering one of the largest refugee situations that the East African/ Great Lakes region has encountered in the last decade.

The political, human rights and humanitarian crisis

Assassinations, extrajudicial and arbitrary killings: There have been numerous reports of cases of assassinations, extra judicial and arbitrary killings with reports of more than 130 people having been killed in the Capital Bujumbura and in other parts of the Country. Recent reports by the media and by Non-Governmental Organizations (NGOs) indicate that decapitated bodies are regularly picked up off the streets of Bujumbura, with macabre scenes of butchering and ripping out of organs. There is concern that the killing trends are ethnic in origin.

Although the Government of Burundi has ordered investigations into the killings, no single case has been concluded, including the assassination of the Former Head of the Intelligence services, General Adolphe Nshimirimana, which occurred in August 2015. More recently, the arbitrary killing of the son of the eminent and award-winning Human Rights Defender Pierre Claver Mbonimpa, who is himself under recovery after being shot, for which no investigation has been done, despite statements by the Government of Burundi condemning the killings.

In addition, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has expressed alarm at the growing number of arrests, detention and assassination attempts of human rights defenders, journalists and military officials. Media houses have been shut down and there are reports of hate speech and incitement to violence, fuelling speculation of the beginning of a genocide in Burundi. The United Nations High Commissioner for Refugees (UNHCR) reports that over 197,000 Burundians have fled the country since April 2015, after having been harassed, having witnessed enforced disappearances and murders by the *Imbonerakure*, the youth wing of the ruling party, CNDD-FDD.

There is great concern that the situation in Burundi is quickly descending into a situation of mass atrocities and grave violations of human rights. The African Union has repeatedly reinforced the need for African responses to African situations and the urgent need for the prevention of mass atrocities, after the deplorable genocide in Rwanda in 1994.

Measures taken to date by various Organs and Institutions of the East African Community (EAC)

The Summit has convened three (3) Extraordinary Summits on Burundi, on the following dates:

- 13th May 2015
- 31st May 2015
- 6th July 2015

The 6th July 2015 Extraordinary Summit appointed H.E. President Yoweri Museveni to mediate in the Burundi crisis. This mediation has since then stalled.

The citizens, including some of the Petitioners herein, filed a case before the East African Court of Justice, in **Reference No. 2 of 2015: East African Civil Society Organizations' Forum (EACSOF) vs. The Attorney General of Burundi and 2 Others.** The case is limited to requesting the Court to ascertain whether the current President of Burundi, Pierre Nkurunziza can lawfully run for a third term in light of the relevant provisions of the Arusha Peace and Reconciliation Agreement for Burundi (Arusha Accord) of 2000 and the Burundi Constitution of 2005. It does not address the ensuing political, human rights and humanitarian crisis.

While the East African Legislative Assembly (EALA) participated in the joint East African Community (EAC) Observation Mission to the Burundi Elections, it has **not** otherwise deployed its mandate and powers, under the Treaty for the Establishment of the East African Community, to the deepening political, human rights and humanitarian crisis in Burundi.

Your petitioners therefore request the House to: -

1. Openly condemn the: -
    a. Assassinations, extrajudicial and arbitrary killings
    b. Use of inciting and incendiary language
    c. Inordinate use of force by the Police, security officials and members of the *Imbonerakure*
2. The House, or a Committee within it, to hold a public Hearing in Arusha, Tanzania that would welcome Burundian and East African citizens to testify to the occurrences in Burundi, and make proposals for resolution of the crises.
3. The House, or a Committee within it, to undertake an urgent Fact-finding Mission into Burundi.

4. The House to make a strong recommendation to the Summit that the Republic of Burundi cannot and will not assume the rotating Chairmanship of the Summit of the East African Community, until resolution of the political, human rights and humanitarian crisis in Burundi.
5. The House to request the African Union (AU) for robust leadership in intervention and mediation in the political, human rights and humanitarian crisis in Burundi, especially because the AU has a more comprehensive and far-reaching legal and institutional framework for intervention than the EAC currently has, including: -
    a. The Constitutive Act of the African Union, 2000
    b. The Protocol relating to the establishment of the Peace and Security Council of the African Union, 2002
    c. The African Charter on Human and Peoples' Rights, 1981
    d. The African Charter on Democracy, Elections and Governance, 2007
6. In particular, therefore, the House to call upon the Chairperson of the Assembly of Heads of State and Government of the AU to take concrete steps towards preventing Burundi from descending into Genocide or mass atrocities, including: -
    a. Activating the sanctions regime of the African Union (AU)
    b. Enhancing the numbers and capacity of the Human Rights Monitors and Military Monitors deployed to Burundi
7. Should the above measures not bear fruit within the next one (1) month, the House to call for suspension of the Burundi Government from both the EAC and the AU.

Principal Petitioner: **Pan African Lawyers Union (PALU)**
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1	Atrocities Watch Africa	4th floor, Acacia Mall 14-18 Cooper Road, Kololo, P.O. Box 7785, Kampala, Uganda
2	Centre for Citizens' Participation on the African Union (CCPAU)	Regent Court, D6 Argwings Kodhek Road P.O. Box 21976 – 00505, Nairobi, Kenya
3	East Africa Law Society (EALS)	No. 6, Corridor Area (Off Jandu Road) P.O. Box 6240, Arusha, Tanzania
4	East African Civil Society Organisations' Forum (EACSOF)	Plot 233, Oloirien Area, Perfect Printers Street. P. O. Box 12583, Arusha Tanzania
5	Kituo cha Katiba – The Eastern Africa Centre for Constitutional Development	Plot 7 Estate Link Road, Bukoto, Off the Lugogo By-Pass P.O. Box 3277, Kampala, Uganda
6	Pan African Lawyers' Union (PALU)	No. 3, Jandu Road, Corridor Area P. O. Box 6065, Arusha, Tanzania