



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



Advisory services and technical assistance for Burundi

Human Rights Resolution 2005/75

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Mindful that Burundi is required to implement all the international and regional instruments to which it is a party,

Recalling its resolution 2004/82 of 21 April 2004,

Taking note of the report submitted by the assessment mission on the establishment of an international commission of inquiry for Burundi, which visited the country in May 2004 (S/2005/158) pursuant to Security Council decision of 23 January 2004 and at the request of the Transitional Government,

Acknowledging the efforts made by the United Nations, the African Union and the European Union to contribute to a peaceful settlement of the Burundi crisis,

Also acknowledging the Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000 and the duty of the Transitional Government to ensure the safety of all, civil population groups in particular, in Burundian territory, and hopeful that, during the electoral period and after the transition period, the issue of human rights will continue to receive special attention,

Mindful of the need to back efforts by the Government of Burundi to ensure the safety of humanitarian workers in accordance with the principles of international law,

Welcoming the progress achieved in the demobilization and reintegration programme,

Recognizing the important role of women in the reconciliation process and the search for peace,

Applauding the close cooperation between the Government of Burundi and the United Nations institutions in Burundi, in particular the United Nations Operation in Burundi and the Office of the United Nations High Commissioner for Human Rights, in consolidating the principles of human rights,

1. *Takes note* of the report of the independent expert (E/CN.4/2005/118) and of his first mission to Burundi, from 4 to 13 October 2004;

2. *Encourages* the Transitional Government to continue its actions aimed at

associating all sectors of society in the work of national reconciliation through a structural dialogue and the restoration of an institutional order and a strong justice system that are safe and reassuring for everyone in order to restore democracy and peace in the interest of all elements of the population of Burundi;

3. *Welcomes* the adoption of laws concerning the establishment, organization, mandate and functioning of the National Defence Force and the National Police;

4. *Takes note with satisfaction* of the adoption of a law establishing the National Truth and Reconciliation Commission, as well as its promulgation by the President of the Republic on 5 January 2005, and encourages the Transitional Government to establish the Commission without delay;

5. *Requests* the Transitional Government to complete the electoral process while respecting freedom of opinion, expression and assembly in accordance with the Arusha Agreement;

6. *Encourages* the Transitional Government, with support from its partners, to continue the disarmament process as part of the national demobilization, disarmament and reintegration programme;

7. *Strongly condemns* all acts of violence and violations of human rights and international humanitarian law, and calls upon the Transitional Government to put an end, as soon as possible, to impunity within the context of the rule of law and ensure that those responsible for violence in general, and violence against women in particular, are brought to justice in accordance with international conventions and the law;

8. *Also condemns* the sale and illegal distribution of weapons and related materials, which hinder peace and security in the region;

9. *Demands* that the murderers of the Apostolic Nuncio, Mgr. Michael Courtney, be brought to justice;

10. *Takes note* of the recent statement by Agathon Rwasa's FNL movement, in which he declares an end to the armed struggle and a return to the negotiating table with a view to concluding a peace agreement with the Government, and hopes that the regional initiative and mediation for peace in Burundi will consider, as soon as possible, this movement's position, and encourages all parties to settle conflicts by peaceful means;

11. *Encourages* the continuing voluntary repatriation of refugees hosted in the United Republic of Tanzania, pursuant to the tripartite agreements between the Office of the United Nations High Commissioner for Refugees and the Governments of the United Republic of Tanzania and Burundi, calls upon the parties concerned to establish and promote

conditions permitting voluntary, permanent return in full security, recommends to the Transitional Government and humanitarian partners that they provide the displaced persons with humanitarian assistance and facilitate their return and reintegration, and encourages the Transitional Government to continue the settlement of disputes relating to the property of repatriated and displaced persons;

12. *Takes note* of the ratification by the Government of Burundi of the Rome Statute of the International Criminal Court on 21 September 2004;

13. *Welcomes* the ratification by the Government of Burundi of the two optional protocols to the Convention on the Rights of the Child;

14. *Strongly encourages* the Transitional Government to continue to improve the status of women, promote the reintegration of female victims of armed conflict and violence, and improve their living conditions, while encouraging the parties that have not yet done so to stop using child soldiers;

15. *Welcomes* the fact that the proportion of at least 30 per cent female membership of institutions advocated in the Arusha Agreement has been established in the Constitution promulgated by the President of the Republic on 18 March 2005;

16. *Expresses its appreciation* of the efforts by the mediators of the United Nations, the African Union and the European Union in the search for a lasting solution to the problems of Burundi and urges them to continue in this direction by calling for significant assistance to be provided by the Government of Burundi so that it can meet the various challenges of development;

17. *Welcomes* the recent International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, held at Dar es Salaam on 19 and 20 November 2004, and requests the international community to support the efforts of the Governments concerned to implement the conclusions and recommendations of that meeting;

18. *Urges* States and international, governmental and non-governmental organizations to coordinate planning initiatives so as to promote sustainable development with a view to encouraging national reconstruction and reconciliation, with due consideration given to the specificities of the crisis in Burundi;

19. *Exhorts* the Transitional Government to take the necessary steps to promote and protect all human rights in Burundi and to end violence against women and impunity in the country;

20. *Declares its profound concern* at the sexual violence against women and children and requests the Transitional Government to take, in cooperation with civil society, special measures to protect women and children;

21. *Calls upon* the Transitional Government to establish an independent national human rights commission, in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

22. *Expresses its concern* regarding the honouring of the pledges made in Brussels in January 2004 at the Forum of Partners for Development in Burundi and calls on all parties concerned to honour those pledges in order to give impetus to the new drive for peace and national reconciliation and reconstruction;

23. *Encourages* the international community to make greater assistance available to the judicial system and the National Commission for the Rehabilitation of *Sinistrés* (Survivors), and to increase the financial and human resources available to the field office of the Office of the United Nations High Commissioner for Human Rights in Burundi so that it can improve its work in the field and carry out its mandate effectively, and thanks all partners who have provided support in this area;

24. *Strongly condemns* the massacre committed against the civilian Banyamulenge refugee population at Gatumba on 13 August 2004 and demands that the perpetrators of these killings be brought to justice;

25. *Calls upon* all parties to take measures to prevent the proliferation of small arms among the civilian population;

26. *Requests* the United Nations High Commissioner for Human Rights, in close consultation with the Government of Burundi, to continue her programme of technical

assistance;

27. *Also requests* the independent expert to continue to study the situation of human rights in Burundi, and requests him to submit an interim report to the General Assembly at its sixtieth session, and to report thereon to the Commission at its sixty-second session;

28. *Decides* to continue its consideration of this question at its sixty-second session, under the same agenda item.

59th meeting

20 April 2005

[Adopted without a vote. See chap. XIX, E/CN.4/2005/L.10/Add.1]