



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



Advisory services and technical assistance in Burundi

Commission on Human Rights Resolution: 2004/82

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and the duty to fulfil the obligations that they have undertaken under the various instruments in this field,

Mindful that Burundi is required to implement all the international and regional instruments to which it is party, and applauding the close cooperation between the Government of Burundi and the Office in Burundi of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights,

Applauding the Government of Burundi's compliance with the Arusha Peace and Reconciliation Agreement, signed on 28 August 2000, and the various subsequent agreements seeking genuinely to promote the rule of law,

Recalling its resolution 2003/16 of 17 April 2003 and welcoming the positive turn in the situation in the country,

Hailing the decision by the Security Council, on 23 January 2004, to send to Burundi an evaluation mission on the establishment of an international judicial commission of inquiry for Burundi as requested by 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 duty of the Transitional Government to ensure the safety of all, civil population groups in particular, on Burundian territory,

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,

Hailing the alternation of the presidency on 30 April 2003, as called for in the transitional Constitution,

Applauding the signature, on 8 October 2003, of the Pretoria Protocol on Political, Defence and Security Power-Sharing in Burundi between the Transitional Government and Pierre Nkurunziza's Conseil national pour la défense de la démocratie - Forces pour la défense de la démocratie (CNDD-FDD), the signature of the Global Ceasefire Agreement on 16 November 2003 in Dar es Salaam, United Republic of Tanzania, and the start made to its implementation through the creation of a transitional Government including representatives of CNDD-FDD (Nkurunziza wing),

Recalling the decision of the Organization of African Unity of July 2000 (CM/Dec.522 (LXXII) Rev.1), the statement by the President of the Security Council of 2 March 2001 (S/PRST/2001/6), and the statements issued by the Presidency of the European Union on 6 March 2001 and 19 November 2003, all on Burundi,

Applauding the establishment of the Arusha Agreement Implementation Monitoring Committee, with headquarters in Burundi, and the initial implementation of some ceasefire-accompanying measures such as the arrival of the team of observers and the establishment of the Joint Ceasefire Commission, the integrated army general staff and the police general staff,

Recognizing the personal contribution of the late Mr. Julius K. Nyerere to the Arusha negotiation process and the facilitation work by the former President of South Africa, Mr. Nelson Mandela, which has already yielded tangible results, including the signature of the Arusha Agreement, and contributions by the Chairperson of the Regional Peace Initiative on Burundi, Mr. Yoweri K. Museveni, President of Uganda, and by the President of South Africa, Mr. Thabo Mbeki and his Vice-President, Mr. Jacob Zuma,

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

Applauding the constructive attitude of the Government of Burundi and its willingness to continue to cooperate with the Office of the High Commissioner in consolidating the principles of human rights,

1. *Takes note* of the report of the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/2004/35);

2. *Encourages* the Transitional Government to continue its actions aimed at associating all sectors of society in the work of national reconciliation and the restoration of an institutional order that is safe and reassuring for everyone so as to bring back democracy and peace in the interest of the population of Burundi;

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

4. *Condemns* all acts of violence and violations of human rights and international humanitarian law and calls on the Transitional Government to put an end 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;

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

6. *Deplores* the killing of the Apostolic Nuncio, Mgr. Michael Courtney, and calls upon the Government to bring those responsible to justice;

7. *Enjoins* all parties, namely the Transitional Government, the signatories of the Arusha Agreement and the signatories of the ceasefire, to honour their commitments and to pay special attention to the protection of human rights in the implementation and follow-up

machinery for the ceasefires that have been signed, and urges Agathon Rwasa's armed movement - the Forces nationales de libération - to come to the negotiating table and conclude a ceasefire, like the other armed groups, in order to arrive at a complete and definitive ceasefire;

8. *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 on the parties concerned to establish and promote conditions permitting voluntary, permanent return in full security, further recommends the Transitional Government and humanitarian partners to provide the displaced persons with humanitarian assistance and to 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;

9. *Again encourages* the Transitional Government of Burundi to ratify the Rome Statute of the International Criminal Court (A/CONF.183/9);

10. *Applauds* the establishment by the Transitional Government of a "child soldier" project to deal with disarmament, demobilization and return to life in society and normal occupations, and of the general demobilization programme under the Office of the President of the Republic, while urging those parties which have not yet done so to stop using children as soldiers;

11. *Applauds* the progress made towards ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

12. *Encourages* the Transitional Government to continue to improve the status of women, promote the rehabilitation of female victims of armed conflict and violence, and improve their living conditions;

13. *Applauds* the fact that the proportion of at least 30 per cent female membership of institutions advocated in the Arusha Agreement has been respected and put into effect in the Transitional Government, National Assembly and Senate;

14. *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;

15. *Reaffirms* that respect for human rights and international humanitarian law and development make for peace, notes the proposal to hold an international conference on peace, security and stability in the Great Lakes region, calls on the international community to participate in that conference, as recommended by the Security Council in its resolution 1234 (1999) of 9 April 1999, and also calls on all the parties to facilitate access for humanitarian personnel to the civilian populations affected by the conflict;

16. *Urges* States and international, governmental and non-governmental organizations to coordinate planning initiatives so as to promote sustainable development with a view to encouraging reconstruction and reconciliation;

17. *Exhorts* the Transitional Government to take steps to promote and protect all human rights in Burundi;

18. *Calls on* 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);

19. *Applauds* the outcome of the Forum of Partners for Development in Burundi held in Brussels in January 2004, and calls upon the Transitional Government and donors to continue to act upon their promises so as to give weight to the new drive for peace, reconciliation and national reconstruction;

20. *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 Office of the High Commissioner in Burundi so that it can improve its work in the field and carry out its mandate effectively;

21. *Requests* the United Nations High Commissioner for Human Rights, in consultation with the Government of Burundi, to continue with her programme of technical assistance in accordance with the cooperation framework agreement in the field of human rights between the United Nations and the Government of Burundi dated 8 November 1995;

22. *Expresses its gratitude* to the Special Rapporteur, Ms. Marie-Thérèse A. Keita-Bocoum, for the human rights work she has performed under her mandate;

23. *Decides* to appoint an independent expert to provide backing for the Government of Burundi in its efforts to improve the human rights situation;

24. *Requests* the independent expert to consider the situation of human rights in Burundi and ensure that the authorities are honouring the commitments they have made, to submit an interim report on the implementation of this resolution to the General Assembly at its fifty-ninth session, and to report to the Commission at its sixty-first session;

25. *Decides* to return to this question at its sixty-first session under the same agenda item;

26. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, draft decision 28.]

*58th meeting
21 April 2004*

[Adopted without a vote. See chap. XIX.- E/2004/23 – E/CN.4/2004/127]