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COMMISSION ON HUMAN RIGHTS
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Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

Nigeria (on behalf of States members of the African Group): draft resolution

2000/... Situation of human rights in Burundi

The Commission on Human Rights,

Mindful of the Charter of the United Nations, the Universal Declaration of Human Rights
and the International Covenants on Human Rights,

Reaffirming its commitment to respect for the principles of the rule of law, which involve
democracy, pluralism and respect for human rights and fundamental freedoms,

Stressing that all States have the duty to promote and protect human rights and to fulfil
their obligations under the various instruments to which they are parties,

Recalling its resolution 1999/10 of 23 April 1999,

Considering Security Council resolution 1072 (1996) of 30 August 1996,
Security Council resolution 1286 (2000) of 19 January 2000 as well as the statement by the
President of the Security Council (S/PRST/1999/32) of 12 November 1999,

Recalling also that the primary responsibility for peace lies with the Government and people of Burundi,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundi crisis,

Acclaiming the decision of the Government of Burundi to launch a comprehensive peace process and initiate nationwide political negotiations open to all parties, and the progress made in negotiations among the political forces, including the signature of a political compact as part of the internal peace process,

Recognizing the personal contribution of the late Mwalimu Julius K. Nyerere to the Arusha negotiation process,

Taking into account the efforts made so far by the Government of Burundi and other parties to the Arusha talks to bring about lasting peace,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is essential to the stability and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and the search for peace, and urging the Government of Burundi to ensure the equal participation of women in Burundian society and to improve their living conditions,

Welcoming the invitation extended by the Facilitator to Burundi women's representatives to participate as observers in the Arusha negotiation process;

1. Takes note of the report by the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/2000/34);

2. Supports the political compact between the Government of Burundi and the National Assembly, and the dialogue among Burundians, including the armed factions, taking place in the Arusha peace process;

3. Welcomes the designation of the former President of the Republic of South Africa, Nelson Mandela, as the new Facilitator of the Arusha peace process;

4. Notes the continuing need to make the negotiation process more inclusive;

5. Appeals to all armed factions and other Burundian political forces, inside and outside the country, which have not done so to join the Arusha negotiation process without delay, to conclude a ceasefire as soon as possible and sign a peace agreement that will contribute to the establishment of lasting peace in Burundi;
6. Encourages the Government of Burundi to continue its actions aimed at associating all sectors of Burundian society in the work of national reconciliation and at the restoration of a safe, generally reassuring institutional order so as to bring back democracy and peace in the interest of the Burundian population;
7. Remains concerned at the ongoing violence and the security situation in parts of the country, forcing many people to leave their homes;
8. Deplores the unacceptable living conditions in the regroupment camps and displaced persons sites, and recommends that the Government and United Nations agencies and non-governmental organizations provide humanitarian assistance;
9. Requests the Government of Burundi to ensure the safe and unhindered access of humanitarian assistance to those in need in Burundi and to provide guarantees for the safety, security and freedom of movement of United Nations and associated personnel, humanitarian organizations and individuals in Burundi serving in the same cause;
10. Calls upon the Government of Burundi to suspend its policy of population displacement;
11. Also calls upon the Government of Burundi to continue to implement its commitment to dismantle all regroupment camps and to facilitate the return of displaced persons to their villages as and when security conditions permit;
12. Notes the efforts by the Government of Burundi to ensure that established legal safeguards for human rights and international human rights standards are fully respected;
13. Requests the Government of Burundi to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Government to accelerate the specific procedures for investigations and prosecutions in case of such violations;
14. Welcomes the entry into force of the new code of penal procedure, exhorts the Government of Burundi to continue to carry out the government plan of legal reform better to

protect individual freedoms and to make its judicial institutions more effective and transparent, and urges the authorities to address the questions of the length of provisional detention and conditions in detention;

15. Also welcomes the continuing cooperation between the Government of Burundi and the International Committee of the Red Cross with regard to access and visits to detainees held in central prisons;

16. Condemns the murder of personnel of the United Nations Children's Fund and the World Food Programme and Burundian civilians in Rutana province in October 1999, and urges that the perpetrators be effectively brought to justice;

17. Urges all parties to the conflict to end the cycle of violence and killings, especially blind violence against the civilian population;

18. Notes the efforts in the struggle against impunity and for the promotion of human rights on the part of the Government of Burundi, but expresses its deep concern at the violations of human rights and of international humanitarian law, in particular reports of massacres, enforced or involuntary disappearances, and arbitrary arrests and detention;

19. Supports the continuation by the Office of the United Nations High Commissioner for Human Rights of the programme of assistance for members of the armed forces and the police in the field of human rights and legal assistance;

20. Adjures the parties to the conflict to abstain rigorously from any action liable to hamper operations by the International Committee of the Red Cross and other humanitarian assistance to those affected by the war;

21. Also adjures all parties to the conflict in Burundi to work constructively with the international mediators in the search for a lasting peace;

22. Expresses its appreciation of the efforts by the mediators of the United Nations, the Organization of African Unity and the European Union in the search for a lasting solution to the problems of Burundi;

23. Encourages the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing the further deterioration of the situation;

24. Reaffirms that respect for human rights and international humanitarian law as well as development contribute to peace, and thus welcomes the call made by the Security Council in its resolution 1234 (1999) of 9 April 1999 for an international conference on peace, security and stability in the Great Lakes region;

25. Commends the Human Rights Observer Mission in Burundi for the activities it is conducting in the field, welcomes the cooperation afforded to it by the Government of Burundi, and calls for the strengthening of that observer mission through voluntary contributions;

26. Condemns the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

27. Requests States not to allow their territories to be used as bases for incursions or attacks against another State, in violation of the principles of international law, including the Charter of the United Nations;

28. Exhorts States and international, governmental and non-governmental organizations to coordinate planning initiatives to promote sustainable development as the peace process moves towards resolution;

29. Calls upon the Government of Burundi to take actions that foster a security environment conducive to the work of assistance organizations, and invites the United Nations and the donor community, once an appropriate security environment exists, to augment the flow of humanitarian assistance to those in need;

30. Decides to extend the mandate of the Special Rapporteur by one year and to request her to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-fifth session and a report to the Commission at its fifty-seventh session, giving her work a gender-specific dimension.

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