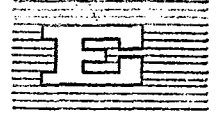


UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/1415/Add.8  
3 December 1980

ENGLISH  
Original: FRENCH

COMMISSION ON HUMAN RIGHTS  
Thirty-seventh session

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION  
AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties  
under article VII of the Convention

Addendum

BURUNDI

[12 November 1980]

1. This report should be considered as the initial report of the Republic of Burundi. It is based largely on the general guidelines regarding the form and contents of reports annexed to the note verbale.

However, in view of the fact that inhuman acts resulting from the policies and practices of racial segregation and discrimination as referred to in the Convention are totally non-existent and prohibited throughout the territory of the Republic of Burundi, some of the points provided for in the general guidelines are not applicable.

2. The Republic of Burundi categorically and unreservedly condemns all inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination, as defined in article II of the Convention. The Republic of Burundi's position on this question has always remained unchanged and has been clearly set forth at all international or regional meetings, in the United Nations, in the Organization of African Unity, at the non-aligned summit and at the thirty-fourth session of the General Assembly of the United Nations by His Excellency the President of the Republic. It was recently reaffirmed at the thirty-fifth session of the General Assembly of the United Nations by the Minister for Foreign Affairs and Co-operation of Burundi on 1 October 1980 (see annex).

3. On 31 May 1978, the Republic of Burundi complied with paragraph 2 of General Assembly resolution 3068 (XXVIII) through its sovereign and unreserved ratification of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

4. Decree-Law No. 1/14 of 31 May 1978 which ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid provided for the de jure incorporation of the complete text of the Convention within Burundi's domestic legislation.

Since that date any person subject to national jurisdiction has been entitled to invoke the provisions of the Convention without any restriction of any kind before the competent bodies, in accordance with the legislation in force on the subject.

Paragraph 1 (a) and (b)

This paragraph is the counterpart of article I, paragraphs 1 and 2, of the Convention and fully reflects the spirit of that article. For the reasons explained in paragraph 4 of this report, the Republic of Burundi considers that it has already fulfilled its obligations under paragraph 1 (a) and (b).

Paragraph 2 (a)

Since the Republic of Burundi has taken a sovereign decision to incorporate the text of the Convention in its domestic legislation, it undertakes to ensure complete respect for the provisions of the Convention, and the law is strictly applied to any person responsible for or accused of the acts defined in article II of the Convention. Among the steps taken to ensure the protection of the rights guaranteed to private individuals, we would draw attention to the provisions of the Penal Code, Book II, article 180, which is extremely significant:

"Any arbitrary act which violates the freedoms and rights guaranteed to private individuals in laws, decrees, orders and decisions, and which is ordered by a public official or officer, or by a representative or agent of the authorities or the police, shall be punishable by imprisonment for a period of fifteen days to one year and a fine of 200 to 1,000 francs or by only one of these penalties.

"If such an act constitutes an offence punishable by more severe penalties, the person committing the act shall be sentenced to those penalties."

Furthermore, although the subject is not strictly speaking covered by the provisions of article II of the Convention, the Burundi legislature, with the important object of preventing and also punishing any act or manifestation which implies a distinction, exclusion, restriction or preference based on race, colour, ancestry or national or ethnic origin, has stipulated in article 75 bis of the Penal Code, (Book II) that:

"Any person who displays racial or ethnic aversion or hatred, or commits an act likely to provoke such aversion or hatred, shall be punishable by imprisonment for a period of one month to one year and a fine of not more than 3,000 francs, or by only one of these penalties."

Paragraph 2 (b)

The Republic of Burundi has energetically condemned all the practices covered by the Convention on many occasions in international forums, and has stressed the culpability of countries with racist and apartheid régimes and all organizations and institutions which collaborate with them.

Such acts make them criminally responsible at the international level. This is clear from all the official statements of the Government of the Republic of Burundi in international forums (see annex).

Paragraph 2 (c)

There is no extradition agreement as such to cover the cases enumerated in article II of the Convention; however, the Republic of Burundi will give all due attention to any requests for extradition which are in accordance with the basic options, its own legislation and the provisions of international law applicable in that area.

Paragraph 3 (a)

This point is entirely covered by the information given under paragraph 2 (a) above.

Paragraph 3 (b)

Such measures have included:

Statements made in international forums, broadcast on national radio and reproduced in the columns of national newspapers and periodicals; these statements categorically condemn the scourge constituted by the practices of racial discrimination and apartheid;

Comments and reports of all kinds on the situation in the regions where racial discrimination and apartheid are rife;

The dynamic action of teachers responsible for courses in good citizenship in schools throughout the country;

The many-sided activity carried out within the UPRONA (Union for National Progress) Party and its member movements: the Burundi Workers' Union, the Burundikazi Women's Union, the Union of Revolutionary Burundi Youth.

The Republic of Burundi considers that it consistently fulfils the obligation referred to in paragraph 3 (b).

Paragraph 4

1. Faithful to its policy of condemning the policies and practices of apartheid or similar policies and practices of racial segregation and discrimination in all their forms, as defined in article II of the Convention, the Republic of Burundi has solemnly undertaken to accept and implement, in accordance with the Charter of the United Nations, the decisions taken by the Security Council with the object of preventing, suppressing and punishing the crime of apartheid, and to assist in implementing the decisions adopted by any organ established by the United Nations.

2. In complete accordance with article VI of the Convention, immediately after its accession to independence and in the context of the campaign against racial segregation and apartheid, Burundi took a sovereign decision to impose sanctions on countries with racist and apartheid régimes. This was done in Ministerial Decree No. 020/320 of 9 November 1963 and in Ministerial Order No. 510/92 of 6 May 1977, in particular article 1.

These instruments have been brought up to date by Ministerial Order No. 510/0361 of 5 September 1980, which abrogates Ministerial Decree No. 024/817 of 26 November 1965 concerning sanctions against the country formerly known as Rhodesia. Under Ministerial Order No. 510/0361 of 5 September 1980, the sanctions against the country formerly known as Rhodesia have been lifted because, since its accession to independence under the name of Zimbabwe, the reasons for the imposition of sanctions against Rhodesia have ceased to exist. In this same context, the Republic of Burundi has for some time provided study fellowships for young nationals from the countries of southern Africa fighting for their liberation.

The Republic of Burundi has regularly paid its contributions to the Liberation Committee of the Organization of African Unity. Its contribution for 1981 will be 2 million Burundi francs.

Furthermore, it should be noted that the Republic of Burundi has never maintained diplomatic relations with any country with a racist or apartheid régime and does not intend to establish such relations.

The cases of sanctions referred to under paragraph 4 are sufficient proof of the firm desire of the Republic of Burundi, which has made the struggle against the scourge of racial discrimination and apartheid a matter of genuine concern to give effect to article VI of the Convention.

#### Paragraph 5

The information required under this paragraph is set out in general terms and brought up to date in the annex to this report.

#### Paragraph 6

No case of racial discrimination has been brought before the judicial authorities of the Republic of Burundi either during or prior to the period under review.

Any essential supplementary information will be transmitted in an addendum.

ANNEX

Statement by His Excellency Mr. Eduard Nzambiana, Minister for Foreign Affairs and Co-operation of the Republic of Burundi at the thirty-fifth regular session of the General Assembly of the United Nations, New York, 1 October 1980

... South Africa's presence in Namibia, the militarization of that Territory, the policy of brutal repression of the Namibian People, the ruthless exploitation of that peace-loving people, the plundering of Namibia's resources and the deliberate destruction of national unity and territorial integrity are, in the view of the Government of Burundi, criminal acts of aggression against the nation of Namibia and flout the will of the international community.

With a view to putting an end to this unacceptable situation, the United Nations has adopted numerous resolutions condemning South Africa for its illegal occupation and calling upon it to withdraw from Namibia.

In view of South Africa's intransigence, the Security Council has endorsed a proposal by five Western countries. With a deep sense of responsibility and in a spirit of great political maturity, the sole genuine representative of the Namibian people, the South West Africa People's Organization (SWAPO), has accepted that United Nations proposal. However, to that positive attitude, the illegal régime in South Africa has responded only with mass arbitrary arrests of SWAPO leaders and Namibian patriots. South Africa's answer to the constructive proposal to demilitarize the frontier zone between Namibia and Angola has been to step up its unprovoked acts of aggression against the People's Republic of Angola and the Republic of Zambia.

In these circumstances, the Government of Burundi is convinced that the following measures and actions should be adopted by the United Nations and the entire international community: practical support for the armed struggle being waged valiantly by the Namibian people under the leadership of SWAPO; pressure to be exerted on that illegal régime by States and Powers involved in this policy of occupation and exploitation; and, above all, the imposition by the Security Council of comprehensive mandatory sanctions against South Africa pursuant to Chapter VII of the United Nations Charter ...

The machine of war and repression is striking the coloured inhabitants of South Africa mercilessly and without distinction. In this escalation of violence peaceful populations, the elderly, women and children are not spared. Indeed, let us recall the massacres of Sharpeville, Soweto and elsewhere.

In view of this intolerable situation, the South African people has been compelled to take up arms against that régime of tyranny. We seize this opportunity to pay a tribute to this valiant people and its national liberation movement. The victories already gained by the Pan Africanist Congress (PAC) and, in particular, the African National Council (ANC) should give rise to more solidarity with the South African people.

I should like, on behalf of the Government of Burundi, urgently to appeal to the international community so that appropriate measures shall at last be taken to restore freedom and dignity to the South African people at present subjected to the most ferocious repression.

In this context the delegation of Burundi reaffirms the legitimacy of the armed struggle being waged by the oppressed people of South Africa and condemns the racist régime in South Africa for its policy of repression and its acts of armed aggression against the front-line States, and the continuation of collaboration and political, military, nuclear, economic, cultural and trade co-operation with South Africa.

The Government of Burundi supports the military embargo imposed by the Security Council against South Africa. Furthermore, the Government of Burundi is convinced of the need and the urgency for the Security Council to adopt mandatory measures pursuant to Chapter VII of the Charter, including Article 41, with a view to putting an end to the apartheid régime, which is a serious threat to international peace and security not only in Africa but also throughout the world ...