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Chair: Mr. Saikal (Afghanistan)

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The meeting was called to order at 3.05 p.m.

Agenda item 74: Promotion and protection of human rights (continued)

(a) Implementation of human rights instruments (continued) (A/73/40, A/73/44, A/73/48, A/73/56, A/73/140, A/73/207, A/73/264, A/73/281, A/73/282 and A/73/309)

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(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/73/299, A/73/308, A/73/330, A/73/332, A/73/363, A/73/380, A/73/386, A/73/397, A/73/398, A/73/404 and A/73/447)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/73/36 and A/73/399)

1. **Mr. Haraszi** (Special Rapporteur on the situation of human rights in Belarus), introducing his report (A/73/380), said that most, if not all, the reasons for the establishment of his mandate six years earlier remained valid. He commended the Human Rights Council for renewing the mandate for another year, as it remained important in terms of reminding Belarus of its obligations and holding the authorities back from graver violations.

2. The space for free speech in Belarus had been further narrowed with the adoption, in June 2018, of amendments to the law on mass media that put an end to online anonymity and ordered the registration of all online platforms. Such restrictions closed down the last public space where free speech had been relatively possible, given the practically total control over speech in the mostly State-owned offline media. Furthermore, a targeted crackdown against independent media had begun in August 2018, leading to the arrest of 16 leading journalists on the basis of made-up allegations.

3. The freedom of peaceful assembly continued to be highly restricted. In October 2018, the police had detained 14 individuals who had been peacefully protesting against the construction of a factory in Brest. Some had received fines, while others had been given prison sentences. The lack of free elections and of pluralism in political life remained. The State continued to dominate the economy and suppress social and employee rights, including the rights of unions to organize.

4. Belarus was the only country in Europe and the territories of the former Soviet Union to apply the death penalty. It was especially regrettable that the country disregarded the interim measures issued by the Human Rights Committee, which were meant to help to restore due process in death penalty cases.

5. Belarus had submitted its first report in 21 years to the Human Rights Committee, but its responses to the questions posed by the Committee had shown that no tangible progress had been made during those 21 years. The only positive development was the ratification by Belarus of the Convention on the Rights of Persons with Disabilities. One political movement had been registered, although not as a political party. No new parties had been allowed to enter political life in a decade. The authorities had put forward a list of 100 activities labelled as a “human rights action plan”, but none of the points pertained to real problems and the authorities failed to comply even with those empty points.

6. Discrimination, in particular gender-based discrimination, remained a key feature. While one of the two opposition members had prepared legislation to combat domestic violence, the President had swept it away, calling it Western “nonsense” and claiming that beating a child with a belt was sometimes useful.

7. Acknowledging the appeals of the Government of Belarus for stability, he called upon Member States to remind the Government that true and lasting stability never came with the repression of human rights.

8. **Ms. Vasilevskaya** (Belarus) said that, over the six years of existence of the mandate of the Special Rapporteur, Member States had engaged in a pointless dialogue that wasted the valuable time and resources of the United Nations. Her delegation no longer deemed it necessary to involve the friends of Belarus in that farce and had therefore requested States that supported equal dialogue, free from blackmail and political pressure, not to participate in the dialogue.

9. The human rights situation that the Special Rapporteur persistently presented to the international

community could not possibly exist in a country that, according to international organizations, had a very high level of human development. There was no need for the Special Rapporteur, and the mandate would never have any hope of success. The accusations that Belarus did not cooperate in the area of human rights had no basis in reality. Belarus regularly engaged in bilateral dialogue on human rights with the European Union and the United States. It therefore could not understand why the mandate still existed. Furthermore, Belarus allowed the nationals of more than 80 countries to enter without a visa. How could monitoring by a mandate that was not recognized by Belarus possibly be required when the country's doors were open?

10. The international community should stop fuelling confrontation in international relations and making up problems where they did not exist. It was disgraceful to use human rights as a tool for political manipulation. The current discussion was not a dialogue, but yet another attempt to make unfounded criticisms against Belarus. As such, it was of no relevance to her delegation.

11. **Mr. Forax** (Observer for the European Union) said that the European Union commended the Special Rapporteur for his work in the past six years, despite the lack of cooperation from the country concerned. Throughout that time, the European Union had repeatedly called upon the Government of Belarus to cooperate with the mandate. The authorities should allow civil society actors to be more involved in discussions on government policy and eliminate all obstacles to the exercise of a free and independent media, including through the registration of new media outlets and the accreditation of journalists. The authorities should also set up a moratorium on the death penalty as a first step towards its abolition.

12. In the light of the forthcoming elections in Belarus, the international community should continue to monitor the situation of election-related human rights and demand positive steps. He would be interested to know what the Special Rapporteur considered to be the most critical steps in that regard and what advice the Special Rapporteur would give to Member States and the new mandate holder on how best to influence positive changes in Belarus so that the necessary democratic reforms were carried out.

13. **Mr. Luhan** (Czechia) asked what impact the recent amendments to the law on mass media would have on independent media in Belarus.

14. **Ms. Wunds** (Germany) said that, in the past six years, signs of progress in the human rights situation in Belarus had repeatedly been followed by setbacks. The

scrutiny of the Human Rights Council was indispensable in deterring further setbacks with regard to fundamental rights and freedoms. She wondered to what extent the lack of a proper in situ visit had limited the Special Rapporteur's work and how constraints stemming from the inability to visit the country could be counteracted.

15. **Mr. Aldahhak** (Syrian Arab Republic) said that his delegation associated itself fully with the position expressed by the representative of Belarus. Syria reaffirmed its steadfast rejection of the politicization of human rights mechanisms and the misuse of those mechanisms to target specific countries with a view to furthering the interests and political agendas of certain other States – States that were, themselves, responsible for untold carnage and far more serious violations of human rights, international law and the Charter of the United Nations.

16. **Ms. Krutulytė** (Lithuania) asked how the international community could encourage the Government of Belarus to allow public debate with human rights defenders, including environmental activists, on issues affecting the population of Belarus and those with a transboundary impact.

17. **Ms. Duda-Plonka** (Poland) said that her country urged the Government of Belarus to implement all recommendations in the report of the Special Rapporteur, especially to set up a moratorium on the death penalty as a first step towards its abolition. The Government should also begin to conduct a thorough review of all legislation in order to make it compliant with the human rights instruments to which Belarus was a party. She asked how the international community could support human rights defenders and civil society in Belarus. She would also be interested to know what the biggest challenge was with respect to the rights of religious groups.

18. **Mr. Grout-Smith** (United Kingdom) said that it was imperative for the authorities of Belarus to engage with civil society to make process. The United Kingdom was concerned about the treatment of lesbian, gay, bisexual, transgender and intersex persons in Belarus and totally refuted the comments made by the Ministry of the Interior towards the British Embassy in Minsk for flying the rainbow flag on 21 May 2018. The rights of that community were indivisible from human rights. The United Kingdom was also concerned about the continuing use of the death penalty in Belarus. Its Embassy in Minsk was working with the non-governmental organization Death Penalty Project and the International Commission against the Death Penalty to raise awareness of the issue. The United

Kingdom urged Belarus to set up a moratorium on the death penalty as a matter of priority and as a first step towards abolition. He asked what the priorities should be for the incoming Special Rapporteur.

19. **Ms. Solbraekke** (Norway) said that the continued application of the death penalty in Belarus was especially disturbing, as long-term international experience did not support the official view that capital punishment had a preventive effect. Norway therefore reiterated its call for an immediate moratorium on the death penalty as a first step towards its abolition. In the interests of strengthening human rights in Belarus, the Special Rapporteur should be given uninhibited access to relevant interlocutors in the country. She asked what was needed to facilitate access to Belarus and to organize the meetings necessary to fulfil the mandate of the Special Rapporteur.

20. **Mr. McElwain** (United States of America) said that his delegation regretted that the Government of Belarus continued to refuse to recognize and engage with the Special Rapporteur. The United States was disappointed at the lack of progress on electoral reforms. It was concerned about the investigations targeting journalists at the offices of several independent media organizations in August 2018 in connection with the BelTA news agency case. The Government should discontinue the blocking of online news outlets and the fining of so-called freelance journalists. The United States urged the Government to respect freedom of expression, which included the freedom to seek, receive and impart information and ideas of all kinds, through any medium. The United States was concerned by credible reports that the Chair and the chief accountant of the independent Trade Union of Radio and Electronic Industry Workers had been convicted and sentenced to house arrest. It was also concerned about the detaining by police of at least 11 opposition activists for protesting against the verdict and holding political banners outside the courthouse.

21. **Mr. Haraszi** (Special Rapporteur on the situation of human rights in Belarus) said that Belarus, as it had done at the Human Rights Council earlier that year, had agreed with some like-minded delegations not to take part in the discussion. It seemed that discussion was something that Belarus did not want, both inside and outside the country. The international community and United Nations human rights mechanisms should make it clear that cooperation, both with the country and on the part of the country, was essential for progress in human rights and democracy in Belarus.

22. An in situ visit would not only demonstrate openness and readiness on the part of Belarus to

cooperate but also facilitate cooperation among human rights actors in the country. Having been mandated by the United Nations to facilitate such cooperation, the Special Rapporteur was in a position to jump-start the necessary thaw in the civil war waged by the Government for the past 20 years against civil society in the country. Civil society actors and members of the basically outcast political parties were ready to begin such a dialogue and would be happy to be no longer perceived as enemies.

23. He found it irrational that the President had not been ready to show progress with regard to the death penalty. Given the practically total power assumed by the executive, it would take merely the stroke of a pen to demonstrate the readiness of the country to join the international community. Meanwhile, the President continued to refer to the referendum on ending capital punishment, which had been deemed to be rigged by international observation missions.

24. He was grateful to Lithuania for facilitating his meetings with civil society actors and human rights defenders. In response to the question posed by the representative of Lithuania, environmental progress and liberties for environmental groups in Belarus were crucial. Given that Belarus had been affected by the Chernobyl disaster, it knew that safety and progress could not be achieved without the involvement of the population. He hoped that the rigid rules of assembly would not apply to those concerned citizens who strove to enhance the country's protection of the environment.

25. He shared the concern about the rights of lesbian, gay, bisexual, transgender and intersex persons. With regard to cooperation by Belarus with his successor, it was crucial for the country to acknowledge that rights, especially human rights, were not something that could be taken away from citizens. The incoming Special Rapporteur should demand the full abolition of article 193-1 of the criminal code and the equally oppressive successive arrangement by which the punishment of prohibited public activities was placed in the domain of so-called administrative law. While the State should be entitled to clarity and transparency with regard to those who exercised their rights to freedom of association, to assemble and to speak publicly, it should not be able to allow or disallow those rights, especially not in the arbitrary manner in which it had done so for more than 20 years.

26. The impact of the new regulations for the Internet would be that citizens could no longer expect to go online without all their data being given to the authorities, without any judicial oversight. The arbitrary, selective and politicized exercise of content

control would bear weight on those with critical things to say. In the era of the Internet, content control could be exercised only in an arbitrary, politicized manner, by resorting to fear and intimidation. That resulted in self-censorship and new generations growing up in a country without public debate or discussion.

27. The aim of stability that the Government of Belarus shared with the population, given that the country was located in a difficult geopolitical area in the region, could be achieved only by granting the quasi-totality of human rights and demonstrating constant progress in cooperation with citizens.

28. **Mr. Nyanduga** (Independent Expert on the situation of human rights in Somalia), introducing his report (A/73/330 and A/HRC/39/72) said that the electoral process in Somalia in 2016-2017 had been a major success. The Federal Government had embarked on the process of adopting a permanent constitution ahead of the “one-person, one-vote” elections scheduled for 2020 and was working to consolidate the national security framework, which was key to the future stability of the country. However, the news that leaders of Federal Member States had suspended cooperation with the Federal Government on 8 September 2018 was a cause for concern and needed urgent resolution.

29. Military operations, drone attacks, inter-clan fighting and the continued existence of the death penalty all posed threats to the right to life in Somalia. The Joint Human Rights Programme was being implemented but would require sustained funding, and he commended Sweden, Norway and Denmark for their contributions. Reform of the security and justice sector was critical to restoring law and order in the country and a pilot project was under way in Puntland, which aimed to record the decisions of traditional elders and ensure their implementation through the formal justice system.

30. Some progress had been made in advancing women’s rights. The representation of women in Parliament had risen from 14 per cent in 2012 to 24.7 per cent in 2016 and two women had recently been appointed to key government roles. Nevertheless, significant challenges remained. Sexual and gender-based violence was prevalent, and many cases were conflict-related. Impunity was rampant owing to the absence of a proper justice system, and the intervention of traditional elders sometimes rendered the justice system inapplicable. The Federal Cabinet had adopted a sexual offences bill in May 2018, but it faced opposition from religious leaders. Female genital mutilation continued to occur despite advocacy efforts; several recent victims had suffered severe bleeding, and some had reportedly died. Regarding the rights of the child,

the forced recruitment of children as young as 9 years of age by Al-Shabaab continued and it was particularly difficult to combat in areas where the terrorist group was still operational. The recruitment of children into the security forces was also worrying.

31. He wished to commend all international partners for their continued support of Somalia, in particular the African Union, the African Union Mission in Somalia (AMISOM) and the African troop and police contributing countries. International support would be essential for a successful transfer of security responsibilities from AMISOM to the Somali security institutions according to the timelines set out in the transition plan. In addition, the rule of law was weak and capacity-building in the law and order and justice sector would be key. A hasty departure from Somalia without adequate capacity in those two areas could be a recipe for disaster.

32. Lastly, he commended Somalia for its recent accession to the Convention on the Rights of Persons with Disabilities and called on the country to implement the recommendations made by the Human Rights Council.

33. **Mr. Dhakkar** (Somalia) said that, as the report showed, progress had been made on human rights despite the many challenges. His Government was committed to making further improvements, especially in the area of children’s rights, and to enabling a progressive constitutional and legislative environment for women. Somalia was proud that women now enjoyed greater representation in Parliament.

34. The human rights situation in Somalia must be interpreted in the context of its prolonged conflict, since human rights violations occurred whenever there was serious conflict and vulnerable groups tended to suffer the most. The international community should therefore dedicate more attention and resources to the prevention, management and resolution of conflict around the world.

35. **Mr. Forax** (Observer for the European Union) said that the European Union wished to emphasize the importance of maintaining progress in implementing the commitments made at the Somalia Partnership Forum and the Global Disability Summit. His delegation welcomed the progress in the human rights situation in Somalia and recognized that the country’s recovery from over 25 years of conflict was ongoing. It also welcomed the positive role played by the Ministry of Human Rights and Women’s Development in championing human rights. However, it remained deeply concerned by the persistent human rights violations and abuses, in particular those committed

against women and children. It was also concerned by the ongoing practice of the death penalty, restrictions on freedom of expression and the harassment and arbitrary arrest of journalists.

36. The European Union called on the Somali leadership to swiftly implement its human rights obligations in full, improve access to justice, ensure accountability for human rights violations and abuses and enhance the protection of civilians. It urged the Somali authorities to strengthen the rule of law and end impunity, including by giving urgent consideration to nominations for an independent Human Rights Commission. It encouraged the Federal Government to accelerate the adoption and implementation of the sexual offences bill and to pay particular attention to children who had been recruited as child soldiers by establishing and implementing rehabilitation and reintegration programmes.

37. He asked how the international community could further support Somalia in improving its human rights situation, including the Federal Member States.

38. **Mr. Moussa** (Djibouti) congratulated Somalia on its recent election to the Human Rights Council for 2019-2021 with a very respectable number of votes. Djibouti hoped that its membership would be an opportunity to strengthen cooperation between the country and the human rights bodies. He asked for more detail on how a premature withdrawal of the AMISOM forces might affect the promotion and protection of human rights in Somalia. In addition, multiple international entities were working in Somalia to promote and protect human rights on behalf of both the United Nations and the African Union, and all were recruiting human rights officers. He wondered whether efforts to streamline and make efficiency gains could have a real impact on human rights activities in Somalia.

39. **Mr. Kent** (United Kingdom) said that the constitutional review process, transition plan and upcoming elections all presented crucial opportunities to embed human rights protection in institutions in Somalia. His delegation welcomed the recent progress in upholding human rights and strengthening political processes. Nevertheless, it remained deeply concerned by civilian casualties; the high levels of sexual and gender-based violence; the use of children in armed conflict; and restrictions on journalists and freedom of expression. A persistent lack of accountability for perpetrators of violations and abuses of human rights was worrying. Ending impunity by strengthening the rule of law should be a priority for the Government of Somalia.

40. He urged the Government of Somalia to enhance the protection given to children unlawfully recruited as child soldiers by ensuring that such children were treated as victims once they had been recaptured. His Government also encouraged Somalia to ensure that the new sexual offences bill was consistent with its obligations and commitments under international law to protect children, women and girls.

41. He asked how the United Nations Assistance Mission in Somalia (UNSOM) could ensure synergy with the work of the Office of the High Commissioner for Human Rights (OHCHR) and how to ensure that human rights were incorporated into traditional justice systems.

42. **Mr. McElwain** (United States of America) said that the recent attacks in Baidoa and the one-year anniversary of the Mogadishu truck bombing were stark reminders of the considerable security challenges in Somalia. The country's ability to address those challenges would be enhanced by effective leadership from the Federal and Member State Governments, strong democratic institutions and government efforts to eliminate corruption and build citizen confidence as Somalia looked toward national elections. The country was continuing to make progress in eliminating the unlawful use and recruitment of child soldiers; the United States urged additional action to completely end such recruitment and their use in the national forces and the forces of allied militia.

43. As Somalia prepared for its first ever "one-person, one-vote" election, its citizens must have the right to freely express their views and the ability to be fully informed. He asked how prepared the Government was to institute its plan for "one-person, one-vote" elections and how the Independent Expert saw his role as well as that of non-governmental organizations and other external experts in creating an atmosphere in which Somalis saw the process as free, fair and transparent.

44. **Mr. Nyanduga** (Independent Expert on the situation of human rights in Somalia) said that supporting Somalia in improving the human rights situation, including in the Federal Member States, was a major challenge, insofar as resources would be required to enhance the capacity of both the Federal Government and the Federal Member States.

45. The justice and law and order sector at both levels of government had been so heavily targeted during the conflict that anarchy had prevailed. At one time, the military courts had assumed many powers, including for prosecuting cases that would normally have been heard by civilian courts. Al-Shabaab and others subject to prosecution were targeting police investigators,

magistrates and judges, and the court system had almost collapsed from around 2012 as a result.

46. The Federal Government had made considerable strides in improving the situation. With the support of the British Government, it had established the Mogadishu court complex, which brought the police, the magistrates and the judges together in a secure environment. However, that should be replicated in the Federal Member States to create the necessary infrastructure and provide protection for those justice professionals.

47. The international community needed to provide resources to rebuild the justice institutions in Somalia and close the gap that had been filled by the draconian Al-Shabaab court system or the Somali customary justice system. While Al-Shabaab had been driven out of all the major urban centres, rural areas lacked protection and needed functioning justice institutions. That would bring confidence to the country and would underpin the democratic gains as Somalia moved through its democratic process.

48. Member States could contribute to supporting Somalia in improving its human rights situation through the Joint Human Rights Programme. It was currently funded from the contributions of three Member States, but more sources of funding would be needed to roll the programme out at the Federal Member State level.

49. The withdrawal of the AMISOM forces was covered by Security Council resolution 2431 (2018). Somalia had agreed to assume security responsibilities by 2019 that would enable it to hold “one-person, one vote” elections by 2020. The previous electoral process in 2016-2017 had been very successful, but the power of Al-Shabaab in the areas under its control was a cause for concern, since it had been killing delegates who had taken part in that process and had been targeting Members of Parliament who had been elected. A strict adherence to the timelines might result in an overly hasty withdrawal from Somalia and a fallback option would be needed in case the Somali national forces were unable to develop the requisite capacity in time. If AMISOM forces were withdrawn prematurely, the democratic process might be threatened.

50. He agreed that rationalization was a concern. However, there was already cooperation between AMISOM and UNSOM. He was less familiar with national bilateral programmes, which also provided valuable support. That was perhaps where efforts could be streamlined, but that would be a matter for the Federal Government, since such programmes were within its purview. Regarding synergy between UNSOM and OHCHR, the human rights component of UNSOM

coordinated closely with OHCHR in Geneva and played a crucial role in monitoring violations throughout the country. The fact that there was a human rights component within the mission was indicative of synergy between the two.

51. The process of incorporating human rights standards into the traditional justice system was already under way. In Puntland, efforts were being made to institutionalize the traditional justice system, including by codifying some of the traditional norms. Somalia had very rich customary traditions and the idea was to codify some of their positive elements. The pilot project in Puntland involved recording the decisions made by the traditional elders and implementing them through the formal justice system, which was very innovative. It should be noted, however, that when the formal system had collapsed, respect for the traditional system had also weakened to some degree. He had been working with the Federal Government and the Federal Member States to harmonize some of the rules. He agreed that it was very important to highlight the issue of the compliance of the traditional justice system with human rights standards, which became particularly relevant when traditional elders took over and settled cases of sexual and gender-based violence. Legislation alone would not be enough, since the formal system was not fully accepted, as had been seen in Puntland when a gang rape case had been resolved outside the framework of its sexual offences act. However, the adoption of the national sexual offences bill, which already incorporated most human rights standards, should bring the issue into focus.

52. Regarding the preparedness of the Government to carry out the elections and his own role and that of civil society, the commitment demonstrated by the Government and the Somali people during the 2016-2017 electoral process was indicative of the need for a representative electoral system. He was confident that Somalia would endeavour to implement the electoral model once the electoral body had been established according to the new constitution. The question was whether it would be able to do so and whether the necessary resources would be available. A further major challenge was whether Al-Shabaab would still be in a position to threaten the process. Civil society in Somalia was vibrant and fully engaged in the reform processes and he was optimistic that successful “one-person, one-vote” elections could be carried out by 2020 with the support of the international community, despite the challenges.

53. **Mr. Diène** (President of the Commission of Inquiry on Burundi) said that the Commission regretted the opposition of the Government of Burundi to the

dialogue in the Third Committee and its recent decision to declare the members of the Commission *persona non grata*. Nevertheless, as the only international mechanism currently capable of carrying out a rigorous, independent and impartial investigation of the human rights situation prevailing in Burundi, the Commission remained committed to carrying out its mandate and open to cooperating with the Burundi authorities in a constructive manner.

54. Presenting the report of the Commission of Inquiry on Burundi ([A/HRC/39/63](#)), he said that since its creation, the Commission had collected close to 1,000 testimonials from alleged victims, witnesses and perpetrators both inside and outside Burundi, revealing persistent and serious human rights violations. The most frequent State agents of those violations, most of which targeted opponents or perceived opponents of the Government and the ruling party, were members of the national intelligence service, the police and administrative authorities. The Commission was especially concerned about the role played by the ruling party's youth wing, the Imbonerakure, in violations committed in the context of recruitment activities during the constitutional amendment referendum campaign, often under orders from or supervision by State agents.

55. In response to the climate of disregard for human rights and of impunity following calls for and acts of hatred and violence, the Commission had conducted an in-depth study of the judicial system, which confirmed a long-standing lack of judicial independence and an inability to prosecute perpetrators of human rights violations and crimes against humanity. The International Criminal Court could fill that void for crimes committed between 26 April 2015 and 26 October 2017.

56. The deterioration in civil and political rights had had a direct impact on the economic and social rights of many Burundians, bringing the country once again to a state of humanitarian emergency. The causes of violence and insecurity outlined in the Arusha Peace and Reconciliation Agreement for Burundi remained the same. It was urgent that the Government put an end to human rights violations, prosecute the perpetrators and cooperate fully with international human rights mechanisms, especially in the light of the ongoing preparations for elections in 2020.

57. **Mr. Shingiro** (Burundi) said that his delegation publicly rejected the so-called report on the human rights situation in Burundi as biased, selective and politically motivated and having the sole aim of destabilizing his country. It was insulting, denigrating and shameful, and its authors, under foreign influence

since 2015, had shown absolutely no professionalism, integrity or respect for the adversarial system or for the ethics of the United Nations. His delegation welcomed the courageous resignation of the Commission's former president following intense political pressure and encouraged the current president to follow his example instead of continuing to disseminate lies to satisfy non-African interests for personal advantage.

58. His delegation wished to express its indignation at the false allegations in the report, which was a mishmash of lies aimed at regulating the internal affairs of Burundi by overpoliticizing its human rights situation. Given the defamatory nature of the report, Burundi reserved the legitimate right to bring each of its authors to criminal justice for libel and for attempting to destabilize the country. The Commission had engaged in political interference by attacking the recent constitutional referendum and the justice system of Burundi. The inalienable right of the people to organize a constitutional referendum was a sovereign act guaranteed under the Constitution of Burundi, the Charter of the United Nations and the International Covenant on Civil and Political Rights and could not be ceded to any other country or organization whatsoever, including the authors and their sponsors.

59. The report had been drafted on the basis of social media messages and testimonials from refugees who had fled the country after having committed crimes as part of the coup d'état of May 2015 and who had returned to attack Burundi after having been recruited, trained and equipped militarily in violation of the Convention relating to the Status of Refugees. The report was destined to be biased from the start, in particular as its sampling methodology did not respect the adversarial system. There was no credibility to witness testimonials from wanted fugitives and refugees held hostage abroad issuing defamatory and mendacious statements against the Government. The authors of the report had even gone so far as to falsely assert that the President promoted hate speech. Such gratuitous defamation would also not go unpunished. The speeches made by the Head of State were focused on peace, stability, reconciliation, love for country, unity, national cohesion and inclusive development.

60. From its preamble to its final point, the report systematically incriminated the Government of Burundi but covered up the hateful crimes publicly claimed by the radical opposition or committed by insurgents and putschists operating under the umbrella of foreign actors protecting them from prosecution. The deliberate tolerance shown for criminal acts against civilians and State authorities targeted for assassination, including complaisant language used to describe the radical

opposition, plainly illustrated the lack of independence of the Commission and its President. The Commission also flagrantly overstepped its mandate by calling upon States members of the European Union to uphold the unilateral, unjust and immoral sanctions they had imposed on the people of Burundi, thereby proving that it was merely a political tool for those States. Burundians had instead expected a recommendation to lift such political sanctions, which led to harmful consequences for the social and economic rights of vulnerable groups in particular.

61. He enumerated several facts and contradictions that clearly showed that the report had been politically motivated and that the interests of the Commission did not lie in Africa, despite being led by an African. It was not the first time that Africans had sold out other Africans to the highest bidder; the continent was still trying to recover from the nightmarish eras of slavery and colonialism. It was regrettable to find the same behaviour in another form in the twenty-first century. Members of the Committee were entitled to know that what had been happening since 2015 was nothing more than the relentless political and diplomatic harassment of Burundi with a view to satisfying geopolitical interests, not addressing human rights.

62. **Mr. Bastida Peydro** (Spain) said that the interactive dialogue was an important opportunity to discuss the grave human rights situation in Burundi. Spain fully supported the work carried out by the Commission in spite of the obstacles it encountered in gaining access to the country. It urged the Government of Burundi to cooperate fully with the Human Rights Council and its mechanisms and to implement Human Rights Council resolution 39/14, above all by facilitating visits of the Commission to the country to investigate further and by providing all the information it needed to carry out its mandate.

63. Spain wished to reiterate once again its concern regarding the persistence of grave human rights violations in Burundi, some of which constituted crimes against humanity according to the Commission. The growing role of certain security forces such as the Imbonerakure in committing those violations, in a climate of widespread impunity, was unacceptable. For the future development and political stability of the country, it was essential to implement the Arusha Agreement and a credible electoral process in which all parties could participate, including civil society.

64. **Mr. Forax** (Observer for the European Union) said that the European Union welcomed the renewal of the mandate of the Commission of Inquiry on Burundi. It was entirely appropriate for the Third Committee to hold

an interactive dialogue with the Commission, which was an independent and impartial mechanism and the only international mechanism currently monitoring the situation in the country. The new restrictions on NGOs in Burundi also reflected the importance of such dialogue. His delegation was concerned about the flagrant lack of progress in the human rights situation and the persistence of serious violations, some of which could constitute crimes against humanity, in a climate of impunity for acts of hatred, fear and extreme cruelty and where freedom of expression, assembly and association were sorely lacking.

65. The European Union again urged the authorities to put an end to and investigate such violations and to prosecute perpetrators; it called on all stakeholders, including regional partners, to take note of the recommendations in the report, in particular with regard to the full implementation of the Arusha Agreement. It was hoped that the announcement that President Nkurunziza would not be running for a fourth term in 2020 would be accompanied by a positive outcome from the fifth round of the inter-Burundi dialogue. He inquired about possible approaches to fighting impunity, in particular given the opening of an investigation on Burundi by the International Criminal Court.

66. **Mr. Gohar** (Pakistan) said that promoting human rights was a shared responsibility and could only be achieved by eschewing politicization and selectivity in favour of a constructive and inclusive approach. The Government of Burundi had clearly manifested its commitment to engaging with relevant international mechanisms through its participation in the universal periodic review, the main intergovernmental mechanism for reviewing human rights issues pertaining to Member States, and its cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and all treaty bodies to which it was a party. As all human rights were universal, inalienable, indivisible, interdependent and interrelated, they should be promoted and protected equally and addressed collectively, fairly and objectively, through cooperative dialogue. Respect for sovereignty, territorial integrity and non-interference in the internal affairs of Member States must be duly observed. Greater coherence and synergy was needed between the work of the Third Committee and the Human Rights Council, to avoid duplication.

67. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela), speaking on behalf of the Movement of Non-Aligned Countries, said that, at the eighteenth session of the Mid-Term Ministerial Conference held in April 2018, ministers had reaffirmed their commitment to the promotion and protection of universally

recognized human rights. They had stressed that human rights issues should be addressed in a fair and equal manner, guided by respect for national sovereignty, territorial integrity and non-interference in the internal affairs of States. The political, historical, social, religious and cultural particularities of each country should also be taken into account. The Human Rights Council, as a subsidiary organ of the General Assembly, was responsible for the consideration of human rights situations in all countries in the context of the universal periodic review.

68. They had expressed their deep concern at the continued and proliferating practice of the selective adoption of country-specific resolutions in the Third Committee and the Human Rights Council, which was a means of exploiting human rights for political purposes and, as such, breached the principles of universality, impartiality, objectivity and non-selectivity. There was a need to promote coherence between the Committee and the Council with a view to avoiding duplication and overlap.

69. The universal periodic review was the main intergovernmental mechanism for examining human rights issues at the national level in all countries without distinction and was conducted with the full involvement of the country concerned and with due consideration for its capacity-building needs. As an action-oriented, cooperative mechanism, based on objective and reliable information and interactive dialogue, the review must be conducted in an impartial, transparent, non-selective, constructive, non-confrontational and non-politicized manner.

70. **Ms. Alfeine** (Comoros), speaking on behalf of the Group of African States, said that the process to promote and protect human rights globally was possible only through mutual respect, cooperation and frank and sincere dialogue among Member States. It was crucial to reverse the current trend aimed at transforming the Human Rights Council into a tool for political pressure and regulating geopolitics. The politicization of issues was counterproductive and confrontational, while selectivity, partiality and double standards were contrary to the principles of the universality and indivisibility of human rights. Similarly, artificial polarization, which divided the world into good and bad students of human rights issues, must be replaced by dialogue and cooperation. The universal periodic review was the sole universally agreed-upon mechanism for fairly and equally assessing the human rights situation in all countries, with full respect for national sovereignty and human dignity and mutual respect and trust among Member States.

71. **Mr. Chu Guang** (China) said that his country had consistently advocated for the resolution of disputes in the field of human rights through constructive dialogue and cooperation and was opposed to the forced establishment of special procedure mandates without the consent of the country concerned. The situation in Burundi was stable overall, and its Government had made great efforts to maintain stability and promote reconciliation; therefore it should be assessed objectively by the international community. China had always supported the people of Burundi in choosing their own path of development, supported all parties in the country in resolving disputes through dialogue and negotiation, and advocated the leading role of regional organizations such as the East African Community in mediating the Burundi issue. The international community should respect the sovereignty, independence and territorial integrity of Burundi, restore economic cooperation with, and development assistance to, the country as soon as possible, and help to advance the political process. The General Assembly should fully respect the sovereignty of Burundi and refrain from any action that would complicate the situation and be detrimental to its resolution.

72. **Mr. Schettino** (Italy) said that his delegation was deeply concerned about ongoing allegations of gross human rights violations in Burundi and recalled the Government's primary responsibility to protect its population, ensure respect for the rule of law, human rights and international humanitarian law and end the current climate of impunity. The Government of Burundi should immediately resume all cooperation and dialogue with OHCHR and the Commission of Inquiry and finalize the draft memorandum of understanding with OHCHR without further delay. It was regrettable that the Government had decided not to attend the fifth round of the inter-Burundi dialogue led by the East African Community. All parties were encouraged to participate in good faith in the regional dialogue, which was the only viable process for a sustainable political settlement in Burundi.

73. **Mr. Anthierens** (Belgium) said that the fact that the main perpetrators of human rights violations in Burundi were acting with almost total impunity was very worrying. The Government of Burundi must make every effort to put an end to such crimes on its territory and bring the alleged perpetrators to justice. It should also resume, as soon as possible, its collaboration with international human rights protection mechanisms, including the Commission of Inquiry, which must be allowed to continue its work in a fully independent manner.

74. **Mr. Kent** (United Kingdom) said that his country acknowledged the steps taken by the Government of Burundi to withdraw its ban on some civil society organizations, cancel some arrest warrants and release a number of detainees. It was vital for the Government to build on those steps by taking further action to open up democratic space and protect and promote fundamental freedoms for all, in order to enable free and fair elections in 2020.

75. The United Kingdom urged the Government of Burundi to rethink its three-month suspension of NGOs, as the poorest members of the population would be the ones hardest hit. While the United Kingdom supported the principle of an inclusive workforce, the effectiveness and practicality of the measures currently proposed by the Government were highly questionable. The Government should find a way to pursue its objectives that minimized the impact on Burundians and on the valuable work done by NGOs.

76. The United Kingdom remained extremely concerned that serious human rights abuses and violations continued to be carried out with impunity by the security authorities or those affiliated with them. It called upon the Government of Burundi to re-establish cooperation with OHCHR as a matter of priority. Also concerned that the Arusha Agreement was at risk of being undermined following the referendum, the United Kingdom called upon the guarantors of the Agreement and the Government of Burundi to ensure that its spirit was respected. Genuine, inclusive dialogue with all parties and without preconditions, in particular through the inter-Burundi dialogue mediated by the East African Community, remained the only viable option for resolving the political crisis.

77. **Ms. Učakar** (Slovenia) said that her delegation shared the deep concerns of others regarding the overall climate of impunity for perpetrators of human rights violations in Burundi, despite the fact that the primary responsibility of the Government of Burundi was to protect its population, in particular those most vulnerable. Concerned about the absence of independent international mechanisms in Burundi capable of investigating such violations, Slovenia called upon the Government of Burundi to cooperate with the Commission of Inquiry and other international human rights mechanisms, including OHCHR experts mandated under Human Rights Council resolution 36/2, a resolution Burundi itself had supported. Her delegation would appreciate information on the rights and well-being of children in Burundi and on what immediate measures needed to be implemented to improve their situation.

78. **Ms. Bouchikhi** (Morocco), recalled that, in its resolution 60/251 on the Human Rights Council, the General Assembly had recognized that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and had decided that the work of the Council should be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation. The emphasis on dialogue and cooperation stemmed from the recognition by the international community that the Commission on Human Rights had been politicized. In the case of Burundi, however, the Human Rights Council had chosen confrontation over dialogue and cooperation.

79. **Mr. Oppenheimer** (Netherlands) said that the human rights situation in Burundi continued to be a serious threat to sustainable peace and stability in the country and the region. The Netherlands was concerned in particular about continued restrictions imposed on the media and called on the Government to respect freedom of speech and of the press, especially in the run-up to the 2020 elections.

80. His delegation appreciated the commitment expressed repeatedly by the Government of Burundi to address several human rights issues but emphasized that addressing human rights could not be a selective process. Concerned about recent challenges to the legal basis of the Third Committee briefing, his delegation called upon the Government to immediately resume cooperation with all relevant human right mechanisms, including OHCHR and the Commission of Inquiry on Burundi, noting that the invitation by Burundi to reengage with the new United Nations High Commissioner for Human Rights had yet to translate into concrete action. He asked how the Commission of Inquiry could build on that recent re-engagement.

81. **Ms. Tripathi** (India) said that the primary responsibility to protect and promote human rights lay with the State and country-specific mandates should therefore only be established with the consent of the country concerned. Engagement between United Nations mechanisms and Member States should be carried out responsibly and with sensitivity, transparency and impartiality. A confrontational and aggressive approach could be counterproductive and lead to the politicization of human rights issues. Constructive dialogue and cooperation was needed, focusing on the provision of technical assistance and capacity-building by the international community. The universal periodic review was the appropriate mechanism for considering the human rights records of Member States and for assisting them in upholding the highest standards.

82. **Ms. Wunds**ch (Germany) said that her delegation deeply regretted the refusal of the Government of Burundi to cooperate with international human rights institutions, [as seen in New York and earlier in 2018 when it had withdrawn the visas of three OHCHR experts mandated by a Human Rights Council resolution that Burundi itself had co-sponsored. Germany also deplored the decision to declare the members of the Commission of Inquiry *personae non grata*. That lack of cooperation made it all the more necessary to ensure effective monitoring of the situation by the Commission.

83. Germany was deeply concerned by the persistence of severe human rights violations, the climate of impunity and the considerable reduction of democratic space. The most recent suspension of international non-governmental organizations had further limited civil society space and had interfered with the efforts of the international community to provide support to the Burundian population.

84. Germany called on the Government of Burundi to assume its obligations and do everything possible to protect human rights and fundamental freedoms, including by opening up political space and engaging in an inclusive political process in the run-up to the elections in 2020. The Government of Burundi must cooperate fully with OHCHR, the Commission of Inquiry and the International Criminal Court. She asked what the international community could do to support civil society organizations and human rights defenders in Burundi.

85. **Ms. Gordet** (Luxembourg) said that the human rights situation in Burundi was worrying and the persistent refusal of the Burundian authorities to work in good faith with United Nations human rights mechanisms was extremely disappointing. Luxembourg encouraged the Government to choose a path of cooperation and dialogue.

86. The accusations of politicization or taking sides were completely unfounded and were not in the interest of Burundi or its people. The numerous confirmed cases of human rights violations and abuses, together with the finding that there were reasonable grounds to believe that crimes against humanity continued to be committed, provided more than enough justification for the international community to take the necessary steps to allow the Commission of Inquiry to continue its work. Luxembourg therefore welcomed the renewal of the Commission's mandate.

87. The reigning climate of impunity in Burundi must be brought to an end. The perpetrators of human rights violations must be held accountable, whatever their

political affiliation, so that the numerous victims could obtain redress.

88. **Ms. Walsh** (United States of America) said that the finding that there were reasonable grounds to believe that crimes against humanity continued to be committed was deeply troubling. It was also a cause for concern that members of the *Imbonerakure* were increasingly responsible for torture and repression and that the Government was allowing the *Imbonerakure* to act as a *de facto* law enforcement body. The United States was also troubled by the recent suspension of international non-governmental organizations and domestic and international media, which reflected broader government efforts to restrict civic and political space. The United States called on the Government of Burundi to reopen political space for the opposition, independent media and civil society.

89. The Government's apparent culpability for human rights violations and abuses and its persistent refusal to cooperate with the Commission and OHCHR raised serious concerns with respect to Burundi's international legal obligations. The United States called on the Government to demonstrate it was serious about addressing the human rights issues identified by taking steps to re-engage with the international community, including the United Nations. There had been reports of increased human rights violations and abuses leading up to the referendum. She asked whether the President of the Commission of Inquiry had seen any changes in the human rights environment since the referendum or following the President's announcement that he would not seek a fourth term.

90. **Ms. Myint** (Myanmar) said that her country supported the principles of non-politicization, non-selectivity and impartiality in the consideration of human rights issues and was opposed to country-specific mandates and investigations as a matter of principle. The universal periodic review was a unique mechanism and the most effective means of addressing the human rights situation of all Member States on an equal footing; no country in the world was perfect.

91. A one-size-fits-all approach could not be applied to human rights. In each case, sovereignty, political independence, and historical and cultural specificities must be taken into account. The Government of Burundi was in the best position to improve its domestic situation, but it was being subjected to political pressure as a result of the imposition of the Commission of Inquiry. Genuine, non-politicized dialogue and cooperation with Burundi were the only way to produce a lasting outcome.

92. **Ms. Charrier** (France) said that her country was committed to holding the interactive dialogue and to the independent special procedures mandated by the Human Rights Council. It was vital that States cooperate with them. The choice of the Government of Burundi not to cooperate with the High Commissioner for Human Rights or the Commission of Inquiry was regrettable, including its use of delaying tactics in an attempt to prevent States from interacting with the Commission in the Third Committee.

93. France respected the integrity of the special procedures and the Commission and rejected all forms of intimidation against its members. The report documented the persistence of grave human rights violations amounting to crimes against humanity in a climate of impunity. The Security Council had underlined on 22 August 2018 that considerable improvements were needed to the political and human rights situation in Burundi, in particular to guarantee the freedom of expression of the press and civil society actors. The announcement that the President would not seek a fourth term must translate into an opening up of public space through a lifting of the suspension of activities of international NGOs and full implementation by the Burundian authorities of the recommendations made in the report, including an end to the intimidation of civil society and a commitment to prosecute those responsible for grave human rights violations.

94. The fifth and last round of the inter-Burundi dialogue was an opportunity to break the impasse and resume the path of dialogue and reconciliation in order to prevent further human rights violations. The lack of participation of the Government and the ruling party, Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD), however, was not a positive sign. She asked how regional organizations could contribute to finding a lasting solution to the crisis in Burundi, to ensuring greater respect for human rights and to fighting impunity.

95. **Ms. Vasilevskaya** (Belarus) said that her country had always opposed the politically motivated practice at the United Nations of establishing country-specific procedures, which had been proven to be ineffective and whose reports were biased. The creators of the Commission of Inquiry on Burundi should show respect towards, and engage in genuine dialogue with, the Government of Burundi. Only through respectful talks with Governments could progress be made in the promotion and protection of human rights.

96. **Mr. Luhan** (Czechia) said that his country welcomed the adoption of Human Rights Council resolution 39/14, by which the mandate of the Commission of Inquiry on Burundi was extended. His delegation regretted that the Government of Burundi refused to cooperate with the Commission and urged it to reconsider its position, as the human rights situation was not improving and needed to be addressed immediately. The situation deserved more attention from the international community, including the regional organizations and the United Nations.

97. **Ms. Mugaas** (Norway) said that one aspect that had rightly received more attention than in previous reports by the Commission of Inquiry on Burundi was the build-up of parallel power structures. The increasing role of the Imbonerakure in committing human rights violations with impunity further undermined the rule of law and contributed to a climate of fear and repression. Her delegation was disappointed by the persistent lack of cooperation by the Government of Burundi with the Commission and with OHCHR and by the fact that African Union human rights observers had been obliged to leave the country without being able to fulfil their mandates.

98. The recent decision by the Government to suspend activities with international NGOs could further deteriorate the already serious humanitarian situation, with the main victims being the poorest and most marginalized. Her delegation urged the Government of Burundi to ensure that they could resume their important work without being subject to undue restrictions. Because the pre-electoral political climate could be decisive for the human rights situation in the coming years, all stakeholders were urged to participate unconditionally in the upcoming round of the dialogue process led by the East African Community in order to reach an agreement conducive to free, fair and peaceful elections in 2020.

99. **Ms. Sukacheva** (Russian Federation) said that there had been a clear move towards stabilization in the development of internal political processes in Burundi. The Russian Federation condemned the continuing attacks by extremists on civilian infrastructure, which resulted in civilian victims. The recent referendum on amendments to the Constitution was a strictly internal matter. The pessimistic predictions made by a number of States ahead of that referendum had been unjustified. Burundians themselves bore the primary responsibility for improving the situation in the country. The United Nations, the African Union and the East African Community had an important intermediary role to play in emphasizing that the only way to reach a settlement was through inclusive dialogue with the aim of holding

peaceful, transparent and democratic presidential elections in 2020.

100. In deciding to leave the Rome Statute of the International Criminal Court, the President had exercised his sovereign right to independently determine national priorities. The Russian Federation had serious reservations about the effectiveness of the Court, which had yet to live up to the expectations placed upon it and become a truly independent, authoritative body of international justice.

101. The use of human rights rhetoric to exacerbate the situation in Burundi was a counterproductive and pointless endeavour that was not conducive to the promotion and protection of human rights in the country. The unilateral sanctions against the Burundian political leadership were also ineffective.

102. **Ms. Ershadi** (Islamic Republic of Iran) said that the underlying principle of the United Nations human rights architecture was that States had the primary responsibility to promote and protect the rights of their citizens in accordance with their international obligations. External interference through country-specific resolutions and mandates had proved to be counterproductive and against the spirit of constructive engagement as expressed in General Assembly resolution [60/251](#). The Islamic Republic of Iran remained opposed to selective mandates, which did not contribute to the atmosphere of cooperation and dialogue that was so essential to the work of the Third Committee and that was, when combined with the involvement of the country in question, the only effective way to promote and protect all human rights. The universal periodic review was the best mechanism for equitably analysing human rights situations in all countries.

103. **Mr. Castillo Santana** (Cuba) said that human rights should be promoted and protected in all countries through genuine cooperation and dialogue and the universal periodic review was the mechanism that would fulfil that aspiration. As a matter of principle, Cuba therefore opposed country-specific mandates, all of which targeted developing countries, and had thus voted against Human Rights Council resolution [39/14](#) and made its position clear during the discussions in the Third Committee, including regarding the request submitted by Burundi for a legal opinion. Cooperation and dialogue should be given another chance and effective solutions should be sought that included the authorities of the country and took into account their concerns.

104. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that his delegation remained strongly

opposed to all country-specific mandates such as the Commission of Inquiry on Burundi and its report, which pursued politically motivated interference in the internal affairs of Burundi. Politicization, selectivity and double standards were incompatible with the genuine promotion and protection of human rights. The use of foreign pressure and fabricated data to solve the human rights issues of a sovereign State generated confrontation and impeded constructive dialogue and cooperation. All countries were treated equally when their human rights situations were considered under the universal periodic review mechanism of the Human Rights Council.

105. **Mr. Diène** (President of the Commission of Inquiry on Burundi), in response to the comments made by the representative of Burundi, said that the mandate conferred on the Commission by the Human Rights Council had been to document human rights violations, identify who might be responsible and come forward with recommendations on justice. Aside from the ad hominem attacks and the insinuations that the members of the Commission had been acting on the orders of certain political institutions, the most serious indicator of the situation in Burundi was the statement that criminal charges would be laid as a result of the report, which was considered to be defamatory. It was also important to note and record the statement, seemingly unprecedented in the long history of the study of human rights, that the report would not go unpunished and to ask what punishment the representative had in mind.

106. With regard to the statements calling the President of the Commission of Inquiry an African selling out Africa, he wondered what exactly Burundi understood by the principle of universality and what role it attached to African legal experts. The Commission was a collective body with three members; the President had previously been a member of the Independent Commission of Inquiry on the 2014 Gaza Conflict, which was not in Africa, and had also single-handedly conducted inquiries on Côte d'Ivoire and other countries. Such statements by the representative of Burundi should also be noted as indicative of the seriousness of the situation in the country.

107. The Commission had drawn up its 250-page report, which all interested parties were invited to read through, following a meticulous and rigorous inquiry. It was very important that Burundi examine the details provided therein and indicate which factual points were not in line with reality before questioning its credibility. It was also important to note that, while some delegates had said that human rights situations could only be discussed in the context of the universal periodic review,

Burundi had only accepted about half of the nearly 250 recommendations stemming from its review process.

108. The key point to note was that Burundi was entering a period characterized by two major events that could potentially aggravate the human rights situation: the 2020 election process and the statement by the President regarding whether or not he would remain in power. The international community was therefore urged to watch the situation carefully and to encourage the authorities to cooperate with the mechanisms put in place to help the people of Burundi, including the appointment and authorization of three experts on the basis of Human Rights Council resolution 36/2, which had been presented by the Group of African States. As those experts had subsequently been asked to leave Burundi, the fundamental question remained: what did the Burundi authorities want?

109. In response to the question by the representative of the United States, three major steps needed to be taken to show that the human rights situation would change. First, an end to or a reduction in human rights violations must take place, in particular against the backdrop of an elections climate that encouraged them and any power struggle that followed the statement made by the President. Addressing impunity was the second fundamental act that would indicate a substantial change. The central question was whether or not the perpetrators of human rights violations, whether State agents or the Imbonerakure, would be brought to justice.

110. The third was cooperation with all the regional and international mechanism in place for Burundi, none of which had been able to do their jobs. The Commission of Inquiry on Burundi was the only independent body that had continued its work. The Commission had wished to travel to Burundi to listen to State authorities and other stakeholders of Burundi society in order to incorporate their views and assessments into its report. As long as access to the territory was denied, however, the Commission would continue to base its conclusions on all sources of information made available to it. Burundi could not criticize the report for its lack of objectivity and at the same time close its borders to inquiry.

111. Another category of victim of the crisis in Burundi were the refugees, the most vulnerable of which were entire families who had been obliged to leave the country for various reasons. Some had been high-level officials who had been forced to leave positions of power, and many now lived under very difficult conditions. The international community needed to issue a clear message on respecting the rights and

dignity of refugees, in particular with regard to the consent and safety of returnees.

112. Reiterating the Commission's determination to deliver on its mandate, he noted that the statement by the representative Burundi congratulating the former President for having stepped down under pressure had been most extraordinary.

113. **Mr. Shingiro** (Burundi) said that a peer of the African independence movement had once declared that if an African leader was highly lauded solely by non-Africans, it meant that that leader had betrayed his brothers and sisters of the continent.

114. **Mr. Khane** (Secretary of the Committee), reading out a statement submitted by the former President of the Commission of Inquiry, Fatsah Ouguerouz, in response to comments made by the delegate from Burundi and further to comments made by the current President of the Commission, said that Mr. Ouguerouz wished to formally clarify that he had not stepped down as a result of political pressure. Rather, following the extension of the Commission's mandate by the Human Rights Council, he had simply informed the President of the Council that he did not wish to continue in his position beyond 1 February 2018, for strictly personal reasons.

The meeting rose at 6 p.m.