



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2002/L.22/Rev.1
18 April 2002

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Agenda item 9

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

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

2002/... 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 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 2001/21 of 20 April 2001,

Considering Security Council resolutions 1072 (1996), 1286 (2000) and 1375 (2001) of 30 August 1996, 19 January 2000 and 29 October 2001, as well as the statements by the President of the Security Council of 12 November 1999 (S/PRST/1999/32), 28 June 2001 (S/PRST/2001/17), 26 September 2001 (S/PRST/2001/26), 8 November 2001 (S/PRST/2001/33), 15 November 2001 (S/PRST/2001/35) and 7 February 2002 (S/PRST/2002/3),

Recalling 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,

Mindful of the need to ensure the safety of all humanitarian workers in accordance with the principles of international law,

Welcoming the signing of the Arusha Agreement on peace and reconciliation in Burundi on 28 August 2000, its ratification by the Burundian National Assembly and the adoption by the National Assembly of a transitional constitution,

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

Hailing the establishment of the Arusha Agreement Implementation Monitoring Committee and the setting up of its headquarters in Burundi,

Recognizing the personal contribution of the late Mr. Julius K. Nyerere to the Arusha negotiation process and the facilitation work by the former President of South Africa, Mr. Nelson Mandela, which has already yielded tangible results, including the signature of the Arusha Agreement on peace and reconciliation in Burundi,

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,

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.4/2002/49);
2. *Supports* the transitional institutions set up in the context of the implementation of the Arusha Agreement, namely, the Transitional National Assembly, the Transitional Senate as well as the Transitional Government, and encourages the implementation of the reforms provided for in the Peace Agreement;
3. *Encourages* the Transitional Government 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;
4. *Urges* the Transitional Government to pursue the goal of ensuring the equal participation of women in Burundian society and improving their living conditions, in particular by taking legislative initiatives with regard to succession and systems of matrimonial property;
5. *Remains concerned* at the ongoing violence and the security situation in parts of the country, forcing many people to leave their homes;
6. *Condemns* the intensifying violence and urges all parties to the conflict to end the cycle of violence and killings, especially blind violence against the civilian population;
7. *Enjoins* all parties, namely, the Transitional Government, the signatories of the Agreement and the armed groups, in particular the Forces de défense de la démocratie (FDD) and the Forces nationales de libération (FNL), to negotiate towards agreement on a ceasefire in order to bring about the full implementation of the Agreement on Peace and National Reconciliation;
8. *Expresses its concern* at the situation of displaced persons, and deplores in particular the unacceptable living conditions in the displaced persons sites, and recommends that the Transitional Government, United Nations specialized agencies and non-governmental organizations provide humanitarian assistance;

9. *Notes* the continuing voluntary repatriation of refugees hosted in Tanzania, pursuant to the tripartite agreements between UNHCR and the Tanzanian and Burundian Governments, and calls on the parties concerned to establish conditions for voluntary and permanent return in full security;

10. *Welcomes* the willingness of the Transitional Government to find agreed solutions to the sensitive problem of the persons affected by the war through the establishment of the Standing Consultation Machinery for the Protection of Displaced Persons (CPC/PPD), which is composed of representatives of the Transitional Government and humanitarian organizations;

11. *Notes* the efforts by the Burundian authorities to ensure that established legal safeguards for human rights and international human rights standards are fully respected, but expresses its deep concern at the continuing violations of human rights and international humanitarian law;

12. *Invites* the Transitional Government 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 Transitional Government to accelerate specific procedures for the investigation and prosecution of such violations;

13. *Welcomes* the signature by Burundi of the Rome Statute of the International Criminal Court and encourages the Transitional Government to ratify it;

14. *Welcomes also* the entry into force, in January 2000, of the new Code of Criminal Procedure, exhorts the Transitional Government to continue to carry out the 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 pre-trial detention and conditions of detention;

15. *Welcomes* the work carried out by the independent commission on questions relating to prisoners and urges the Transitional Government to ensure that it is properly followed up;

16. *Also welcomes* the continuing cooperation between the Transitional Government and the International Committee of the Red Cross with regard to access and visits to detainees held in central prisons and other places of detention;

17. *Condemns* all attacks on humanitarian workers and 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;

18. *Takes note of* the efforts in the struggle against impunity and for the promotion of human rights on the part of the Transitional Government, including the establishment of a Government commission on human rights, and encourages the Government to strengthen that commission;

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. *Urges* all parties to the conflict to end the use of children as soldiers and welcomes the commitment made in that regard by the Transitional Government and the signature of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and encourages the Government to ratify it;

21. *Adjures* all parties to the conflict in Burundi to work constructively with the international mediators and consequently, supports the efforts by President O. Bongo of Gabon and Vice-President J. Zuma of South Africa aimed at securing a speedy agreement on a ceasefire between the Transitional Government and the armed groups;

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 any 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 Transitional Government, and calls, on the one hand, for the strengthening of that observer mission through voluntary contributions and, on the other, for full participation by the Office of the United Nations High Commissioner for Human Rights in Burundi in the implementation of the Arusha Agreement;

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 so as to promote sustainable development with a view to encouraging reconstruction and reconciliation;

29. *Welcomes* the display of solidarity given by the international community at the Donors Conference held in Paris in December 2000 at the initiative of former President of South Africa, Mr. Mandela, backed by the President of France, Mr. Chirac, as well as that given at the Round Table Conference for Burundi held in Geneva in December 2001;

30. *Exhorts* donors to continue to deliver on the commitments made at the Paris Conference and the Geneva Round Table Conference in order to provide an impetus for the new peace process;

31. *Calls upon* the Transitional Government to take action to establish a security environment conducive to the work of aid organizations, and invites the United Nations and donors to augment the flow of humanitarian assistance to those in need;

32. *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-seventh session and a report to the Commission at its fifty-ninth session, giving her work a gender-specific dimension.
