

BURUNDI

Special Decisions or Action taken Re: Reporting, Including Urgent Action Procedure

CERD A/47/18 (1992)

VII. DECISIONS ADOPTED BY THE COMMITTEE AT ITS FORTY-FIRST SESSION

1 (41). Further information requested from the Government of Burundi

In view of recent reports of ethnic conflict in Burundi, and in accordance with rule 65 of its rules of procedure relating to the provisions of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination requests further information by 1 March 1993 from the Government of Burundi on that conflict and on its implications for the implementation of the Convention, in particular the provisions of article 5 (b), in Burundi.

952nd meeting
12 August 1992

CERD CERD/C/SR.983 (1993)

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION
Forty-second session
PROVISIONAL SUMMARY RECORD OF THE 983rd MEETING

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SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF
THE CONVENTION (continued)

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Draft decision on the human rights situation in Burundi, Rwanda and Papua New Guinea

75. Mr. BANTON introduced the draft decision, which read:

"At its forty-first session, the Committee on the Elimination of Racial Discrimination addressed communications to the Government of Burundi, Rwanda and Papua New Guinea requesting further information (see A/47/18, sect. VII and paras. 265-266). This information was requested by 1 March 1993, but, at the time of writing, has not yet been received.

The Committee is concerned about information it has received independently about the situation in these countries and believes it must take up the matter again at its next session starting on 2 August 1993. Therefore, the Committee requests the Secretary-General to make available to it any relevant information concerning the human rights situation in these countries."

76. He asked the Secretary of the Committee to explain what effects that decision would have from the administrative point of view.

77. Mr. JOHNSON (Secretary of the Committee) said that the last sentence of the decision was to be understood as requesting the Secretariat of the Centre for Human Rights to inquire about information that might be available on the human rights situation in those countries. Such information could be derived from the documentation of the Commission on Human Rights and also from material that had been submitted to treaty monitoring bodies under other conventions.

78. Mr. LAMPTEY said he did not think that the draft decision was either necessary or proper. The Committee's sole task under the Convention was to consider situations in countries on the basis of reports by States parties.

79. The Committee had already decided that, when countries did not respond to its requests for information, as in the case of Mozambique, its procedure would be to consider previous reports, together with material from other sources. However, taking account of reports submitted to other

human rights bodies might lead to problems with the State party. The Committee's proper function was to cooperate with States parties in eliminating racial discrimination.

80. Just as State parties had freely assumed their obligations under the Convention, so were they free to renounce those obligations at any time, and that would hardly help to achieve the Committee's objectives. All the Committee needed to do was to agree to consider the reports of the three Governments concerned at its next session, if they had been received by then. The country rapporteurs could help the Secretariat obtain the necessary documentation.

81. Mr. WOLFRUM said he did not fully understand those objections. Mr. Lamptey had himself agreed that the Committee could, under its own rules of procedure, discuss the situation in the countries concerned on the basis of previous reports and, in so doing, could use not only official material, but material from other sources. All the draft decision was doing was to ensure that there was sufficient information on which to assess those reports.

82. The three countries concerned had not cooperated with the Committee and he did not see why they should receive different treatment than Mozambique and Jamaica.

83. Mr. BANTON said that he would have no objection if the Committee did not adopt the draft decision, provided that it agreed to include the consideration of the last available reports of the three States parties in the agenda for its next session. Those States should be notified of the Committee's intention, using the format normally adopted in cases of non-reporting States, and should be invited to submit reports in the interim and to be present when those reports were considered.

84. Mr. YUTZIS said that the members of the Committee evidently disagreed on how article 9 (2) of the Convention, which stated that recommendations could be based on "information received from the States parties", was to be interpreted. It might be useful to draft a general recommendation on the subject.

85. He himself could support the draft decision in principle.

86. Mr. de GOUTTES pointed out that there were two other draft decisions, to be considered on the former Yugoslavia. The adoption of those two decisions before the end of the session was a matter of urgency, particularly since the Committee had agreed to consider the possibility of preventive measures under article 9 (1).

87. Another matter of priority was the text concerning the case of Mr. Vidas, introduced earlier: that case was significant as an example of discrimination based on ethnic origin.

88. Mr. WOLFRUM supported by Mr. SONG Shuhua, proposed that the Committee should adopt Mr. Banton's suggestion that, instead of adopting the draft decision, it should agree to discuss the last available reports of the three States parties concerned at its next session.

89. It was so decided.

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CERD A/49/18 (1994)

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

...

B. Decisions adopted by the Committee

...

The situation in Burundi

108. Deeply concerned at the massive violations of human rights and acts of racial discrimination occurring in Burundi which may lead to further deterioration of the situation, with genocidal dimensions, and emphasizing the need for the investigation and prosecution of the perpetrators of recurring large-scale ethnic violence in the region, the Committee adopted its decision 2 (45) on the situation in Burundi recommending that the Secretary-General and competent United Nations organs, such as the Security Council, consider urgent measures in cooperation with the Organization of African Unity with a view to avoiding a new human tragedy in Burundi. The Committee also welcomed the establishment by the United Nations High Commissioner for Human Rights of an office of the Centre for Human Rights at Bujumbura, expressed its support for the technical assistance programme for Burundi and invited Governments of States parties to contribute substantially for its success, and expressed its readiness to cooperate with the High Commissioner for Human Rights in the fields of its competence concerning legislative, administrative and judicial reform and the training of government officials and magistrates. The Committee adopted the decision at its 1063rd meeting, on 16 August 1994 (see annex III for the full text of the decision).

ANNEX III

Decisions and general recommendations adopted by the Committee at its forty-fourth and forty-fifth sessions

A. Decisions

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Decision 2 (45). The situation in Burundi

The Committee on the Elimination of Racial Discrimination,

Deeply concerned at the massive violations of human rights and acts of racial discrimination occurring in Burundi, a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, which may lead to further deterioration of the current critical situation with genocidal dimensions,

Recalling the measures and procedures outlined in its working paper on the prevention of racial discrimination, including early warning and urgent procedures, a/

Regretting the adverse effects of local mass media reports that foster racial hatred and violence,

Expressing its appreciation for the positive role played by several non-governmental organizations in monitoring developments and undertaking the "International Inquiry into Human Rights Violations in Burundi since 21 October 1993",

Concerned at the recurring large-scale ethnic violence in the area and emphasizing the need for the investigation and prosecution of the perpetrators as a means to restore confidence in the rule of law, thus facilitating the return of the refugees and displaced persons,

Affirming that the victims and their families should be compensated in accordance with article 6 of the Convention,

Confirming the conclusions and recommendations it adopted on Burundi at its forty-fourth session,

Stressing the need for reconciliation, rehabilitation and reconstruction in the interests of the whole population of Burundi, annex

1. Recommends that the Secretary-General and competent United Nations organs, such as the Security Council, consider urgent measures in cooperation with the Organization of African Unity, with a view to avoiding a new human tragedy in Burundi;

a/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18), annex III.

2. Welcomes the establishment by the United Nations High Commissioner for Human Rights of an office of the Centre for Human Rights at Bujumbura;
3. Supports the technical assistance programme for Burundi and invites Governments of States parties to contribute substantially for the success of this programme;
4. Expresses its readiness to cooperate with the United Nations High Commissioner for Human Rights in the fields of its competence, especially concerning legislative, administrative and judicial reform and the training of government officials and magistrates, and requests him to inform the Committee of relevant developments and of the results of his efforts.

1063rd meeting
16 August 1994

CERD A/50/18 (1995)

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

A. Decisions adopted by the Committee

25. The following decisions were adopted by the Committee under this agenda item at its forty-sixth session.

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6 (46). Report requested urgently from Burundi

Concerned by reports of continuing ethnic tension in Burundi, the Committee, in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, requests the Government of Burundi to expedite its seventh, eighth and ninth periodic reports, due on 26 November 1990, 1992 and 1994 respectively, in order to facilitate consideration at the Committee's forty-seventh session of the implementation of the Convention in Burundi, including specific information on the measures taken by the Government to reorganize public institutions to ensure balanced participation by all population groups in the conduct of public affairs.

The Committee is alarmed by reports of the atmosphere of impunity prevailing in Burundi and supports the appeal for an increased international presence made by the United Nations High Commissioner for Human Rights on 16 February 1995 to prevent further deterioration of the situation.

1097th meeting
16 March 1995

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

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B. Further action by the Committee

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26. The following decisions were adopted by the Committee under this agenda item at its forty-seventh session.

1 (47). The situation in Burundi

The Committee on the Elimination of Racial Discrimination,

Alarmed by reports of the breakdown of law and order in large parts of the territory of Burundi, a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, which is leading to a further deterioration in a critical situation that has the potential for genocide,

Recalling its decision 2 (45) on the same subject, and reiterating the concerns and recommendations contained in that decision,

Fearing that the breakdown of law and order may cancel the benefits of the current efforts of the United Nations to support civil institutions in the country,

Endorsing the recommendations of the Representative of the Secretary-General (E/CN.4/1995/50/Add.2, chap. III) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4/Add.1, chap. VI),

Decides:

(a) To ask the General Assembly and the Security Council to take decisive steps with a view to stopping all violence and preventing another explosive conflict and to begin, in cooperation with the Government and all political forces in Burundi, to implement the following recommendations in particular:

(i) A new police force should be created, staffed by persons drawn proportionately from all ethnic groups who have not been implicated in earlier human rights violations and who can act expeditiously when there is any risk of further ethnic violence;

(ii) The army should be reduced in size and organized for the defence of the territorial integrity of the country. In the prevailing circumstances the army should not be used for the suppression of civil disorders. A programme should be adopted to ensure that, within the present generation, the army is composed of persons drawn proportionately from all ethnic groups;

(iii) The judiciary and the civil administration should be reorganized and retrained so that they represent the whole society. The functioning and impartiality of the criminal courts require close attention. Human rights violations on the part of the military must be treated as criminal offences;

(iv) Measures should be taken as a matter of urgency to halt incitement to or promotion of racial or ethnic hatred disseminated by radio or other mass media and to ensure that those responsible for such incitement or promotion are brought to justice. A special chamber of the court of Bujumbura should be created to deal with criminal offences committed by those responsible for such violations;

(v) Residential neighbourhoods of Bujumbura which previously were ethnically mixed should be rehabilitated. New associations should be established to channel the energies of young people into economic rehabilitation and social development;

(vi) A national institution for the promotion and protection of human rights should be established in accordance with recommendations of the Commission on Human Rights and the Committee on the Elimination of Racial Discrimination. The institution should implement programmes and projects to combat ethnic prejudices and promote peaceful relations between the various ethnic groups of the society;

(vii) An international presence should be maintained including, in particular, the maintenance of a team of human rights observers;

(b) Also to ask the General Assembly to appeal to all States and to the Security Council to halt the supply of arms to all parties until law and order in Burundi are secured.

1124th meeting
16 August 1995

CERD A/51/18 (1996)

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

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B. Decisions adopted by the Committee at its forty-ninth session

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Resolution 1 (49) on Burundi

The Committee on the Elimination of Racial Discrimination,

Recalling that it has more than once called attention to the dangerous nature of the ethnic tension prevailing in Burundi,

Alarmed by recent developments in that country, in particular by the ongoing ethnically-motivated massacres,

Acting under its mandate of urgent procedures aimed at responding to problems requiring immediate attention to prevent serious violations of the International Convention on the Elimination of all Forms of Racial Discrimination,

Welcoming the initiatives undertaken so far at the global as well as at the regional level, in particular by the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees,

Recalling its offers of expertise and assistance for training in human rights for law enforcement officials, law reform and reconstruction of the State,

Urges the Burundian parties to respect the Burundian Constitution, to re-establish democratically elected institutions and the democratic political process, to cooperate closely with democratic institutions, further to design institutions for national dialogue and reconciliation and to respect human rights;

Calls upon all the Burundian parties to cease immediately any massacres and other acts of violence and to cooperate fully with all those who are seeking to bring to an end the vicious cycle of violence;

Urges that measures be adopted to enable the Burundian judicial authorities to conduct an efficient investigation of the massacres and other acts of violence, as crimes against humanity;

Calls upon the Security Council, through the Secretary-General, to reaffirm the determination of the international community to prosecute and punish perpetrators of crimes against humanity, be they officials or private persons, so that there is no impunity for them;

Calls upon all the Burundian parties to cooperate closely with the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights, as well as with the neighbouring countries, and to provide the refugees and displaced persons with the possibility of returning to their homes of their own free will and in safety;

Urges the international community to provide the necessary funds and logistical support for the repatriation of refugees and displaced persons;

Welcomes the initiative of former President Nyerere of the United Republic of Tanzania, the agreements of the Arusha Regional Summit on Burundi of 25 June 1996 (S/1996/557), now fully endorsed, by the Organization of African Unity, as well as the statements contained in the joint communique of the second Arusha Regional Summit of 31 July 1996;

Supports these regional initiatives and efforts aimed at achieving a comprehensive political dialogue between the parties in Burundi, urges the Burundian parties effectively to implement them and reminds all the Burundian parties of their responsibility for restoring peace, stability and justice in Burundi;

Endorses the proposal to dispatch a multinational peace force to Burundi to provide security assistance to prevent another catastrophe that could destabilize the Great Lakes Region of Central Africa and to facilitate a comprehensive political dialogue and reconciliation among the Burundian parties;

Recommends that such a force should receive the financial and logistic support of the United Nations.

1160th meeting
7 August 1996