



Burundi Watch Update ***5-12 November 2017***

SUMMARY

The opening of an investigation by the International Criminal Court (“ICC” or “court”) on the situation in Burundi takes a decisive step in the fight against impunity. Whereas the decision of the Pre-Trial Chamber was welcomed by several groups, mainly victims and civil society, it was strongly opposed by Burundi authorities.

The ICC opens investigation on the Burundi Situation

On 25 October 2017, Pre-Trial Chamber III of the ICC authorized the Prosecutor to open an investigation regarding crimes allegedly committed in Burundi or by nationals of Burundi outside the country. The decision was, exceptionally, issued under seal, that is to say confidentially, since on the basis of available documentation the past and present circumstances in Burundi and neighboring countries establish that there is a danger to the life and well-being of victims and potential witnesses. A redacted version of this decision was made public on 9 November 2017. The Pre-Trial Chamber found that the Court has jurisdiction over crimes allegedly committed while Burundi was a state party to the Rome Statute, which founded the ICC. By ratifying the statute, a state party accepts the jurisdiction of the court over crimes committed either by its nationals or on its territory starting from the moment the statute enters into force for that state and running up to at least one year after a withdrawal instrument is deposited. This acceptance of the jurisdiction of the court remains unaffected by a withdrawal of the state party from the statute and Burundi agreed to this when it signed up to join the Rome Statute. As a consequence, the exercise of the court’s jurisdiction, namely the investigation and prosecution of crimes committed up to and including 26 October 2017 is possible even after the withdrawal became effective for Burundi.



HOW MANY PEOPLE WERE AFFECTED BY THE ALLEGED CRIMES?

In its decision, the Chamber noted that, according to estimates, there have been at least

1,200 KILLED

THOUSANDS ILLEGALLY DETAINED

THOUSANDS REPORTEDLY TORTURED

HUNDREDS DISAPPEARED

reportedly resulting in over **413,000** displaced between April 2015 and May 2017.

Burundi situation



People affected by the alleged crimes committed in Burundi. Credit: ICC on twitter on 9 November 2017

Burundi refuses to cooperate with the ICC

Burundian Minister of Justice Aimee Laurentine Kanyana slammed the ICC investigations on Burundi and declared that the country would not cooperate with The Hague-based court. According to her, the investigation is confirmation of the politicization of human rights and international justice as well as an attempt to destabilize African countries. She claims that her government is not bound to cooperate since Burundi withdrew from the ICC and was not notified of the decision to investigate Burundi before they withdrew. Minister Laurentine also said that Burundi has efficient and able institutions and legal mechanisms to conduct investigations of any kind of crimes committed in its territory without discrimination, fear or favour.

Two East African leaders criticize the ICC

Ugandan President Yoweri Museveni and Tanzanian President John Magufuli criticized the ICC investigation of Burundi as a human rights violation. Museveni accused the ICC of interfering with the efforts of the regional body without consulting its leaders, while Magufuli said the ICC's decision compromises the efforts of the East African Community which had a committee in place led by Benjamin Mkapa the former Tanzanian president to seek a resolution to the conflict. Magufuli also said that the security concerns in Burundi have been exaggerated and it is

not as bad as the ICC says, citing the fact that some refugees have started returning to their homes as evidence.

USA continues National Emergency with Respect to Burundi

On 22 November 2015, by Executive Order 13712, then President of the United States of America Barack Obama declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in Burundi, which was marked by the killing of and violence against civilians, unrest, the incitement of violence, and significant political repression in Burundi, which threatened the peace, security, and stability of the country and the region. This executive action allowed the administration to impose individual sanctions on individuals accused of inciting violence.

In order to maintain these sanctions, the US must renew the declaration annually, which the Trump administration renewed the declaration this month. According to US authorities, the situation in Burundi continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on November 22, 2015 to deal with that threat must continue in effect beyond November 22, 2017¹. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the President of the United States of America decided to continue the national emergency declared in Executive Order 13712 for one year.

Cancellation of the “Belgian Week” in Burundi

The "Belgian week" which was initially scheduled for the period between 11 and 19 November 2017 in Bujumbura was canceled by the Burundian authorities. Belgian diplomats did not give the reasons for this cancellation neither did the Burundi authorities comment on the same.

After two years of interruption following the crisis that has shaken the country, Belgium was going to reconnect with its tradition of organizing "a Belgian week" in Burundi. Basically, the week is an opportunity to discuss economic issues, development cooperation, culture and gastronomy. The first edition of the week took place in 2010 and the last one in 2014.

According to many observers, the cancellation of this event organized by Belgium in Burundi is a sign of tense relations with the Burundian authorities following the recent ICC decision to investigate alleged crimes against humanity. Bujumbura has accused the European Union (EU), of which Belgium is a member, of backing the ICC decision.

¹ <https://www.whitehouse.gov/the-press-office/2017/11/06/notice-regarding-continuation-national-emergency-respect-burundi>

Human rights violations

- On 5 November 2017, Clovis Ngabirano was abducted from Kamenge and taken to an unknown destination.
- On 6 November 2017, an attack by unidentified armed individuals at Matutu Hill in the District of Rutana resulted in three persons being wounded.
- On 6 November 2017, Florida Nibigira was killed by unknown people and her body was recovered half naked at Buringa in the District of Gihanga.
- On 6 November 2017, Colette Kandava was killed by unknown people at Butegana Hill in the District of Bwambarangwe. Her husband Miburo was wounded.
- On 6 November 2017, four staff members of CECAD (Savings Cooperative and Credit for Auto Development) namely Colonel Viator Munyankindi, Deputy Manager of the Cooperative; Major Nestor Bigirimana, Administrative and Financial Director; Colonel Antoine Bigayi and Lieutenant-Colonel Claver Ndikumwami were arrested and detained by the NIS for several hours before they were released.
- On 6 November 2017, the headmaster of Gahosha secondary school, Léonidas Ndayishimiye was arrested in Makamba under the instruction of the governor of Makamba province, Mr. Gad Niyukuri and detained.
- On 6 November 2017, a teacher at Gitaramuka school, Tite Nduwayo, was arrested in Burambi.
- On November 8, 2017, three FNL militants namely Jean Ndikumana, Wilson Nzeyimana and Gabriel Nibigira were arrested by the chief of police in the District of Rugombo at Mparambo hill in the District of Rugombo
- On 10 November 2017, a Burundi-American national, Aimé Nzoyihera working with Trade Mark East Africa in Bujumbura was arrested and taken to the NIS in Bujumbura. He was arrested while attending a regional meeting that gathered several delegations from around the EAC region

Atrocities Watch Africa

Atrocities Watch Africa (AWA) is a non-partisan, civil society organization and institution that intends to provide continental leadership in matters pertaining to the prevention of mass atrocities within Africa and beyond, through multi-pronged approaches that infuse ownership, legitimacy, and sustainable interface. AWA's strategic and approaches are grounded in the realization that atrocities can be prevented through various interventions, including, but not limited to, early warning mechanisms, diplomatic efforts, use of social media and new technologies, litigation, and advocacy campaigns.

info@atrocitieswatch.org
www.atrocitieswatch.org

www.facebook.com/atrocitieswatch
www.twitter.com/atrocitiesw