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To Permanent Representatives of Member and Observer States of the UN Human Rights Council

Geneva, 9 November 2015,

Re: Call for a special session of the Human Rights Council to contribute to UN and regional efforts to prevent atrocities in Burundi

Excellency,

We, the undersigned non-governmental organizations, urge your delegation to actively support the urgent holding of a special session of the Human Rights Council to address the rapidly deteriorating human rights situation in Burundi and contribute, in the framework of the Council's mandate, to UN and regional efforts to prevent atrocities in the country. At this special session, the Human Rights Council should adopt a resolution that:

- ***Expresses*** its deep concern about the rapidly deteriorating human rights situation in Burundi and the impact of the crisis on the Burundian people and the stability of the region, as well as about the targeted attacks on human rights defenders, journalists and their family members;
- ***Condemns*** in the strongest possible terms political violence, human rights violations and abuses and incitement to violence on political, ethnic or other grounds in Burundi, as well as the ongoing impunity enjoyed by perpetrators, including police and security forces, youth groups affiliated with political parties, and officials;
- ***Demands*** that the Burundian authorities end these violations and abuses as a matter of critical and urgent priority, including by immediately halting killings and attacks on human rights defenders, journalists and real or suspected opponents and critics, and by conducting thorough, impartial and independent investigations with a view to bringing those responsible to justice and providing victims with redress;
- ***Requests*** the High Commissioner for Human Rights to urgently appoint a group of independent

experts to monitor, verify and report on the human rights situation in Burundi, with relevant expertise in mass atrocity prevention, as well as in combating incitement to violence on political and ethnic grounds, with a view to making recommendations on preventing atrocities, combating incitement to violence and improving the human rights situation, in particular with regard to the issue of accountability for human rights violations and abuses;

- Requests the group of independent experts to prepare a preliminary report by 15 December 2015 to be shared with the Human Rights Council by the High Commissioner for Human Rights and with the Security Council by the UN Secretary-General; and

- Requests the High Commissioner for Human Rights to publicly report, on a regular basis, on the human rights situation in Burundi and to publish relevant information gathered by the OHCHR country office in a timely manner, and regularly brief the Human Rights Council on developments.

The Human Rights Council must stand ready to take additional measures according to the evolution of the situation in Burundi, including recommending that the General Assembly, in view of gross and systematic violations of human rights by the Burundian authorities, considers the application of the measures foreseen in paragraph 8 of General Assembly resolution 60/251.

The Human Rights Council should invite the High Commissioner for Human Rights as well as the UN Secretary-General's Special Adviser on the Prevention of Genocide and special procedure mandate-holders who carried out visits to Burundi, including the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Rapporteur on the situation of human rights defenders, to brief it during the special session.

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At its last regular session, the Human Rights Council expressed serious concern at the human rights situation in Burundi and demonstrated its ability to respond to a human rights emergency by adopting resolution 30/27,¹ which will allow it to discuss the situation in Burundi during interactive dialogues to be held at its three regular sessions in 2016. However, the Government of Burundi has failed to heed the message of restraint sent by the Council – including the call in resolution 30/27 for all parties “to refrain from any action that could exacerbate tensions in Burundi” – and the rapidly deteriorating human rights situation in Burundi does not allow the Council to wait until its thirty-first session (March 2016) before taking additional measures to prevent atrocities in Burundi.

Despite the efforts made by the United Nations and the Peace and Security Council of the African Union to monitor the situation, report on it and assist national authorities in improving the human rights situation, the situation continues to deteriorate further, and Burundi may be on the verge of widespread violence. Targeted extrajudicial killings have continued unabated, as has a full range of other human rights violations and abuses, some of which are listed in operative paragraph 2 of HRC resolution 30/27.²

The use of incendiary language by a number of high-level officials in the last two weeks is serious cause for alarm. On 29 October 2015, the President of the Senate, Reverien Ndirukiyo, said that security forces would soon go to “work” and urged officials to identify people in their neighborhoods so that the police could intervene. The use of the word “*gukora*,” which means “to work” in Kirundi, is particularly disturbing as it was used to incite people during the 1994 genocide in Rwanda.

On Monday 2 November, President Pierre Nkurunziza issued a five-day ultimatum to “offenders” to turn in their weapons, otherwise they would be “punished in accordance with the anti-terrorist law and fought like enemies of the nation.” He told the security forces they were “authorized to use all means at their disposal to find these weapons and re-establish security” and said the operation would start on 8 November. The First Vice-President was reported on Wednesday 4 November as saying that “play time [was] over”; other senior

1 Resolution [A/HRC/RES/30/27](#), adopted by consensus on 2 October 2015.

2 See also www.fidh.org/en/region/Africa/burundi/; www.hrw.org/africa/burundi; www.amnesty.org/en/countries/africa/burundi/.

ruling party officials, including the Minister of Public Security, who is in charge of the police, have made similar statements. These developments take place in a context in which various ruling party officials appear to be seeking to activate political and ethnic cleavage and laying the ground work for violence. Residents of neighborhoods most affected by the violence fled their homes at the end of last week in anticipation of the expected operation following the expiry of the President's 7 November deadline. *Imbonerakure*, members of the ruling party youth wing, searched residents as they fled.

In a context in which it is increasingly dangerous to carry out independent monitoring of the human rights situation and in which human rights defenders and journalists, and their family members, are openly targeted, the Office of the UN High Commissioner for Human Rights (OHCHR) expressed extreme concern on 23 October at the rapidly worsening security and human rights situation in Burundi, mentioning in particular summary executions by police forces. It urged Burundian authorities to issue clear instructions to all members of the security forces that such acts will be punished with the full force of the law.³ To date, no credible investigations have been carried out to determine who is responsible and put an end to the violence.

On 6 November, the body of Welly Nzitonda, the son of prominent human rights defender Pierre Claver Mbonimpa, was found dead a few hours after he was arrested in the Mutakura neighborhood of Bujumbura where protests have taken place.⁴ On 3 August, Mr. Mbonimpa was himself shot in the face and neck. He was forced to seek medical treatment abroad.⁵ His son-in-law, Pascal Nshimirimana, was shot dead outside his home in Bujumbura on 9 October.

In recent days, key international and regional stakeholders, including the UN Secretary-General, the High Commissioner for Human Rights, and the African Union, have expressed concern at continuing acts of violence and incendiary statements likely to further aggravate the situation in the country.

Consistent with its mandate to prevent human rights violations and respond promptly to human rights emergencies, the Human Rights Council should address the rapidly deteriorating human rights situation in Burundi and contribute to UN and regional efforts to prevent atrocities. To this end, we urge your delegation to actively support the holding of a special session of the Human Rights Council without delay and the adoption of a resolution that articulates a meaningful response on the basis of the elements mentioned above in the current letter.

We thank you for your attention to these pressing issues and are available to provide your delegation with further information as required.

Sincerely,

International Federation for Human Rights (FIDH)
Amnesty International
CIVICUS: World Alliance for Citizen Participation
East and Horn of Africa Human Rights Defenders Project (EHAHRDP)
Global Center for the Responsibility to Protect (GCR2P)
International Commission of Jurists
International Service for Human Rights
Human Rights Watch
Protection International
West African Human Rights Defenders Network (WAHRDN)
World Organization Against Torture (OMCT)

3 See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16642&LangID=E.

4 See the High Commissioner's statement: www.ohchr.org/EN/NewsEvents/Pages/media.aspx?IsMediaPage=true.

5 See his testimony: www.defenddefenders.org/2015/11/voices-that-cannot-be-silenced-pierre-claver-mbonimpa-speaks-out-on-burundi/.