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Press Release SC/8258

Security Council
5093rd Meeting (PM)

SECURITY COUNCIL EXTENDS UN OPERATION IN BURUNDI UNTIL 1 JUNE 2005.

UNANIMOUSLY ADOPTING RESOLUTION 1577 (2004)

The Security Council this afternoon extended the mandate of the United Nations Operation in Burundi (ONUB) for six months, until 1 June 2005, while reiterating its strong condemnation of the Gatumba massacre and reaffirming that the perpetrators of such crimes must be brought to justice.

Through the unanimous adoption of resolution 1577 (2004), the Council urged all governments and parties concerned to denounce violence and incitement, condemn violations of human rights, and actively cooperate with efforts aimed at ending impunity.

Deeply troubled by the fact that a faction of the Forces nationales de liberation, known as Palipehutu-FNL, had claimed responsibility for the Gatumba massacre, the Council expressed its intention to consider measures that might be taken against individuals who threaten the peace in Burundi. At the same time, the Council requested ONUB, along with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), to continue to assist local authorities to investigate the massacre and to strengthening the security of vulnerable populations.

On 13 August 2004, 152 Congolese refugees were killed at the Gatumba camp in Burundi. In his latest report on Burundi, the Secretary-General notes that extensive investigation has yielded no clear evidence of who organized and carried out the massacre.

After the vote, Council members noted that the resolution not only extended ONUB's mandate, but also sent an important message to the parties in Burundi, particularly the Palipehutu-FNL, adding that the cycle of human rights atrocities and impunity in the region must end as a matter of urgency. The representatives of France, Germany, United Kingdom and Spain, noting Burundi's strong efforts to investigate the Gatumba massacre, welcomed that country's intention to refer the matter to the International Criminal Court, while also welcoming the Council's support for such international juridical assistance.

The representative of the United States, however, said he supported the resolution based on the understanding that it in no way directed, encouraged or authorized ONUB to cooperate with or support the International Criminal Court. He requested that the Council put aside its differences on the Court and focus instead on the positive results achieved. He said it was a good day for Burundi, for the prospects of peace there, and for the United Nations, which had reaffirmed its role in the effort.

This afternoon's meeting opened at 4:55 p.m. and adjourned at 5:11 p.m.

Council Resolution

The full text of the resolution reads, as follows:

“The Security Council,

“Recalling its resolution 1545 (2004) of 21 May 2004 and the statement of its President dated of 15 August 2004 (S/PRST/2004/30),

“Reaffirming its strong commitment to the respect of the sovereignty, independence, territorial integrity and unity of Burundi, and *recalling* the importance of the principles of good-neighbourliness and non-interference, and of regional cooperation,

“Reaffirming also its full support for the process of the Arusha Peace and Reconciliation Agreement for Burundi, signed at Arusha on 28 August 2000 (hereafter “the Arusha Agreement”), *calling* on all the Burundian parties to fully honour their commitments, and *assuring* them of its determination to support Burundi’s efforts successfully to bring the transition to an end through the holding of a free and fair election,

“Welcoming the positive achievements that have been made so far by the Burundian sides, including since the deployment of the United Nations Operation in Burundi (ONUB) on 1 June 2004,

“Welcoming in particular the agreement signed in Pretoria by the Burundian parties on 6 August 2004, and the subsequent adoption by the Parliament of an interim Constitution, on 20 October 2004, which provides guarantees for all communities to be represented in the post-Transition institutions,

“Encouraging all Burundian parties to continue their dialogue in a spirit of compromise, in particular during the campaign to explain the interim Constitution and the drawing up of the electoral code, with a view to a lasting political solution,

“Recalling that there is no alternative to the holding of elections as provided for by the Arusha Agreement, and *calling* on the Transitional authorities to carry through the electoral process scheduled to take place until 22 April 2005,

“Paying tribute to the efforts made by the States of the Regional Initiative for Burundi, especially Uganda and the United Republic of Tanzania, and the Facilitation, in particular South Africa, to support the peace process in Burundi, and *encouraging* them to continue to accompany the efforts of the Burundian parties,

“Encouraging also the international donor community to respond to requests from the Government of Burundi to strengthen its national judicial institutions and rule of law capacity,

“Condemning all acts of violence as well as violations of human rights and international humanitarian law,

“Reiterating its strong condemnation of the Gatumba massacre and *reaffirming* that perpetrators of such crimes must be brought to justice,

“Taking note of the joint report of the ONUB, the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) and the Office of the United Nations High Commissioner for Human Rights, regarding the Gatumba massacre on 13 August 2004 (S/2004/821), and *taking note* also of the statement of the government of Burundi dated 29 October 2004 (S/2004/867) and of its commitment to bring its investigation into the Gatumba massacre to a prompt conclusion, with international support as appropriate,

“Taking note of the report of the Secretary-General dated 15 November 2004 (S/2004/902),

“Noting that obstacles remain to Burundi’s stability, and *determining* that the situation in this country continues to constitute a threat to international peace and security in the region,

“Acting under Chapter VII of the Charter of the United Nations,

“1. *Decides* that the mandate of the ONUB, as defined in its resolution 1545 (2004), shall be extended until 1 June 2005;

“2. *Urges* all the governments and parties concerned in the region to denounce the use of and incitement to violence, to condemn unequivocally violations of human rights and of international humanitarian law, and actively to cooperate with ONUB and MONUC and with efforts of States aimed at ending impunity;

“3. *Calls upon* the governments of the Democratic Republic of the Congo and of Rwanda to co-operate unreservedly with the Government of Burundi to ensure that the investigation into the Gatumba massacre is completed and that those responsible are brought to justice;

“4. *Requests* ONUB and MONUC to continue to provide their assistance, within their mandate, to the Burundian and Congolese authorities, with a view to facilitating the completion of the investigation into the Gatumba massacre and to strengthening the security of vulnerable populations;

“5. *Deeply troubled* by the fact that Mr. Agathon Rwasa’s Forces nationales de liberation (Palipehutu-FNL) have claimed responsibility for the Gatumba massacre, *expresses its intention* to consider appropriate measures that might be taken against those individuals who threaten the peace and national reconciliation process in Burundi;

“6. *Requests* the Secretary-General to keep the Council informed, in his forthcoming reports on the situation in Burundi, on action taken by the Burundian authorities following the Council’s recommendations in the fight against impunity;

“7. *Decides* to remain actively seized of the matter.”

Background

When the Security Council met this afternoon, it had before it a report of the Secretary-General updating members on the situation in Burundi, the implementation of the Arusha Peace and Reconciliation Agreement, and the execution of the mandate of the United Nations Operation in Burundi (ONUB) (document S/2004/902). In it, the Secretary-General recommends the Operation’s further extension for six months.

Having made major political achievements in the last six months, especially since ONUB’s deployment, the Secretary-General says that Burundi finds itself at the beginning of a “dynamic but potentially volatile” election process. In the light of the progress made thus far, and in view of the remaining priorities of the transition, the Secretary-General recommends extending ONUB’s mandate for an additional six months. At that time, he says he hopes to be able to report to the Council on the results of the electoral process and, as requested in resolution 1545 (2004), assess the configuration of the military component with a view to its possible adjustment, taking account of the progress made on the ground and the tasks remaining to be accomplished by the mission.

The Secretary-General notes that, in recent months, steady progress has been observed in the peace process, especially with regard to the peaceful extension of the transition and the establishment of a clear electoral calendar, which was the result of concerted national and international efforts. He welcomed the unity of vision through which the Burundian parties averted a constitutional crisis. Major political and social tensions in the country remain, however, fuelled by continuing mistrust between the parties. It is imperative, therefore, to urgently address the outstanding tasks of the transition, so as to avoid any further delays beyond the current extension. He calls on the political and military leaders to take advantage of the extension and resolve those outstanding matters.

In particular, key legislation remains to be adopted, including the electoral code and the communal law, and the laws on the reform of the armed forces and the police, the report states. Disarmament of armed groups must

proceed without delay, so as to allow them to register as political parties, and meaningful military integration should be accomplished as soon as possible. The issue of FNL (Agathon Rwasa) and its potential to disrupt the electoral process must be carefully assessed and addressed.

The report goes on to say, however, that any progress in the implementation of the Arusha Agreement should not be held hostage by either the sectarian or the individual interests of party leaders, both of which have characterized the Burundian peace process to date. At the same time, without prejudice to the need for justice and accountability, it was also important to maintain the inclusiveness of the process, with sufficient political guarantees for all major sectors of Burundian society, reflecting the spirit of the Arusha Agreement. It would be tragic if the Burundian parties were to undermine the progress and confidence-building achieved so far by recklessly pursuing a winner-takes-all strategy.

The Secretary-General says he remains very concerned about the extent of human rights violations. The culture of impunity in Burundi, which has contributed to the nature of the conflict there, must be addressed decisively, in order to lay the foundation of a lasting peace in the country. Burundi's national judicial capacity must be enhanced to allow it to address the many egregious crimes that continue to be committed.

In addition, the Gatumba massacre of August 2004 vividly highlighted the interlinkages between the conflict in Burundi and that of the Democratic Republic of the Congo. Continuing inflows and outflows of refugees throughout the Great Lakes region also demonstrate the need to urgently engender regional cooperation. To this end, the Secretary-General welcomes the convening of the International Conference of the Great Lakes Region, which was held at Dar es Salaam on 19 and 20 November, and which was expected to provide a comprehensive framework where cross-cutting issues affecting the countries of the region will be discussed.

At the same time, the Secretary-General urges the international community to maintain a unity of vision in helping to advance the Burundian peace process. A strong donor response to humanitarian and other pressing appeals would help to stabilize communities and the country as a whole at a time of increased returns of refugees and internally displaced persons and the beginning of the disarmament and integration of the armed forces leading to the elections. Disbursement of pledged support has been slow, and he strongly calls on all donors to act decisively.

Statements

JEAN-MARC DE LA SABLIERE (France) said that the resolution contained an important message to the Burundian parties, particularly the FNL faction cited. He welcomed Burundi's intention to seize the International Criminal Court with the Gatumba matter, as part of efforts on the part of governments and the United Nations systems to put an end to impunity in the region. The Burundi authorities were working diligently on the matter and deserved international support as mentioned in the resolution.

JOHN DANFORTH (United States) said the resolution was important in many ways, including that it extended the United Nations mission, showing that Member States were in the process for the long haul. It also condemned the violence which continued to plague Burundi, stating that those responsible for violence, including the Gatumba massacre, must be brought to justice. The resolution also recognized the important contributions by other African nations in bringing peace to the region. The resolution was comprehensive and forceful. Some had expressed concern that it lacked language regarding the precise forum in which the perpetrators of violence in Burundi might be brought to justice. The United States strongly encouraged Burundi to take further steps to establish its truth and reconciliation commission.

He said it was United States policy to ensure that United States persons, including members of the armed forces, were protected from criminal prosecutions or other assertion of jurisdiction of the International Criminal Court, including through the inclusion of expressed provisions providing such protection. United States persons were not participating in the Burundi operation, thus, it did not believe such express provisions were necessary in the current case. The United States supported the resolution based on the understanding that it in no way directed, encouraged or authorized ONUB to cooperate with, or support, the International Criminal Court. His delegation had also supported the resolution based on the understanding that it did not change the existing nature of ONUB

regarding the investigations of violations of humanitarian law. He requested that the Council put aside its differences on the International Criminal Court and focus instead on the positive results achieved today. It was a good day for Burundi and for the prospects of peace there. It was also a good day for the United Nations in reaffirming its role in that effort.

GUNTER PLEUGER (Germany) said that, unfortunately, the Gatumba massacre was not the first gross human rights violation in Burundi's history. That cycle had to be broken. It was a matter that had to be addressed in the Great Lakes region, as a matter of urgency. For that purpose, the local justice system had to be strengthened, and he welcomed the support the resolution had given for State efforts against impunity. It was right that the Council should encourage States in the region to cooperate with international efforts in that regard, including the referral of cases to the International Criminal Court.

EMYR JONES PARRY (United Kingdom) said the resolution not only extended the mandate, but contained important messages to the Burundi parties, particularly the FNL. The massacre had not been the only case of atrocities being committed in the country. Recent history was also a record of widespread human rights violations. To achieve peace, that cycle must be broken. The fight against impunity was a matter of utmost concern that must be addressed by Burundi and other States in the Great Lakes region. The Burundian justice system needed political and material support, if the fight against impunity was to be won.

He welcomed the Government's intention to refer the matter of the massacre to the International Criminal Court, following its own internal investigations. The United Kingdom welcomed the support that the Council had now expressed for efforts aimed at ending impunity, as well as national efforts, including efforts made with international tribunals, notably the International Criminal Court. There were different views on the International Criminal Court. The United Kingdom was not seeking to impose its views on others, but the Government of Burundi was making a significant effort to investigate the massacre, including through the key decision to refer the case to the Court. It was right that the Council encourage States in the region for those efforts.

JUAN ANTONIO YAÑEZ-BARNUEVO (Spain) said that the resolution contained important messages to the parties, particularly the Palipehutu-FNL, regarding an end to violence. Unfortunately, the massacre was not the only atrocity to have occurred in the 10-year-long civil war. The fight against impunity was a question of particular concern and should be properly tackled by Burundi and other States in the region as a matter of priority. For that, those States needed effective international support. He welcomed the intention of the Burundian Government to submit the matter to the International Criminal Court, once they had concluded their inquiry, and he welcomed the support the Council had provided in that regard.

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