

REPUBLIC OF BURUNDI



OFFICE OF THE SECRETARY GENERAL AND SPOKESPERSON OF THE GOVERNMENT

STATEMENT BY THE GOVERNMENT ON ITS WITHDRAWAL FROM THE INTERNATIONAL CRIMINAL COURT (ICC)

- 1.** The Government of Burundi has learned through the media on November 9, 2017, that three judges of the International Criminal Court ICC have authorized the Prosecutor of the above mentioned Court, the opening of an investigation into crimes allegedly committed in Burundi from 26 April 2015 until 26 October 2017 or continuing beyond that date. The decision was taken as of 25 October 2017, two days before the date of Burundi's actual withdrawal from the Rome Statute governing the ICC, and until now, the Government has not yet been notified.
- 2.** This atypical decision in the history of International Justice is part of the logic of a vast conspiracy against Burundi, particularly aimed at institutions established democratically by the people through free and transparent elections and since Independence of the country resulting from the 1961 elections.
- 3.** This persecution against democratic institutions has continued to this day and is at the origin of the various tragedies enameled of serious violations of human rights that Burundi has experienced. This situation is unfortunately supported by some Burundians, who for lack of patriotism have always been behind the nostalgic foreign powers of a bygone colonial period.
- 4.** Since the elections of 2005 at the end of the painful period of civil war which lasted more than 10 years, the Institutions resulting from these elections, particularly the Government spared no effort to mend the social fabric which was deeply affected by three decades of military regimes that introduced exclusionary politics as a mode of governance.

5. Unfortunately, most of the efforts made by the Government have been and still are undermined by foreign destabilizing elements with the support of Burundian accomplices inside the country. Indeed, it is no longer a secret for anyone, everything that has happened in Burundi since 2015 is an implementation of a destabilization plan against Burundian Institutions carefully designed for a long time by easily identifiable external elements that have partnered against Burundi for reasons of interest.

6. For example, in April 2014 the Head of the United Nations Office in Burundi (BNUB), Mr. Parfait ONANGA-ANYANGA, while he was mandated to assist and support the Government to consolidate peace and security, he allowed himself to send through a clandestine way to the United Nations headquarters a confidential report in which there was mention of a distribution by the Government of Burundi of weapons to young members of the ruling party called IMBONERAKURE to commit genocide.

And more serious, the senior officer cited as responsible for this alleged distribution of weapons was none other than one of the main leaders of the failed coup a year later on May 13, 2015, General Juvénal NIYUNGEKO aka "Kiroho" currently convicted by the courts. The term IMBONERAKURE will be used in all damning reports sponsored and produced on Burundi, including the famous decision of the ICC judges, one of the proofs that the plot has been prepared for long dates.

7. Since 2014 and even before, all the strategies have been developed to achieve a regime change in Burundi and the destabilization plan has been implemented in several stages doubled each time of a plan B in case of failure. The most used strategy has always been the lies, the slander and the excessive demonization of institutions or high authorities through local media, local NGOs and the civil society; all carefully sorted with huge funding and of course foreign media and international NGOs of great renown with mission to produce damning reports likely to convince the international community including the Security Council, to authorize the use of strong means to overthrow the democratically invested institutions by the people.

8. Drawing on some of the politicized and long-term actors of civil society, the planners of the destabilization have created some confusion in the interpretation of the Constitution to organize bloody demonstrations in order to find a pretext for part of the defense and security forces that had prepared to take power by a coup d'état on May 13, 2015. The putsch did not succeed thanks to the spirit of solidarity and unity that

characterizes the new Defence and Security Forces who quickly neutralized the mutineers and protected the legitimate and democratic institutions.

9. In their quest to overthrow the Government of Burundi, the European Union, under the leadership of Belgium, former colonial power of Burundi and focal point of this country at the European level, has taken the lead in the international arena in persecuting Burundi, till misleading some organs of the United Nations which were pushed to commit serious errors and failings at times.

10. We still remember the attempt to send a force of more than 5,000 men called MAPROBU on December 18, 2015, and this on pressure from the European Union which, according to the confession of the Belgian Deputy Prime Minister and Minister of Foreign Affairs, Mr. Didier REYNDERS, recognizes that it is the European Union that has asked the Peace and Security Commission of the African Union to send troops in Burundi. It should be noted that this was the day after an attempted attack on three military camps in Bujumbura on 11 December 2015 by assailants trained in refugee camps in Rwanda.

11. The Heads of State and Government of the African Union quickly understood the trap and at the Summit held on that issue, they took the wise decision not to send such troops without the request or the consent of the people of Burundi who judged this Mission untimely. As soon as this decision was announced, the Government and the people had stood up as one man to denounce this serious attack on the sovereignty of Burundi, and MAPROBU was never sent to Burundi.

12. The attempts of foreign invasion were not limited there because, it is in this climate of impatience that on July 29th, 2016, the European Union under the leadership of France got the 2303 resolution voted, providing for the dispatch of some 228 foreign police officers to Burundi without any consultation or consent of the country concerned in flagrant violation of the fundamental principle of Chapter 6 of the United Nations Charter. Of course, the Government of Burundi, backed by the whole population, immediately denounced, refused and protested against this cheating, and these policemen never came to Burundi as all the people of Burundi were opposed to their sending.

13.To show that the evil project was not abandoned, the recent attempt to implement this strategy of resorting to force in this game of destabilization of Burundi by the European Union under the pressure of Belgium was the race against the clock to obtain the prosecution and condemnation of the highest officials of the Burundian State institutions by the ICC. The Prosecutor of the International Criminal Court, Fatou Bensouda pressured by the EU, took the decision in April 2016 to open a preliminary examination, a prerequisite to an investigation into the violence committed in Burundi since April 2015 on the basis of false reports written by NGOs and human rights defenders already positioned in the conspiracy against Burundi.

14.Noting that this unilateral decision of the prosecutor constituted a serious violation of the Rome Statute with regard to the principle of complementarity between the ICC and the States Parties, the Government of Burundi decided to withdraw from this Statute because this Court had become a political instrument of the powers that sponsor its operation and remunerate its magistrates. And it is as a result of this withdrawal that the machine accelerated its speed by voting resolutions after resolutions against Burundi and this regardless of the rules of procedure.

15.Thus, during the session of the ACP-EU Parliamentarians on the Island of Malta from 19 to 21 June 2017, former Belgian Prime Minister Louis Michel, currently a European Parliamentarian did his utmost to get a very unjust resolution on Burundi. Fortunately, the resolution was unanimously rejected by the bloc of ACP Parliamentarians. To take consolation of its own, Belgium got its draft resolution adopted at home by the European Parliament in its session of 6 July 2017.

16.On 29 September 2017, at the 36th session of the Human Rights Council in Geneva, the European Union delegations had prepared an unjust draft resolution based on the same lies about Burundi; an unacceptable draft to the Government of Burundi. After tough negotiations, the African Group, in a constructive spirit, proposed an alternative draft resolution taking into account the concerns of both parties. The resolution was passed and adopted thanks to the solidarity of the African countries and other friendly countries that understood the malice of the European Union.

17.Again, to the total surprise and against all odds, some delegations of the European Union decided to impose their radical resolution, prompting an odd and unprecedented

situation, where the Council of Human Rights in less than 24 hours, was forced to adopt two resolutions with diametrically opposed mandates, on the same country (Burundi), during the same session. The only obsession to see Burundi before the ICC is at the origin of this useless blocking situation.

18.The decision of the International Criminal Court (ICC) to authorize the opening of an investigation into alleged crimes against humanity between 2015 and 2017 in Burundi is therefore only the result of a long-planned agenda, yet due to the lack of a legal basis will have no effect on Burundi, its people and its institutions, especially since the authenticity of the decision is very doubtful.

19.In all ways, everything shows that the judges of the ICC did not make any decision before the effective exit of Burundi on October 27, 2017. Indeed, in their media outings from October 28 to November 03, 2017, the day after the effective farewell of Burundi to the ICC, neither the Spokesman of this Court nor the Prosecutor were aware of the famous decision based on their statements amid an event of such a great importance.

20.It is therefore an incommensurate cheating, the document published through the media is antedated under the pressure and injunction of the financiers of the Court including some countries of the European Union particularly Belgium. Therefore, all the actors in this machination have only honored their contract and shall consequently collect their fees, unfortunately to the detriment of the Law and the Universal Morality.

21.With such an unfair persecution against a sovereign State and its legitimate institutions, Burundi would long ago have withdrawn from this ICC, had it not been for the legendary patience but which does not mean resignation which characterizes the Burundian people. But it was necessary to give time to its partners to realize that the injustices inflicted by the powerful countries against weaker ones constitute a serious threat to the United Nations and its institutions.

22.Therefore, any cooperation of the Government of Burundi with the ICC is not an option, not only because Burundi has already parted company with this Court from 27 October 2017 without having been notified of the decision of the judges, but especially that the authenticity of the latter remains doubtful.

23.The Government warmly thanks all the friendly countries which have shown their solidarity with the Burundian people whose sovereignty was almost sold at an auction by the nostalgic powers of the colonial period.

24.The Government particularly thanks the Heads of State and Government of African countries, particularly those of the East African Community, for their role in ensuring that Burundi retains its sovereignty and dignity in the comity of nations with the exception of Rwanda which has marginalized itself. The recent position of their Excellencies Presidents Yoweri Kaguta Museveni of Uganda and John Pombe Magufuli of Tanzania against the ICC decision is a talking example of this solidarity.

25.In concluding, the Government appeals to the United Nations Secretariat to bring to an end the politicization of some of the main organs of its system, particularly the Office of the High Commissioner for Human Rights and the ICC, which has become real instruments of destabilization of States. At the pace and manner in which certain resolutions and decisions are taken, these institutions risk increasing tensions and conflicts rather than resolving them, and thereby affect the credibility of the entire United Nations system.

26.With the European Union, the Government of Burundi remains open to all cooperation in the strict respect of its sovereignty and that of its people. It appeals to the European Union to review all the measures unfairly taken against Burundi, by erroneous information or on the basis of false reports that it has financed itself.

27.And to Belgium, the main architect of this campaign against Burundi, to put an end to its ambitions to bring back under guardianship its former colony and its policy based on hatred and division it has introduced in the country since the colonial era. If Belgium is not able to play the role of the solicitor for its former colony, it is urged to refrain from its negative influence against Burundi at the European Union level.

28.Finally, the Government urges the people of Burundi to remain calm, cool and collected, to focus more on the development work and to prepare with serenity for the 2020 elections. For its part, the Government reassures the people of Burundi that it will never betray them, and that not even an inch of its sovereignty and independence will be given away. With the ICC being a story of the past, let us prepare together the future of our country.

Done at Bujumbura, 16 November 2017

Philippe NZOBONARIBA

Secretary-General and Spokesman
of the Government.-