



Fédération Internationale des Ligues de Droits des
L'Homme/International Federation for Human Rights

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Burundi

**An opportunity for the prosecutor to fight impunity
in the whole Great Lakes Region**

Burundi ratifies the Statute of the International Criminal Court

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Now with the recent ratification of Liberia and Guyana, more than half of the UN Member States signed the Statute establishing the first standing international criminal jurisdiction.

While at the national level the drafts of international criminal Court and Truth and Reconciliation Commission provided by the Arusha Peace Agreement of 2000 were only pious wishes, the ratification of the ICC Statute by Burundi is a real hope for the victims. After long prevarications from national authorities - the bill authorizing ratification was adopted by the transitional national assembly in April 2003, and enacted on August 30th, 2003 - the FIDH and ITEKA are satisfied that the Burundian government considers at last the fight against impunity and the fundamental right of the victims to an effective appeal as essential elements for the democratic transition.

The FIDH and ITEKA recall that to give full effect to the complementarity principle provided in the ICC Statute, States necessarily have to adapt their domestic law to integrate the definitions of international crimes, general principles of the international criminal law and allow cooperation with departments of the Court.

The ratification of the Statute by Burundi might also be the occasion for the Prosecutor of the ICC to adopt a criminal policy answering to the particularly instable and conflict situation in the Great Lakes Region.

Considering that the ICC Prosecutor already initiated two investigations at the request of DRC and Uganda' authorities, the FIDH and ITEKA recall that the fact finding and the train of responsibilities involve a global vision of the past and pending conflicts and a taking into account of the transborder effects.

In its press release [1] of August 18th, 2004 the FIDH called the ICC prosecutor to include in his investigations the massacre of the Congolese in Gatumba where more than 160 banyamulenge, including women and children, were savagely shot and stabbed to death and some were even burnt alive in their makeshift shelters.

The FIDH and ITEKA thus call upon the Prosecutor to take into account the interconnection between those conflicts [2]. With a regional view of these investigations, the Prosecutor of the ICC would maintain his independence more clearly and would be more likely to understand the reality of the crimes committed in the Great Lakes Region.

[1] See FIDH press release « Déclaration commune sur les massacres de Gatumba », August 18th, 2004 (http://www.fidh.org/article.php3?id_article=1838).

[2] See press releases : « La première enquête de la Cour pénale internationale portera sur la situation en République démocratique du Congo », June 24th, 2004, (http://www.fidh.org/article.php3?id_article=1471) ; and « Uganda : Security and protection of victims must guide the Prosecutor' intervention » (http://www.fidh.org/article.php3?id_article=1690), July 29th, 2004.