



LIGUE BURUNDAISE DES DROITS DE L'HOMME  
"ITEKA"

LBDH/046/2023

Kampala, 30 March 2023

PETITION TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA) ARGUING FOR  
THE ENFORCEMENT OF JUDGEMENT NO. 1 OF 2020 RULING ON THE  
UNCONSTITUTIONALITY OF THE CONSTITUTIONAL COURT'S DECISION  
AUTHORISING PIERRE NKURUNZIZA'S THIRD TERM IN OFFICE

FROM: Ligue Burundaise des Droits de l'Homme Iteka  
TO:



- 1) Speaker of EALA
- 2) Chairperson of the EAC council of Ministers
- 3) Secretary General of the East African Community
- 4) Council of ministers (all)
- 5) Chairperson of Committee on Legal, Rules and Privileges
- 6) Chairperson of Committee on Regional Affairs and Conflict Resolution
- 7) Chairperson of Committee on General Purposes

*Devd by*  
*Emily Okema*  
*PS - Clerk's office*

Copy to  
The chief Justice.  
Clerk of EALA and  
the Register.



# LIGUE BURUNDAISE DES DROITS DE L'HOMME

"ITEKA" association sans but lucratif

Agréée par l'ordonnance ministérielle n°530/0273 du 10 novembre 1994 revoyant l'ordonnance 550/029 du 6 février 1991

Membre affilié de la fédération Internationale des Ligues des Droits de l'Homme (F.I.D.H)

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## 1. BACKGROUND

On 5 May 2015, in reaction to the petition of 14 Senators from CNDD-FDD party, the Constitutional Court of Burundi issued, upon instruction, the judgment RCCB303 considering the candidacy of the late Pierre NKURUNZIZA constitutional.

The declaration of candidacy for the third term of the late President Pierre NKURUNZIZA caused mob demonstrations led by opposition political parties and civil society organizations demanding the respect for the spirit and the letter of the Arusha Peace and Reconciliation Agreement and the 2005 Constitution that stemmed from it. They were joined in these demands by a large group of slingers from the CNDD-FDD ruling party.

These demonstrations were repressed in blood over a protracted period, resulting in a large number of political exiles, imprisonments, extrajudicial executions, forced disappearances, rapes and many other crimes.

The civil society submitted the matter to the judicial authorities of the East African Community (EACJ) and after having exhausted all procedures, the Court handed down in Bujumbura on 25 November 2021, judgment 1/2020 confirming that the verdict RCCB303 of the Constitutional Court of Burundi violated the Arusha Agreement for Reconciliation in Burundi, the Constitution of the Republic of Burundi and the Treaty instituting the East African Community.

Regrettably, this judgment, which is final in view of the law, has not been executed by the Burundian State, the losing party, and the organs of the East African Community have not intervened by virtue of the powers entrusted in them to push the Burundian State to execute the judgment.

The bearers of this petition are plaintiffs and victims as well as citizens who wish to see Burundi become once again a state governed by the rule of law as per the substance of the Arusha Agreement for Peace and Reconciliation in Burundi.

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## 2. PETITION

- Reaffirming our trust in the East African Community (EAC) as an opportunity for Member States to reinforce the shared values contained in the Treaty instituting the Community, and to move towards a common destiny of the respective peoples;
- Considering the fundamental principles of the Community as namely set out in Articles 6 (c), (d) and 7 (d) preserving the peaceful settlement of disputes, as well as good governance and the rule of law;
- Emphasizing in particular Article 38 (3) obliging Member States to take immediate steps to execute the judgments of the East African Court of Justice (EACJ);
- Recalling the means of action provided by the Treaty through Articles 49 (d) enabling the Assembly to discuss all matters relating to the Community and to make the necessary recommendations to the Council of Ministers, 59 (1) and 59.3 (b) respectively giving members of the Assembly the power to initiate a motion and the Assembly to decide to request the Council to submit any appropriate proposal on matters on which it considers that a decision is required;
- Considering it rather worrying that a judicial decision concerning a Member State and 12 million East African citizens is considered as a non-event by the Government of Burundi;
- Recalling the dividends of the Arusha Peace and Reconciliation Agreement in Burundi to end the war and the return to peace, the repatriation of refugees including all rebel movements, the establishment of stable institutions and the strengthening of social cohesion, the reconstruction of the economic fabric, etc;

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- Concerned about ending the serious multiform impacts of the 2015 political crisis that have become recurrent, the key to which is in the execution of the EACJ judgment n° 2020;

Urge the East African Legislative Assembly - fortunately gathered in ordinary session in Bujumbura - as the popular representation of East African citizens, to use its prerogatives to activate the mechanisms of the Community for the execution of the above-mentioned judgment in order to:

- ✓ restore the constitutionality of the institutions of the Republic of Burundi;
- ✓ Re-knit the social fabric of Burundi, particularly through the return of refugees and political exiles, the cancellation of the arrest warrants issued against different political and civil society figures, the reopening of civil society organizations and the media and the release of all political prisoners ;
- ✓ Restore the image of the judiciary by accepting and executing the judgment of the East African Court of Justice;
- ✓ Avoid creating a dangerous example that could contaminate the entire region and shatter the promising future of the peoples of the Community;
- ✓ Give due credit to the organs of the Community.

We wish to assure of our full confidence in the ability of the EALA to address this issue in a fair and responsible manner. We are also confident that the EALA will continue to work for the interest of all the citizens and that you will take informed decisions for the good of the East African Region.

On the behalf of Ligue Iteka

Anschaire NIKOYAGIZE

President



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