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ICC: New Burundi Investigation

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The [International Criminal Court \(ICC\)](#) judges' decision announced today to open an investigation in [Burundi](#) gives victims hope that those responsible for grave crimes over the past two years could be held to account, Human Rights Watch said today. A three-member panel of ICC judges determined that the court can step in as a last resort to address crimes against humanity in Burundi.

In late April 2015, the announcement by the ruling National Council for the Defense of Democracy - Forces for the Defense of Democracy (CNDD - FDD) that President Pierre Nkurunziza would run for a third term ignited protests in the capital, Bujumbura, and later in other locations. Members of the [Burundi](#) ruling party's youth league, the [Imbonerakure](#), and government security forces, particularly the national intelligence service (Service national de renseignement, SNR), have killed and tortured scores of opposition political party members and other perceived opponents since the start of the crisis.

"Members of the *Imbonerakure* and government forces' devastating track record of unchecked abuses, which include rape, torture, and executions, left Burundi ripe for ICC scrutiny," said [Param-Preet Singh](#), associate international justice director at Human Rights Watch. "ICC involvement means victims in Burundi and their families may one day see those responsible brought to justice."

Judges Chang-ho Chung, Antoine Kesia-Mbe Mindua, and Raul C. Pangalangan of pretrial chamber III issued the decision to open an investigation on October 25. The decision was under seal to protect victims and potential witnesses.

Burundi became a state party to the ICC in December 2004. Following its [notification to the UN secretary general](#) of its intent to leave the court in October 2016, on October 27, 2017, Burundi became the first member country to officially withdraw from the ICC. The pretrial chamber found that the court has jurisdiction over crimes allegedly committed while Burundi was an ICC state party. The judges also concluded that the prosecutor is authorized "to extend her investigation to crimes which were committed before 26 April 2015 or continue after 26 October 2017 if certain legal requirements are met."

So far, the [ICC prosecutor has identified](#) the crimes against humanity of murder and attempted murder, imprisonment or severe deprivation of liberty, torture, rape, forced disappearance, and persecution allegedly committed in Burundi, and in certain instances outside of the country by Burundi nationals.

In September, a [UN-mandated commission of inquiry indicated](#) that there were reasonable grounds to believe that crimes against humanity have been committed in Burundi, including murder, torture, rape, imprisonment, and persecution, against a backdrop of almost total impunity. The commission urged the ICC to investigate these violations.

The ICC is meant to act as a court of last resort, stepping in only when national courts cannot or will not prosecute the most serious international crimes. Hundreds of people have been [tortured](#), [killed](#), [raped](#), or [disappeared](#) in Burundi since 2015. The Burundian justice system, deeply corrupt and [manipulated by ruling party](#) officials, almost never conducts credible investigations or brings those responsible for these crimes to justice. Hundreds of arbitrarily arrested people have been detained on trumped-up charges.

The ICC's investigation is the court's 11th investigation. On November 3, the ICC prosecutor indicated that she would [seek permission from the judges](#) to open an investigation into grave crimes committed in Afghanistan since May 1, 2003 "in due course."

In late 2016, South Africa and Gambia also took steps to withdraw from the ICC, although [Gambia](#) reversed course. South Africa's withdrawal is suspended after [South African courts](#) found that the government did not follow the necessary steps and South Africa abandoned domestic legislation to withdraw. [Activists from across Africa](#) have urged African governments to support the ICC, and a number of other African states have also spoken out to [reaffirm](#) their commitment to the court.

"The decision to open an investigation signals that ICC withdrawal does not simply shield a government from scrutiny about its role in grave human rights violations," Singh said. "The role of the ICC cannot be negated, leaving horrific abuses forgotten in darkness."

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