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Chair

Mr. Michael Levitt

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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•(1305)

[Translation]

The Vice-Chair (Mr. David Sweet (Flamborough—Glanbrook, CPC)): Good afternoon, colleagues

[English]

Welcome to the ongoing study of the human rights situation in Burundi.

We have with us today, Mr. Sébastien Touzé. He's on the United Nations Committee Against Torture. I suspect that our chair will arrive soon, so we'll graciously change spots when that happens, but now we will have Mr. Touzé begin his opening remarks.

Sir, go ahead, and after you're finished, we'll continue with a round of questioning, as is the tradition here with our committee.

[Translation]

Mr. Sébastien Touzé (Law Professor, Université Panthéon-Assas (Paris II), As an Individual): Thank you, Mr. Vice-Chair.

As you know, at its last session in July and August, the Committee Against Torture had to consider a special report prepared by the authorities of Burundi regarding the implementation of the convention against torture and especially various alleged violations by Burundian authorities.

Before I go over the important aspects of the study on Burundi by the Committee Against Torture, I want to turn to the context in which the consideration of the special report on this state took place.

As you know, the Republic of Burundi has been a party to the Convention Against Torture since 1993. A first report was reviewed in 2014. Since then, the political situation in Burundi has changed significantly. According to information submitted to the Committee Against Torture, since the beginning of 2015, there has been a complete breakdown in the rule of law and the termination of a process that was successfully initiated by the Arusha accord of August 28, 2000.

This breakdown has been repeatedly denounced by several United Nations bodies and institutions. When the Committee Against Torture decided to review the matter, its approach was part of a much broader context, which I want to address first.

As you know, the United Nations Security Council had the opportunity to adopt several resolutions on the human rights situation in Burundi: a first resolution on November 12, 2015, and

a second in 2016. Very recently, on July 29, 2016, the Security Council passed a resolution asking that additional police forces be sent to monitor the activities of local authorities.

The United Nations Human Rights Council also adopted a resolution on December 17, 2015, establishing a commission of inquiry with independent experts to document violations and make recommendations. The expert group report was submitted on September 20, 2016, confirming the points identified by the Committee Against Torture, to which I will come back later.

In addition, on September 30, the Human Rights Council adopted a resolution confirming all the concerns raised by the Committee Against Torture and demanded that an international commission of inquiry be set up right away.

Prior to that action of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights also prepared a report on June 17, 2016, describing an urgent and worrisome situation, and adopted a resolution setting up an office of the United Nations High Commissioner for Human Rights on the ground. The office opened in January 2015.

As you know, the International Criminal Court is also dealing with this matter, just like the African Union, which sent a number of monitors into the field. Other institutions, including the Working Group on Arbitrary Detention, have also been warned about the situation and have adopted specific language.

In light of all those factors, on November 16, 2015, the Committee Against Torture decided to ask the State party to provide information on the follow-up of the concluding observations of 2014. In a verbal note dated November 30, 2015, the permanent mission of Burundi agreed to submit that information without delay. That never happened.

Given the context and the challenges facing the country and given the concerns shared by the United Nations on the domestic situation, the Committee Against Torture, in accordance with Article 19 *in fine* of the Convention Against Torture called on Burundian authorities to submit a special report on several points deemed urgent. The report was slow to arrive, as it was provided to the Committee Against Torture only on June 29, 2016. The report is far from satisfactory; it is a series of general points that are irrelevant and not at all related to the questions that had been asked by the Committee Against Torture.

•(1310)

In short, the report presented us with a first challenge: how can we understand the issues that we raised directly with Burundian authorities, when this report is already a sign of clear bad faith?

This bad faith was actually confirmed during the visit of the Burundian authorities. When the delegation arrived in Geneva, the Committee Against Torture found itself in a completely unprecedented and particularly worrisome situation. The Burundian authorities had actually delegated a number of dignitaries, and the head of the delegation was Burundi's justice minister. The delegation appeared before the Committee Against Torture for the first discussion that we systematically have with the states and in which we take part by sending two rapporteurs, including myself. The dialogue was on the various points that we are asking state authorities to clarify.

So they attended the first meeting and never returned. First thing the next morning, we received a letter signed by the Minister of Justice herself, informing us that the delegation would not appear before the Committee Against Torture for two reasons. The first reason was that they had not been given enough time to answer all the questions that had been asked by the committee members. The second was that, according to the justice minister, the information on which the committee was relying was simply false and came from politicized NGOs only.

So the Committee Against Torture was in an unprecedented situation. Although some states refuse to appear before the committee, this was the first time that a state appeared, but did not return. So we had to decide how to approach this first problem, given that the whole idea was for the Committee Against Torture to maintain dialogue with the Burundian authorities.

We gave the Burundian authorities 48 hours to submit their comments in writing, as we also do for the majority of states that do not have an opportunity to respond orally.

Clearly, no written response was sent by the Burundian authorities. At the same time, it was more worrisome that four lawyers, who were members of human rights NGOs in Burundi and who attended the first meeting, informed us that they were the subject of a request to be removed from the Bujumbura bar association. That removal request came directly from the justice minister, head of the Burundian delegation before the Committee Against Torture.

The refusal to appear before the Committee Against Torture, in addition to the proven reprisals, seemed sufficiently worrisome for the Committee Against Torture to follow up on the reprisals. This is also mentioned in the concluding observations finally adopted by the Committee Against Torture without the government's reply on August 12, 2016.

Let me share with you the concluding observations, at least their main points, given that I am at the disposal of the members of the Subcommittee on International Human Rights to answer any questions they may have and to make clarifications.

In its concluding observations, the Committee Against Torture noted the following points.

It stressed its deep concern about the serious human rights violations committed in Burundi since April 2015, as part of the efforts to thwart the protest movement, which was the result of President Pierre Nkurunziza's decision to stand for a third term.

The Committee Against Torture was particularly shocked to find that there were systematic extrajudicial and summary executions of the opponents of the regime.

•(1315)

In addition, the Committee Against Torture expressed deep concern about reports of many mass graves with no investigation being conducted by the Burundian authorities. The existence of those mass graves has been proven and was even recognized by local leaders and authorities, and yet no action has been taken and no investigation has been opened to shed light on that situation.

The Committee Against Torture also expressed deep concern about numerous cases of enforced disappearances documented between April 2015 and April 2016, and about the rising trend of disappearances, which has also been pointed out by the UN Secretary General.

The Committee Against Torture also expressed concern about the 651 cases of torture recorded between April 2015 and April 2016 by the Office of the United Nations High Commissioner for Human Rights in Burundi. We were also informed of a recent increase in cases of torture in connection with the political crisis and an increased use of force to disperse a number of demonstrations.

The Committee Against Torture also noted with concern numerous and consistent reports of systematic and serious breaches of the convention by the youth league—the *Imbonerakure*—of the governing party. The Committee Against Torture expressed concern about consistent information showing that this group, the *Imbonerakure*, which can be described as a militia, was armed and trained by the authorities of the State party and took part with the police and members of the national intelligence service in arrests and independently carried out acts of repression in complete impunity.

The Committee Against Torture was also deeply concerned by numerous and consistent allegations of sexual violence against women as a weapon of repression during demonstrations and during searches conducted by the police, military and the *Imbonerakure* in the so-called dissident neighbourhoods of Bujumbura. The facts that have been reported to us point to the almost systematic involvement of the *Imbonerakure* in those acts of sexual violence.

In our concluding observations, we also found that the candidacy of the president for a third term had also challenged the sharing of power on a politico-ethnic basis established by the Arusha peace accord. In addition, we were seriously concerned by reports from United Nations sources denouncing statements by senior Burundian officials using genocidal rhetoric.

We were also gravely concerned about consistent reports of intimidation and attacks against human rights defenders and journalists, who are also often considered political opponents.

In line with this widespread concern, the Committee Against Torture expressed its deep concern about the justice minister's letter of July 29, 2016, asking, as I was saying earlier, that the four Bujumbura lawyers who participated in the dialogue with the committee be removed from the bar.

To conclude my brief presentation, I would say, in light of all the points highlighted in the concluding observations of the Committee Against Torture and subsequent developments, it is clear that the situation in Burundi is extremely alarming in many ways. Without wanting to rank the key issues, it still appears that—

● (1320)

[English]

The Chair (Mr. Michael Levitt (York Centre, Lib.)): Sorry, but could I ask you to take another minute to close, and then hopefully we can explore some of these additional issues during the questioning.

[Translation]

Mr. Sébastien Touzé: Of course, I was about to wrap up.

So I was saying that the main risk we are seeing has to do with the genocidal rhetoric being developed, which means that immediate oversight measures must be taken to prevent Burundian authorities from committing such a crime. Ethnic tensions are clear and are also reinforced by the regional context, particularly through the increasingly tense relationships with Rwandan authorities.

In addition, I think more international pressure is needed to convince Burundian authorities to agree to the various oversight and surveillance measures proposed by the UN.

Those are the points I wanted to bring to your attention. I am now ready to answer any questions you may have.

[English]

The Chair: Thank you very much for your remarks.

We'll go right to the first round of questions, and to lead off is MP Sweet.

[Translation]

Mr. David Sweet: Thank you very much, Mr. Touzé.

[English]

We appreciate all of your work, and we're glad you are with us today.

I want to refer to part of the report with regard to the reports of the mass graves. That's in paragraph 44. The report says that the committee was investigating allegations of mass graves, and then there was evidence via satellite that those mass graves existed.

Does the UN have the resources to continue to monitor those suspected mass gravesites so that when the hostilities reach a point where investigators can go in, they can start to harvest evidence in that regard?

[Translation]

Mr. Sébastien Touzé: Right now, the issue is that the officials of the commission that will be set up have not yet received the approval of the Burundian authorities to go there. If the authorities agree to

receive the members of the commission of inquiry on Burundian territory, the members will clearly have access to the mass graves.

For the time being, there is no indication that Burundian authorities have allowed UN officials to access the mass graves on the ground. However, the existence of the graves has been proven. A number of reports by NGOs mention them and have identified their locations. So that's still a matter that deserves to be investigated.

● (1325)

[English]

Mr. David Sweet: I suspect that the evidence from the satellites was from friendly member states. What I'm wondering is will they continue to surveil that while they are waiting for the officials to be accepted by Burundi.

[Translation]

Mr. Sébastien Touzé: We have also consulted satellite evidence, sent to us by the Office of the United Nations High Commissioner for Human Rights on the ground. The issue is that direct access to the mass graves is impossible right now without the permission of the Burundian authorities. Clearly, light must be shed on their existence and magnitude. The data show that there are almost 600 bodies in some graves. We have received the data from NGOs. At any rate, for now, we are not able to check on the ground the existence and size of those mass graves.

[English]

Mr. David Sweet: I have discovered recently, because of social media, that the government has been very vocal toward anybody who expresses any opposition to them even outside the country. The African Commission on Human and Peoples' Rights is suggesting that the president's seeking a third candidacy was the trigger, but not really the cause of the current situation. They are suggesting that the cause is a history of violence and impunity, as well as the high youth unemployment and real or perceived domination of state institutions by the ruling party, the rise of corruption, and the poor social safety net.

Would you agree with that?

[Translation]

Mr. Sébastien Touzé: Our finding clearly shows that the current president is responsible for the current situation in Burundi. His decision to run for a third term is in completely at odds with the Arusha peace agreement, which had managed to maintain an ethnic balance in Burundi's institutions.

I don't think the factors you mentioned are the cause of the situation in the country. They are aggravating factors, but the president's decision was the driving force behind the current situation. That decision led to the strong protest by Burundians. After that decision, we were able to see protests being quickly staged in various areas of Bujumbura and then strongly suppressed by Burundian authorities. In other words, everything started with that decision.

[English]

Mr. David Sweet: My last question is on Gervais Niyongabo. He was the chairman of the opposition Fedes-Sangira party, and one of the few opposition leaders able to work inside Burundi. He was detained in the southern region on September 28. Has there been any word about where his location is right now or where he is being detained?

[Translation]

Mr. Sébastien Touzé: That was one of the questions we asked the Burundian delegation when they came to Geneva. We have no idea where he is. In fact, we don't even know whether he's still alive. Unfortunately, we received no answers to our questions.

[English]

Mr. David Sweet: Thank you.

The Chair: I'm going to pass the floor to MP Tabbara.

•(1330)

Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.): Thank you, Mr. Touzé, for being with us today. We really appreciate the testimony you're giving to this committee and the continued work you're doing in that region.

Some of the recommendations of the UN Committee against Torture include conducting investigations and ensuring those who are responsible are persecuted and sentenced. The office of the prosecutor of the ICC, the International Criminal Court, is conducting a preliminary examination, and a UN-led commission of inquiry in Burundi has been created.

Do you think they will be able to work on the ground? Are you seeing a lot of trouble with on-the-ground work? You mentioned in your testimony that the government in Burundi is reluctant to...any sort of dialogue with the international community.

[Translation]

Mr. Sébastien Touzé: The difficulty won't be maintaining the dialogue with authorities in Burundi but renewing it. The Burundian authorities had accepted the arrival of three independent experts, who submitted their report on September 20, 2016. These three experts were able to visit, but the report that they submitted to the Human Rights Council is quite damning. To some extent, it led to the resolution that was adopted recently. However, participation in it has been very poor. In fact, there were only 16 votes in favour and 21 abstentions.

Obviously, all these elements point to a breakdown in dialogue with the Burundian authorities. We do not maintain constant contact with the authorities. The first step will be to resume dialogue with them, then to convince them to accept that the commission of inquiry requested by the Human Rights Council visit the country and verify the information we have.

I think we mustn't delude ourselves: we are indeed dealing with a state that is refusing dialogue and is in utter denial. What happened in Geneva last summer is undeniable proof of that. None of the violations we have reported that were based on information we came across was admitted by the Burundian authorities. They entirely reject all accusations against them and think there is an international plot against them.

So, we are at an impasse, and it is true that the diplomatic dialogue needs to resume so that experts from the United Nations or the African Union can go there to establish the veracity of the facts reported internationally on various occasions.

[English]

Mr. Marwan Tabbara: You mentioned in your testimony earlier about the four lawyers who were contributing to civil society and reporting crimes against torture and crimes against humanity. Can you briefly go back to that and give us an update on what happened there?

[Translation]

Mr. Sébastien Touzé: Of course.

We met with these four lawyers when they came to Geneva. They were there during the hearing of the Burundian authorities because they had been involved in developing the report or the counter report of a collective of non-government organizations with which they were working.

You know how the Committee against Torture operates. Information is sent directly to it by the United Nations office in the field and by various interested UN bodies in the region. Then, through local or international NGOs, civil society escalates reports to the Committee against Torture showing violations that we might not have been aware of. We verify the information and meet with the NGOs before meeting with the state involved.

When we met with these NGOs, which formed a coalition under the World Organization Against Torture, we heard the arguments of the lawyers. They were then present when the Burundi delegation was received by the Committee against Torture. The day the committee noted the delegation's absence, the four lawyers were subject to removal from the Bar of Bujumbura.

The Minister of Justice argued that the four lawyers allegedly attacked state security. In other words, the only argument was that these lawyers had participated in various demonstrations, thereby threatening internal security and, as a result, they were subject to trial and criminal prosecution. Therefore, she demanded that these four lawyers be removed from the Bar of Bujumbura.

The four lawyers came to us with this on August 5, 2016. As set out in the Convention Against Torture, the victims of reprisals can refer their matter to the Committee against Torture, which then informs the state authorities in order to obtain clarifications about the facts that have been brought to its attention by these victims of reprisals. Therefore, we took action immediately and informed the mission of Burundi in Geneva. We received this very terse response:

The Government of Burundi is also appalled by the attitude of the Committee, which adamantly defends people who, under Burundian criminal law, are defendants in regular criminal procedures by citing the presumption of innocence even before the Committee has first verified their false and malicious allegations of reprisals.

These four lawyers aren't in Burundi; they had to flee Bujumbura. Some of them are in the Democratic Republic of the Congo, others are in Rwanda and one of them is currently in Brussels, if I'm not mistaken.

Following consultation with these four lawyers, many bar associations became worried, including those in Geneva, Paris, London and Brussels. In short, we received many indications of disapproval toward the Burundian authorities from lawyer colleagues of these four victims of reprisals.

• (1335)

[English]

The Chair: Thank you very much.

Ms. Hardcastle.

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): My question will be with regard to the advantages of a commission of inquiry. What would the benefits be? If we're getting some push-back from Burundi about co-operation for a commission of inquiry and we already have evidence, why do we need this commission? Do we have evidence today that is admissible in some tribunal that would have the power to prosecute, or do we need to go through this process? Expand on that a little bit, please.

[Translation]

Mr. Sébastien Touzé: Of course.

I think that in adopting this resolution and implementing this commission, the UN Human Rights Council is in reality pursuing an objective that complements the referral of the situation to the International Human Rights Council. There are two approaches here: a judicial approach and a UN approach with a more diplomatic side. In this request for a commission of inquiry, we must instead see an attempt to have the Burundian authorities co-operate with UN bodies.

As you know, the Security Council adopted a resolution last July to deploy 150 police force members in order to establish surveillance of the actions of police authorities in Bujumbura. However, this deployment of complementary police forces was explicitly and categorically refused by authorities in Burundi.

The purpose of establishing a commission of inquiry would, at first, be to convince the Bujumbura authorities to co-operate. I think what we need here is more of a sign of co-operating than a sign of establishing proof or verifying the accuracy of a number of facts.

It is true that, when the commission is appointed, it will have to investigate in the field with the agreement of the Bujumbura authorities and to establish whether all the information that has been forwarded so far to the various UN bodies reflects reality.

I would say that there are two approaches being taken at the same time here: the judicial approach with the referral of the situation to the International Human Rights Council, which has started a preliminary inquiry, and the diplomatic and political approach, which must enable re-establishing cooperation with the Burundian authorities.

That's the context in which the request was made by the Committee against Torture when it finished its review and in its final observations. It's important to keep in mind that the main asset of the conventions, at least the mechanisms established to monitor the implementation of treaties, is the co-operation of the states. Without that co-operation, we can't really have a permanent

overview and dialogue to verify that these conventions are being implemented and respected.

• (1340)

[English]

Ms. Cheryl Hardcastle: The international pressure that must be increased, what would that entail? What kind of pressure would that be, specifically thinking of what this committee can do and recommend?

[Translation]

Mr. Sébastien Touzé: I think the results of adopting the resolution show that the pressure must first go through the UN. In fact, we're still seeing that a large number of states haven't understood the seriousness of the situation there.

We have the impression that UN member states have very little interest in Burundi and the African states have even less. When you look at the numbers and the various details of adopting the resolution, you can see that the resolution was adopted in large part through votes from the European states. It wasn't adopted through votes from African states, which quite simply abstained, as did Russia and China.

So here is the first point: international pressure, to define it, must first go through a general alert multilaterally. I think we still have to work within the UN to convince the states how serious the situation is.

Then, I think there is also an important step to take so that bilateral relations with Burundi can be used to put pressure on the authorities in Bujumbura. The European Union has imposed sanctions. A number of states have followed and put an end to some economic co-operation. In short, there is pressure there that must be increased.

When we became aware of everything that was reported to us when we started looking at Burundi, we were alarmed to note that we were in the same situation in Rwanda several decades ago. We want to avoid the danger of this crisis taking a turn we are familiar with and too unfortunately saw in Rwanda. In other words, all the indications are there. They are confirmed. The current situation goes beyond what we can see in the discourse of certain member states of the Human Rights Council.

I think that all states in the international community must put clear pressure on those states that are not yet aware of the seriousness of the situation.

A formula was used by a member of the UN Secretariat in the field. In fact, he said that even the evil they do, they do it badly. I don't know if that translates in English, but in any case, even their violations are done badly.

• (1345)

[English]

The Chair: Thank you.

The next questioner is MP Miller, please.

[Translation]

Mr. Marc Miller (Ville-Marie—Le Sud-Ouest—Île-des-Sœurs, Lib.): Thank you, Professor Touzé, for your testimony.

I want to give you the opportunity to continue your explanations because I think this is very important.

Many experts have asked the United Nations to invoke Chapter VII of the Charter of the United Nations, which is a weapon, a very serious tool. We're talking about military intervention here.

Before moving on to that step, what else can be done internationally? You spoke about co-operation, but there isn't any. You used the words "total denial". What instruments, what tools do the United Nations have to multilaterally strengthen what we've seen, obviously, in all the reports and interventions with the state of Burundi so that we can avoid resorting to Chapter VII? We have reached a point where we need to make a decision without the approval of Russia, China and, above all, the neighbouring African states. What else do you think is left to do?

Mr. Sébastien Touzé: There is one approach that has had varying degrees of success, but we are seeing there have been some results. I'm referring to regional action. I think we need to convince the African Union to put a little more pressure on the Burundian authorities to convince them to co-operate. I think it's at the regional level, first of all, that this might take an easier turn than in a universal approach.

Then, it's clear that if this regional voice fails, we'll be in a situation where the means available to the various UN bodies will be limited. We've seen it ourselves within the Committee against Torture. We've also seen it within the UN Committee for the Elimination of Racial Discrimination. Our means are particularly limited.

Still, we're seeing a precedent in Burundi's case that marks a particularly significant liaison between the UN Secretariat, the Human Rights Council, the Commissioner for Human Rights, the various UN committees and several regional organizations. So continued pressure is needed.

I fully agree with you about the report, that Chapter VII is a solution that shouldn't be considered immediately for the moment, especially since it would have few chances of success given the position of Russia and China. So we need to keep on. As I said earlier, we must also increase pressure bilaterally. It's clear that Burundi has links with a number of states, and I think we should go to those countries to convince them to put pressure on the Burundian authorities.

You know all of the UN's means with regard to this kind of situation. They aren't limited, but they do depend to a large extent on the full alignment of the states in the region so that the problem can be properly considered.

Mr. Marc Miller: Thank you.

[English]

The Chair: MP Khalid.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you very much for your testimony today.

This whole study has been very eye opening with respect to what goes on in the world and the helpless nature of the plight of those who suffer torture and human rights violations. I think, ultimately,

from what I've heard from you today and from others who have testified on this, if a government fails to co-operate, there's a very limited role that the international community can play in forcing somebody to really bring their justice system up to par with international standards.

In your opinion, what specifically can Canada do? Are there any sanctions? Is there any funding that can be provided, etc., to really work on these bilateral relations and to really encourage the regional states around Burundi to take part in resolving this issue?

• (1350)

[Translation]

Mr. Sébastien Touzé: As I have been saying for some time, the first point to work on is maintaining dialogue with the authorities in Burundi. We must not isolate them, but we must work with them so that we can make them aware of the international community's concern.

If Canada were to become involved in that kind of action, as I have been saying for some time, I feel that it should be done bilaterally, through diplomatic dialogue. It is helpful to maintain that link. What is missing, to an extent, in dealing with Burundi is an objective contribution of states to the diplomatic dialogue with the authorities, without having to do so covertly. We absolutely have to communicate the international community's concern and we must tell the authorities in Burundi that we are ready to work with them to find ways for them to co-operate with the United Nations.

I believe that the issue goes beyond the simple diplomatic relationship between two states. As you rightly said just now, this is about human lives, about people being tortured and executed, about women being raped every day in Burundi, and about people fleeing the country en masse. We have actually been able to see quite a massive exodus to Rwanda, especially by Tutsis, who had no choice but to flee, given the persecution they are suffering in Burundi.

I believe that we have to speak very clearly and directly to the authorities in Burundi and to act in a way that will convince them. I believe that we must be able to persuade the authorities in Burundi of the legitimacy of the international community's actions. I do not believe we should confront the authorities in Bujumbura or totally oppose them because that is the best way to have them dig in their heels and completely deny the situation.

So I believe that we have to maintain that diplomatic dialogue, and also strengthen the diplomatic network around Burundi in order to increase those pressures. The word pressure often gives the idea of pressure by force or by economic means, except that we know that the impact of any economic measures will be most felt by the people. I believe that that is something we must avoid. So we really have to exert positive pressure, using equally positive means, maintaining the dialogue and resuming discussions with Burundi.

[English]

The Chair: Thank you very much.

I think we have time for a short question from MP Anderson.

Mr. David Anderson (Cypress Hills—Grasslands, CPC): It might end up being more of a question and a comment.

I listened to your story today. We've had other witnesses come in and talk about the impunity that exists in Burundi, not just this time but on a past occasion as well. I'm just wondering, and you've already commented a bit on this, why countries can treat the UN and its international agencies with such contempt. Burundi still sits on the UN Human Rights Council. As far as I can tell, there's been no pressure. We file reports. We put commissions in place. They assign police forces, and they just say "we're not interested," and that's the end of that, other than the rest of us complaining about it a bit. The AU has 54 members, the United Nations has 193 and they can't seem to put enough pressure on any of these countries to change their behaviour to actually attempt to have them adhere to their own constitutions.

Why are these international agencies so impotent when it comes to these issues?

[*Translation*]

Mr. Sébastien Touzé: I believe that they are so powerless because the UN's entire logic is built on the strict respect for state sovereignty. You do not need me to tell you that one state cannot watch another state interfere in the internal affairs of another state. In the case of the UN, it's exactly the same thing.

In this case, I feel that the situation is a symptom. Burundi is actually coming out of a conflict, and, when resolving that conflict, they established positions that would prevent them from getting into a similar situation again. In order to do so, it defined the sharing of responsibilities in its territory in ethnic terms.

The problem is that the ethnic sharing, as conceived in the Arusha accords, does not automatically correspond to the current reality. Everything has been completely reopened by the current president. In other words, the current president sees that the majority is not Tutsi but Hutu and that power should therefore go to the majority. So he asks people to leave him alone so that he can determine on his

own who should govern the country and how. For Burundi, it is a strictly internal situation that is of no concern to the international community and that has absolutely nothing to do with any international agreements. That's what is getting in the way.

The authorities in Burundi and the politicians in charge are wondering where this external pressure is coming from. They do not understand it and the actions of UN committees have no legitimacy, in their opinion. We have been told that. They do not see why they should listen to political opponents instead of the majority in power.

In a word, everyone is completely blind. The president has decided that his government and his institutions are supposed to work in that way. The same goes with reopening the Arusha accords.

Why is he running for a third term when the accords do not allow it? Simply because he wants to run the country as he sees fit without having to worry about pressure from the international community.

• (1355)

[*English*]

The Chair: Thank you very much for joining us today, Professor Touzé, and for testifying before our Subcommittee on International Human Rights. It's been very enlightening. I know you dialed in from a long way away. Thank you for joining us this evening, and we bid you farewell.

[*Translation*]

Mr. Sébastien Touzé: Thank you.

[*English*]

The Chair: We will go in camera for two minutes, as there are a couple of business items. We'll make it very fast.

[*Proceedings continue in camera*]

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