

# **Authoritarian abuses and covert elimination of dissident voices in Burundi**

## **What role for the European Union?**



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May 2018



**Cover photo:**  
**View from Bujumbura-Rural,**  
**Burundi, 2014**  
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#### Note from the Editor

The drafting of this report was concluded by 3 May 2018 and as such does not take into account any developments in Burundi or any related European Union actions that occurred after this date.

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# Introduction

Since the political crisis erupted in Burundi in 2015, when the President of the Republic Pierre Nkurunziza decided to stand for a third term in violation of both the Constitution and the Arusha Peace Agreement, a campaign of systematic repression against dissenters, disproportionate use of force during protests, sexual and gender-based violence and other grave and large-scale human rights violations have been taking place in the country. The situation has worsened since the announcement last December that a controversial constitutional referendum was being organised, which aims to substantially change the 2005 Constitution and thus backtrack in particular on the gains made at Arusha.

Indeed, to the initial political crisis has progressively been added a serious human rights crisis: following the 2015 elections the repression of any form of dissent by the security forces has become wide-scale and brutal, and sometimes deadly. Cases of summary executions, arbitrary arrests and detentions, forced disappearances, intimidation, harassment, torture and other forms of cruel, inhuman or degrading treatment, as well as ransoms demanded for the release of hostages, are multiplying. These violations are being perpetrated in defiance of all critical voices, including those of political figures such as the main leaders of opposition political parties (in particular the MSD -Movement for Solidarity and Democracy and the FNL - National Forces of Liberation), and of the military, such as members of the

former FAB (Burundian Armed Forces), but also of civil society, the media and the civilian population more broadly. The different abuses, fuelled by hate speech with ethnic overtones promoted in particular by state officials, are often perpetrated by high-ranking agents of the National Intelligence Service (*Service National de Renseignement* - SNR) and the Burundian National Police (Police Nationale Burundaise – PNB) and the military, as well as members of the youth league of the ruling party, commonly known as the *Imbonerakure*.<sup>1</sup> Many Burundians, in particular civil society actors and journalists, are choosing to escape repression through exile.

Since the end of 2016, the testimonies collected by the United Nations (UN) Commission of Inquiry on Burundi (hereafter: the Commission of Inquiry)<sup>2</sup> demonstrate that from that time onwards human rights violations have been carried out in a more clandestine but still brutal way.<sup>3</sup> In their report published on 4 September last year, the Commission of Inquiry indicates that, in its opinion, there are reasonable grounds to believe that crimes against humanity have been committed.<sup>4</sup> This situation has been aggravated by the generalised impunity which now prevails in Burundi, as well as the lack of an independent judicial system and the recent withdrawal of Burundi from the International Criminal Court (ICC).<sup>5</sup>

The highly contested re-election of President Nkurunziza has thus paved

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**1. Report of the Commission of Inquiry on Burundi**, thirty-sixth session of the Human Rights Council, 11 August 2017.

**2. The United Nations Commission of Inquiry on Burundi** was set up on 30 September 2016 in order “to conduct a thorough investigation into human rights violations and abuses...since April 2015” and “to identify alleged perpetrators”, **Commission of Inquiry on Burundi**, United Nations Human Rights Council, September 2017

**3. Oral Briefing by Fatsah Ouguergouz, Chair of the Commission of Inquiry on Burundi**, thirty-fifth session of the Human Rights Council, Interactive dialogue on Burundi, 14 June 2017

**4. Burundi: Commission of inquiry calls on the International Criminal Court to investigate possible crimes against humanity** Human Rights Council, 4 September 2017. Report available here: **Report of the Commission of Inquiry on Burundi**, thirty-sixth session of Human Rights Council, 11 August 2017

**5. Statement by the President of the Assembly of States Parties on the process of withdrawal from the Rome Statute by Burundi**, International Criminal Court, 18 October 2016

**Human rights violations in the DR Congo and Burundi: what role for the International Criminal Court?** (in French), Commission Justice et Paix, April 2018

**6. Draft Constitution**

(in French), Republic of Burundi, December 2017.

**Understanding the revised Constitution.**

**Key innovations** (in French) Government of Burundi, December 2017

**7. Burundi's constitutional amendment: what do we know so far?**

Institute of Development Policy, University of Antwerp, November 2017

**8. Oral statement of FIACAT, co-sponsored by the CCPR Centre, OMCT and Trial International** (in French), thirty-seventh session of the Human Rights Council, joint meeting with the Commission of Inquiry on Burundi and the oral account of the High Commissioner, 13 March 2018

**9. Law No. 1/02 of 27 January 2017 regulating the functioning of non-profit associations** (in French), Government of Burundi, 27 January 2017

**10. Law No. 1/01 of 23 January 2017 modifying Law No. 1/011 of 23 June 1999 modifying Decree-Law No. 1/033 of 22 August 1990 regulating the cooperation between the Republic of Burundi and foreign non-governmental organisations** (in French), Government of Burundi, 23 January 2017

**11. Refugees from Burundi: Total**, UN High Commissioner for Refugees, consulted 26 April 2018

**12. Third of Burundi population need humanitarian aid**, News 24 - AFP, 21 February 2018

**13. Democratic processes and political stalemate in the Great Lakes region: for a stronger engagement from the European Union in Burundi, the DR Congo and Rwanda**, EurAc, 7 June 2017

the way for a hardening of the regime and increased the country's isolation internationally, as well as contributing to an alarming deterioration in the daily quality of life of the population. There is no sign of the situation improving in the near future, with the President showing a clear desire to keep a hold on power and to guarantee this by legislative and constitutional means. On 12 December 2017, the President launched an information campaign regarding the constitutional referendum due to take place on 17 May 2018 with the objective of adopting a new constitution<sup>6</sup> which would allow him the possibility of running for a fourth term in the next presidential elections in 2020, and of remaining in power until 2034.<sup>7</sup> Since December 2017, the brutal, not to say murderous, repression of dissidents, or those perceived as such, and in particular of the referendum's opponents, has significantly and once again visibly increased. In addition, during the month of February 2018 alone, ACAT Burundi (Action by Christians for the Abolition of Torture in Burundi) reported "23 assassinations and forced disappearances, 95 arbitrary arrests and illegal detentions, and 28 cases of violations of physical integrity".<sup>8</sup> Several controversial laws have also been adopted and introduced, such as the law on local non-profit associations (*Associations locales Sans But Lucratif - ASBL*)<sup>9</sup> and the law on foreign non-governmental organisations (*Organisations non gouvernementales étrangères - ONGE*),<sup>10</sup> laws which are part of the same logic that has brought about political lockdown, restriction on fundamental freedoms and the strengthening of the power of the current presidential majority. All of this threatens, in a deeply worrying way, the important progress made in relation to peace and social cohesion since the signing of the Arusha Agreement.

On the political level, the country is stuck in a stalemate which could have significant security repercussions if the current dialogue process, mediated by the East African Community (EAC), is not rapidly re-launched in a constructive and inclusive manner. Since the 2015 crisis, armed struggle has organised and gained force, including the appearance of new rebel groups. For now, their operational capacity is relatively limited in particular due to a lack of clear external support and common leadership. However, the continuation of the crisis, the current stalemate in the dialogue process, the presence of hundreds of thousands of refugees in neighbouring countries, and the radicalisation of those in power could lead to a new and dangerous dynamic in relation to peace and security in Burundi and in the Great Lakes Region.

In addition, the country and its citizens face an alarming humanitarian crisis. The UN High Commissioner for Refugees (UNHCR) today reports a total of 430,478 Burundian refugees<sup>11</sup> in neighbouring countries, the majority of whom live in overcrowded camps where minimum standards of humanitarian assistance cannot be met. The UN Development Programme (UNDP) has also announced that one in three Burundians will need humanitarian assistance in 2018, an increase of 20% compared with 2017.<sup>12</sup>

In the face of this extremely worrying situation, and despite continuous warnings from local and international civil society, including the European Network for Central Africa (EurAc) and its members,<sup>13</sup> the European Union (EU), while having adopted a fairly strong position immediately following the 2015 crisis, has opted since mid-2017 for the dangerous route of disengagement, abdication and a wait and see approach,

maintaining almost total silence when confronted by increasing cases of grave violations. This position is also totally at odds with the strong and symbolic decision made by the EU in March 2016 to suspend all financial aid to Burundi. This report thus aims to analyse the current security, humanitarian and human rights situation in Burundi, in particular following the announcement of the constitutional referendum, which is being organised in a climate of heightened tension and repression. This analysis will help to create an understanding of recent worrying developments in a country which is still largely absent from the international, and in particular the European, agenda. In this report, EurAc thus also intends to propose courses of action and concrete recommendations to European decision-makers with the objective of guaranteeing their increased and effective commitment to peace, respect for human rights and development in Burundi.

# PART I – Grave human rights violations: Covert elimination of dissident voices, with total impunity

**14. Report of the Commission of Inquiry on Burundi**, thirty-sixth session of the Human Rights Council, 11 August 2017

**15.** The figures provided in this report come from different reports by Burundian civil society organisations that have been operating in secret for fear of their lives.

**16. Report of the United Nations Independent Investigation on Burundi (UNIIB)** established pursuant to resolution S-24/1 of the Human Rights Council, Human Rights Council, 20 September 2016

**17. 2016 Annual Report** (in French), APRODH, January 2017

**18. 2017 Annual Report** (in French), APRODH, January 2018

**19. Burundi: suspected mass graves of victims of 11 December violence**, Amnesty International, 29 January 2016 and **Burundi: Abductions, Killings, Spread Fear**, Human Rights Watch, 25 February 2016

**20. 2017 Annual Report** (in French), APRODH, January 2018

**21.** Idem

## a. Violations of fundamental human rights on the increase and getting worse

### i. Violations of the right to life and physical integrity

Since the eruption of the crisis in the spring of 2015, murders and summary executions have continued to rise. It is extremely difficult for international and local organisations to obtain up-to-date figures due in particular to the fact that the UN Commission of Inquiry has not been permitted to enter the country,<sup>14</sup> and that the main Burundian civil society organisations have had to flee violent repression and growing insecurity or, if they are still present in Burundi, have to carry out their work in secret.<sup>15</sup> Still, the crisis is estimated to have cost the lives of at least 564 people between April 2015 and August 2016,<sup>16</sup> at least 480 people in 2016<sup>17</sup> and at least 504 people in 2017 according to the *Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues* (Burundian Association for the Protection of Human Rights and Detained Persons – APRODH), totalling nearly 1,200 people since 2015.<sup>18</sup> These figures do not take into account the considerable numbers of disappeared, meaning that real numbers must significantly exceed this conservative estimate.

According to the Commission of Inquiry as well as the *Ligue burundaise des droits de l'Homme Iteka* (Burundian Human Rights League Iteka, hereafter: Ligue

Iteka), the majority of the alleged perpetrators of these violations, as well as of the other violations mentioned below, are members of state institutions, i.e. the Burundian National Police (PNB), in particular some of the specialist units such as that charged with protecting institutions (*Appui pour la Protection des Institutions*) and the riot police (*Brigade anti-émeute*), or the National Intelligence Service (SNR), but also the *Imbonerakure* acting together with members of the security and defence forces, mainly from the police and SNR and to a lesser degree the army and administration officials.

It is important to highlight the brutal character these violations have assumed since 2015, in particular targeted assassinations, the decapitation of dead bodies, the execution of several members of the same family or the murder of parents in front of their children.

The UN High Commissioner for Human Rights, as well as several human rights organisations,<sup>19</sup> have also drawn attention to the existence of mass graves, in particular those discovered on 20 January 2017 on the Makamba hill, in Mwaro province,<sup>20</sup> or those discovered in Bubanza province and in Kanyosha (Bujumbura municipality).<sup>21</sup>

### ii. Violations of the right to liberty and personal security

Numerous arrests and arbitrary detentions have been and continue to be

reported and have led, for many, to more violations, in particular extrajudicial executions, forced disappearances, torture and cruel, inhuman or degrading treatment, as well as sexual and gender-based violence. Very often, those arrested are accused of “putting internal state security at risk”, an offence frequently invoked by the security forces in order to justify the arrest of alleged regime opponents, such as real or supposed members of opposition parties and civil society actors. According to Ligue Iteka, at least 8,442 people have been arbitrarily arrested since April 2015.<sup>22</sup>

Since the adoption by the presidential cabinet on 24 October 2017 of a bill to revise the Constitution, a veritable terror campaign has been unleashed in order to force the population to vote ‘yes’ in the referendum of May 2018 which aims to approve this bill; besides repeated intimidation and death and torture threats, many people have been arrested on the grounds that they do not wish to register or that they are preventing others from doing so (see Part II.a.ii).

With regard to cases of arbitrary detention and the prison situation, APRODH estimates there are around 6,000 political prisoners currently detained in prisons in Burundi. What is more, APRODH documents highly concerning detention conditions in its reports, in particular in secret, overcrowded, cells, where prisoners are crammed together.<sup>23</sup> SOS-Torture Burundi has also denounced many cases of extended illegal detention. For example, some detainees in the police cell in the commune of Buganda (Cibitoke province)<sup>24</sup> may have been held for over 6 months, far longer than the legal preventive detention period of 15 days, after which the law stipulates that detention should be confirmed or

provisional liberty granted.<sup>25</sup>

Ligue Iteka also notes the practice of ransom which affects the population: inhabitants are arbitrarily arrested on the pretext of checking the household ‘notebook’;<sup>26</sup> most are released after a ransom has been paid.<sup>27</sup>

### iii. Forced disappearances

The environment surrounding arrest and detention in Burundi allows for forced disappearances, as does the non-identification and non-exhumation of bodies by the authorities, both of which would allow people reported as missing to be traced.

Since April 2015, Ligue Iteka reckons there have been at least 483 cases of forced disappearances,<sup>28</sup> including at least 74 cases of people reported missing in 2016,<sup>29</sup> and at least 89 in 2017.<sup>30</sup> It is important to point out that these forced disappearances can concern public figures or alleged opponents, some better known than others, but also members of the ruling party, the *Conseil national pour la défense de la démocratie-Forces de défense de la démocratie* (National Council for the Defence of Democracy – Forces for the Defence of Democracy – CNDD-FDD), or ordinary citizens.

For example, the *Forum pour la conscience et le développement* (Forum for Conscience and Development – FOCODE) highlighted the disappearance on 8 February 2018 of two women, Mrs Théodesie Ahishakiye and Mrs Rehema Kaneza. The latter is a member of the CNDD-FDD but is regarded as suspicious by certain people in power, because she is believed to have Rwandan origins; she also owns many successful businesses coveted by some CNDD-FDD members. An investigation

**22. Report on the human rights situation 26 April 2015-26 April 2018** (in French), Ligue Iteka, 2018

**23. 2017 Annual Report** (in French), APRODH, January 2018

**24. Report no. 119 of SOS-Torture/Burundi published 24 March 2018** (in French), SOS-Torture Burundi, 25 March 2018

**25.** Idem

**26.** Every family in Burundi must have in their home a ‘cahier des ménages’ (household notebook) in which the head of household must write the name, identity card number, date and place of birth, profession and telephone number of all family members living in the household, as well as those of passing visitors. **Bujumbura reforms its household notebook system to enhance monitoring** (in French), Radio France Internationale, 22 July 2017

**27. Annual Report Jan-Dec 2017** (in French), Ligue Iteka, 2018

**28. Report on the human rights situation 26 April 2015-26 April 2018** (in French), Ligue Iteka, 2018

**29. Annual report on human rights violations in Burundi in 2016** (in French), SOS-Torture Burundi, March 2017

**30. Annual Report Jan-Dec 2017** (in French), Ligue Iteka, 2018.

**31. Disappearance of Théodesie Ahishakiye aka "Aimée Ncuti" and Rehema Kaneza aka "Maman Aicha"**  
(in French), Ndondenza campaign, 31 March 2018

**32. Rodrigue Nzeyimana still missing**  
(in French), Iwacu, 13 April 2018

**33. Report on the human rights situation 26 April 2015-26 April 2018**  
(in French), Ligue Iteka, 2018

**34. Oral Briefing by Fatsah Ouguergouz, Chair of the Commission of Inquiry on Burundi,**  
thirty-fifth session of the Human Rights Council, Interactive dialogue on Burundi, 14 June 2017

**35. Report no. 119 of SOS-Torture/Burundi published 24 March 2018**  
(in French), SOS-Torture Burundi, 25 March 2018

**36. Annual Report Jan-Dec 2017**  
(in French), Ligue Iteka, 2018

**37. Burundi 2017/18 annual report**, Amnesty International, 2018

**38. A population living under a regime of violence and human rights violations**  
(in French), FORSC, June 2017

**39. Conform or flee: repression and insecurity pushing Burundians into exile**,  
Amnesty International, September 2017

**40. Burundi: gang rapes by ruling party youth**, Human Rights Watch, 27 July 2016

**41. Oral Briefing by Fatsah Ouguergouz, Chair of the Commission of Inquiry on Burundi,**  
thirty-fifth session of the Human Rights Council, Interactive dialogue on Burundi, 14 June 2017

into their forced disappearance was opened but quickly suspended following the release of one of the main suspects, an SNR official, at the request of the Public Prosecutor.<sup>31</sup> More recently, on the 13 April 2018, the car of Rodrigue Nzeyimana, a young executive of a cement company, was found abandoned on a street in Bujumbura and until now he has not been found.<sup>32</sup>

#### **iv. Torture and other cruel, inhuman or degrading treatment**

The Commission of Inquiry, in its final report published in September 2017, mentioned numerous cases of torture and other cruel, inhuman or degrading treatment carried out by the security forces, in particular during detention. According to Ligue Iteka, at least 542 people have been tortured since April 2015.<sup>33</sup>

The Commission of Inquiry also collected many testimonies of the use, during torture sessions, of clubs, rifle butts, bayonets, iron bars, metal chains and electric cables, the injection of unidentified substances into the bodies of victims, nails being ripped off with pliers, burns and numerous abuses inflicted on the genital organs of detainees. In several cases, acts of torture and rough treatment were accompanied by violent insults and death threats, including threats of an ethnic character.<sup>34</sup>

In addition, SOS-Torture cites the recent example of Simon Bizimana, who died on 17 March this year after being subjected for a whole month to torture and cruel, inhuman or degrading treatment perpetrated by SNR and police agents who accused him of “impeding the electoral process”. Witnesses report that Mr Bizimana was arrested on 14 February

2018 after refusing to register to vote for the upcoming constitutional referendum for religious reasons that prohibited him from registering or voting.<sup>35</sup>

#### **v. Sexual and gender-based violence**

According to Ligue Iteka, between January and December 2017 at least 77 people were victims of sexual and gender-based violence<sup>36</sup> perpetrated by the police or the *Imbonerakure*, often during the arrest of a male member of their family.<sup>37</sup>

In their June 2017 report, the Forum for the strengthening of civil society (*Forum pour le renforcement de la société civile* – FORSC) provides several examples of cases of women raped by the *Imbonerakure*.<sup>38</sup> According to testimonies received by the Commission of Inquiry as well as by other human rights organisations,<sup>39</sup> sexual and gender-based violence may also have been committed against relatives of regime opponents, in particular by people assumed to be from the *Imbonerakure*. Since the beginning of the crisis in April 2015, this latter group, as well as the police, have also carried out repeated gang rapes of women believed to be linked to the opposition, according to Human Rights Watch.<sup>40</sup>

For example, one woman was raped by four presumed *Imbonerakure* members because her children were members of an opposition party and had participated in the 2015 demonstrations.<sup>41</sup>

## Main cases of human rights violations in Burundi

*Estimated number of people*

Cases of murder and extrajudicial, summary or arbitrary executions, since April 2015*	<b>1 200</b>
Cases of arbitrary arrests, since April 2015**	<b>8 442</b>
Cases of forced disappearances, since April 2015**	<b>483</b>
Cases of torture and other cruel, inhuman or degrading treatment, since April 2015**	<b>283</b>
Political prisoners, as of December 2017*	<b>6 000</b>
Burundian refugees in neighbouring countries, as of 26 April 2018***	<b>430 478</b>

Sources :

\* **2017 Annual Report** (in French), APRODH, January 2018.

\*\* **Report on the human rights situation 26 April 2015-26 April 2018** (in French), Ligue Iteka, 2018

\*\*\* **Refugees from Burundi: Total**, UN High Commissioner for Refugees, consulted 26 April 2018

**42.** In total, 34 people are subject to international arrest warrants issued by the Burundian authorities. Some Burundian human rights defenders are still under an international arrest warrant issued by the Burundian courts back in October 2015. These include Pierre Claver Mbonimpa from APRODH, Pacifique Nininahazwe from FOCODE, Armel Niyongere, a lawyer from ACAT Burundi, and Vital Nshimirimana from FORSC.

**43. Burundi : UN experts raise alarm at growing repression of NGOs and human rights defenders**, United Nations Office of the High Commissioner for Human Rights, 6 February 2017

**44. Burundi: three civil society activists sentenced to 10 years in prison** (in French) Radio France Internationale, 10 March 2018

**45. Burundi: new accusations against Germain Rukuki, irregularities in the trial process and continuation of his arbitrary detention** (in French), International Federation for Human Rights (FIDH), 15 February 2018; **FIACAT demands the immediate release of Germain Rukuki** (in French), FIACAT, 13 February 2018

**46. Burundi. A 32-year sentence for defending human rights an insult to justice**, Amnesty International, 27 April 2018

**47. Oral statement of FIACAT, co-sponsored by the CCPR Centre, OMCT and Trial International** (in French), thirty-seventh session of the Human Rights Council, group meeting with the Commission of Inquiry on Burundi and the oral account of the High Commissioner, 13 March 2018

**48. Report on the trial of Germain Rukuki, human rights defender**, (in French), RFI 14 February 2018

## b. **Violations of civil and political rights and fundamental freedoms: shrinking political space and the repression of political actors**

### i. **Attacks on freedom of expression, association and assembly**

The severe restrictions on civil liberties observed in 2015 are still in place. Today, the key leaders of opposition parties and many journalists and civil society members remain in exile, some subject to international arrest warrants.<sup>42</sup> Those still in Burundi are forced to work in secret, in a context of heightened repression and insecurity, and within a legal framework described by UN human rights experts as “obstructive, repressive and stigmatising”.<sup>43</sup>

Indeed, key human rights organisations have been suspended or de-registered by the government (see Part I.b.ii) and the situation of human rights defenders still

**49. Report on the monitoring of human rights violations in Burundi: “Burundi’s ‘Calvary’ referendum”** (in French), ACAT Burundi, March 2018

**50. Law No. 1/01 of 23 January 2017 modifying Law No. 1/011 of 23 June 1999 modifying Decree-Law No. 1/033 of 22 August 1990 regulating the cooperation between the Republic of Burundi and foreign non-governmental organisations** (in French), Government of Burundi, 23 January 2017

**51. Burundi: UN experts raise alarm at growing repression of NGOs and human rights defenders**, UN News Centre, 6 February 2017

working in Burundi is a major cause for concern. They and their family members are the target of assassinations or attempted assassinations attributed to SNR agents or the police: the president of APRODH, Pierre Claver Mbonimpa, currently a refugee in Belgium, suffered an assassination attempt on 3 August 2015, and his son, Welly Nzitonda, was killed on 6 November 2015. What is more, since the beginning of the crisis, several human rights defenders have been subject to arrest and arbitrary detention, followed by political trials leading to highly worrying convictions: as in the case for instance of three members of PARCEM (*Parole et Action pour le Réveil des Consciences et l’Évolution des Mentalités* – Word and Action for the Awakening of Consciousness and the Evolution of Mentalities), arrested in June 2017 and sentenced on 8 March last to 10 years in prison for “attacks on internal state security”,<sup>44</sup> but also of Nestor Nibitanga, ex-member of APRODH, arrested on 21 November 2017, as well as that of Germain Rukuki, ex-accountant from ACAT Burundi, arrested on 13 July 2017<sup>45</sup> and sentenced on 27 April 2018 to 32 years in prison,<sup>46</sup> both of whom were accused of “attacks on internal state security”, in particular for having worked with two associations that had been de-registered by the government in October 2016.<sup>47</sup> Diplomats present in Burundi were denied access to one of Germain Rukuki’s “public” hearings by the Ministry of the Interior<sup>48</sup> and the defence condemned the flagrant violations of penal code rules.<sup>49</sup>

Furthermore, in January 2017 Burundi adopted a new law on foreign non-governmental organisations (ONGE), raising serious concerns regarding the government’s intentions to increase control over their work (see Part II.b.ii).<sup>50</sup>

Opposition parties and their members are also targets of this brutal and murderous repression: on 23 May 2015 the president of opposition party *l'Union pour la paix et le développement* (Union for Peace and Development – UPD Zigamibanga) Zedi Feruzi was assassinated.<sup>52</sup> On 4 April 2017, the government announced a six-month suspension of one of the main opposition parties, the *Mouvement pour la solidarité et la démocratie* (Movement for Solidarity and Democracy – MSD)<sup>53</sup> and on 12 July 2017, seven other parties were suspended.<sup>54</sup> In addition, according to SOS-Torture, SNR agents arrested Aloys Baricako and Pierre Kugirwa in Gitega town on 26 March last. Both men are political opposition leaders: Mr Baricako is president of *Rassemblement national pour le changement* (National Rally for Change – RANAC) and Mr Kugirwa is member of the *Conseil des patriotes* (Council of patriots – CDP). Likewise, on 19 March, police are said to have arrested Herman Ntakarutimana and Anatole Bayubahe, two activists from the opposition party FNL affiliated to MP Agathon Rwasa, accused by the regime of leading a “vote no” campaign in the lead up to the May 2018 constitutional referendum.<sup>55</sup> FNL activists have been frequent victims of arbitrary arrests since the government launched the bill to revise the Constitution (See Part II.a.ii).<sup>56</sup> A trend of forcing the population to register as members of the ruling party has also been observed. Ligue Iteka cites examples of school students forced to go to the headquarters of the CNDD-FDD and register to become members of the party.<sup>57</sup> According to the many testimonies collected by the Commission of Inquiry,<sup>58</sup> any resistance can later serve as a pretext for human rights violations and abuse.

Finally, the amendments to the Penal Code and Criminal Procedure Code, already called into question by the Commission of Inquiry before their adoption,<sup>59</sup> are highly worrying: they permit the security forces to carry out searches without warrants, including at night, increase control over e-mails and facilitate the seizure of digital information.<sup>60</sup>

## ii. Violation of the freedom of the press

The main private media outlets remain suspended. As of now, only two of the radio stations closed down in April and May 2015 have been permitted to broadcast again in Burundi: radio REMA FM, which is close to the ruling party, and Radio Isanganiro, a private radio station. Following the re-opening of the latter, one of their programmes was suspended in November 2016 after broadcasting a song entitled “Human rights for journalists”.<sup>61</sup> On 13 July 2017, the Minister of the Interior also announced the suspension of *l'Association Radio Publique Africaine* (African Public Radio Association - RPA), which owns the station “Radio Publique Africaine”, one of the main independent radio stations in the country.<sup>62</sup> Lastly, on 11 April, the *Conseil national de la communication* (National Communications Board) decided to suspend the “comments” section of the website belonging to the IWACU newspaper, attacking one of the last remaining “small windows of freedom and of expression”<sup>63</sup> left in Burundi.

**52. Report of the Commission of Inquiry on Burundi**, thirty-sixth session of the Human Rights Council, 18 September 2017

**53. Oral presentation of M. Fatsah Ouguergouz, President of the Commission of Inquiry on Burundi**, thirty-fifth session of the Human Rights Council, Interactive dialogue on Burundi, 14 June 2017

**54.** The seven suspended parties are PIT, VERT-INTWARI, CGP, NADDEBU, SONAVI, RUSANGI and ABAHUZA.

**55. Report no. 120 of SOS-Torture Burundi, published 31 March 2018**, (in French), SOS-Torture Burundi, 3 April 2018

**56. Report no. 118 of SOS-Torture Burundi, published 17 March 2018** (in French), SOS-Torture Burundi, 18 March 2018

**57. Annual Report Jan-Dec 2017** (in French), Ligue Iteka, 2018

**58. Report of the Commission of Inquiry on Burundi**, thirty-sixth session of the Human Rights Council, 18 September 2017

**59. Oral Briefing by Fatsah Ouguergouz, Chair of the Commission of Inquiry on Burundi**, thirty-fifth session of the Human Rights Council, Interactive dialogue on Burundi, 14 June 2017

**60. Bill adopted to toughen the Criminal Procedure Code** (in French), Radio France Internationale, 19 April 2018

**61. Oral Briefing by Fatsah Ouguergouz, Chair of the Commission of Inquiry on Burundi**, thirty-fifth session of the Human Rights Council, Interactive dialogue on Burundi, 14 June 2017

**63. Press release: shutting down of dialogue space on IWACU website** (in French), IWACU, 11 April 2018

**62. 2017 Annual Report** (in French), APRODH, January 2018

## **c. The instrumentalisation of ethnicity and hate speech on the part of Burundian officials**

These human rights violations are reinforced by hate speech and incitement to violence spread by some state officials and members of the ruling party, frequently with ethnic connotations, as part of an attempt by the regime to instrumentalise ethnicity for political ends.

**64. Hate speech: Burundian authorities attack "demons" and "vampires",** (in French), FORSC, October 2017

**65.** Idem

**66.** Idem

**67. CNDD-FDD Communiqué No. 006/2016 of 26 March 2016** (in French), CNDD-FDD, 26 March 2016

**68. Hate speech: Burundian authorities attack "demons" and "vampires",** (in French), FORSC, October 2017

**69. Fears of violence in Burundi after the President's speech** (in French), Le Monde, 6 November 2015

**70. Hate speech: Burundian authorities attack "demons" and "vampires",** (in French), FORSC, October 2017

**71. Third term of Pierre Nkurunziza to the beat of institutionalised hate speech** (in French), FORSC, August 2016

In their reports, FORSC lists different examples where hate speech was used by state authorities, in particular the President of the Republic. Indeed, at the end of 2016, the President made a most alarming public declaration widely interpreted as a warning of large-scale massacres to come.<sup>64</sup> In March 2017 in Bujumbura, he made another speech exhorting his party members to “actively protest against Burundi’s enemies”, by going out into the streets to defend the country and defeat these enemies.<sup>65</sup>

Several vicious hate speeches have also been given by the Secretary of the CNDD-FDD, General Evariste Ndayishimiye, who stressed in particular that the leaders of the Catholic Church were now supporting the enemy. He also violently attacked those “Burundian traitors who have sold the country” while indicating they would not succeed.<sup>66</sup> Alongside these speeches, the ruling party very frequently publishes written statements filled with dangerous and worrying rhetoric.<sup>67</sup>

Since the start of the crisis, several Burundian officials have also used hate speech with ethnic connotations. For example, Willy Nyamitwe, spokesperson and communications advisor for President Nkurunziza, has frequently

justified or explained the situation on the basis of an implicitly ethnic analysis. In his tweet of 26 April 2015, at the start of the protests, he questioned why Musaga, Ngagara, Mutakura and Cibitoke were the only areas where protests were organised; which is another way of presenting the protests as being led from and focused in majority Tutsi areas.<sup>68</sup> In the same vein, in October 2015, during a speech given in Kirundi, the President of the Senate, Révérien Ndikuriyo, made a thinly veiled reference to the Rwandan genocide by appealing to party activists gathered there to wait for the signal to “work”: “Wait, on the day we will tell you to ‘work’, you will see the difference! The police are now hiding to take shelter from grenades, but you will see the difference on the day they receive the message to work.”<sup>69</sup>

Also, according to FORSC, in a tweet on 29 September 2017 the Ambassador of Burundi to the African Union (AU) characterised civil society leaders as “vampires”.<sup>70</sup> The international community, and in particular the EU and Belgium, Burundi’s former coloniser, are also marked out as targets of this discourse. Since October 2015, hate speech towards Belgium has intensified.<sup>71</sup> For example, during a meeting on 26 November 2016, the Secretary-General of the CNDD-FDD presented Belgium as the root of all Burundi’s evils. During another speech given on 14 January 2017 he furthermore attacked the EU, accusing it of opposing Burundi, and explained that the UN police represented an underhand means for the international community to recolonise the country. In addition, he reiterated the idea that ethnic groups had been introduced by the Belgians in order to divide the Burundian people. Interior Minister Pascal Barandagiye and Defence Minister Emmanuel Ntahomvukiya were present while this

speech was being made.<sup>72</sup>

In the current referendum context, many public authority figures have made shocking pronouncements. Recently, Melchiade Nzopfabarushe, CNDD-FDD member, promised those who opposed the referendum that they would “feed the fish of Lake Tanganyika”.<sup>73</sup> In a video extract disseminated<sup>74</sup> on social networks on 30 January 2018, Revocat Ruberandinzi, deputy mayor of Butihinda commune and head of the local CNDD-FDD branch, appealed to his audience to “hand him up” all those calling for a “no” vote, adding that: “we will break the teeth of those dissenters”. On 13 February last, Désiré Bigirimana, administrator of the commune of Gashoho, in Muyinga province, also urged those present to “hit on the head” anyone opposed to a “yes” vote and to let him know when they had been “tied up”.<sup>75</sup> Finally, on 21 April 2018, the organisation SOS Média Burundi reported on social media that the provincial secretary of the CNDD-FDD for the province of Muyinga had appealed to the *Imbonerakure* present to “castrate the enemy”.<sup>76</sup>

The *Imbonerakure* is equally responsible for this hate speech and incitement to violence, sowing fear and slowly indoctrinating the population with propaganda that threatens the still fragile social cohesion of Burundi (see Part III.b)

#### d. Timid and contradictory responses from the EU

Faced with such worrying developments, documented above all in repeated alarming reports by the UN, which echoed the constant warnings issued by different Burundian and international

non-governmental organisations since the beginning of the crisis in 2015, the EU has adopted, over the years and as the crisis has worsened, a wavering position: strong and coherent from the beginning of the crisis to the start of 2016, then increasingly reserved, distant, even contradictory and incoherent, in particular as it reversed its suspension of funding towards the salaries and allowances of the Burundi contingent of African Union’s peacekeeping mission in Somalia (AMISOM) (see part IV.b.i)

On October 1st 2015, the EU decided to apply individual restrictive measures (travel bans and freezing of assets) with respect to four individuals “whose activities are undermining democracy or obstructing efforts to achieve a political solution to the current crisis in Burundi, particularly through acts of violence, repression or incitement to violence, including acts which constitute serious human rights violations.”<sup>77</sup> These targeted sanctions were renewed on 29 September 2016<sup>78</sup> and 23 October 2017<sup>79</sup> for a duration of one year each time.

On the 14 March 2016, following months of murderous and systematic repression of those opposed to the re-election of Pierre Nkurunziza in July 2015, the EU finally decided to activate one of the last available and symbolically strong levers in its diplomatic arsenal. Thus, considering that Burundi had not respected its obligations under the Cotonou agreement in relation to respect for human rights, democratic principles and the rule of law, the EU decided to end the consultation process with Burundi under Article 96 of the agreement and to temporarily suspend its direct financial support to the Burundian government and its institutions. This EU Council decision was confirmed by

**72. Hate speech: Burundian authorities attack “demons” and “vampires”** (in French), FORSC, October 2017

**73. Verbatim: “Feeding the fish of Lake Tanganyika with opponents”** (in French), Iwacu, 29 April 2018

**74. Ntibasame Thierry's tweet** (in French), 30 January 2018

**75. A leader from the ruling party calls for beating up of opponents** (in French), France 24, 15 February 2018

**76. Muyinga (north-east of the country): “castrate enemies” said CNDD-FDD official during a rally** (in French), SOS Media Burundi, 21 April 2018

**77. Burundi: the EU adopts sanctions against 4 individuals**, Council of the EU, 1 October 2015

**78. Burundi: EU renews sanctions until 31 October 2017**, Council of the EU, 29 September 2016

**79. Burundi: EU renews sanctions until October 2018**, ReliefWeb, 23 October 2017

**80. Letter of the EU High Representative F. Mogherini and of the Commissioner N. Mimica to President Nkurunziza** (in French), 22 February 2018

**81. Statement in response to information about the release of 740 prisoners as a result of a presidential pardon** (in French), EU Delegation to Burundi, 22 March 2018

**Statement by the spokesperson on Burundian political dialogue** European External Action Service, 15 December 2017

**Statement in response to information about the release of some members of the MSD party and demonstrators** (in French), EU Delegation to Burundi, 26 January 2017

**Statement of the spokesperson on the de-registration of Ligue Iteka in Burundi** (in French), EU Delegation to Burundi, 6 January 2017

**82. Burundi: DROI Subcommittee chair Panzeri calls on authorities to release human right defender Rukuki**, European Parliament, 2 May 2018

**83. Local statement in response to accusations of intention to destabilise Burundi** (in French), EU Delegation to Burundi, 7 June 2017

EU High Representative Ms Mogherini and the European Commissioner for International Cooperation and Development Mr Mimica in a letter addressed to the Burundian President on 22 February 2018,<sup>80</sup> which outlines in particular the lack of substantial progress made by the government in relation to respect for human rights and the opening up of democratic space.

After the enacting of these diplomatic measures, the strength of the EU position has progressively abated and, apart from some declarations of principle and occasional denunciations<sup>81</sup> of some of the regime's repressive practices, such for example as the recent response of the EU parliamentary sub-committee on human rights to the sentencing of human rights defender Germain Rukuki to 32 years in prison,<sup>82</sup> no new concrete measures have been taken to increase pressure on the regime; meanwhile the situation is deteriorating from day to day. On the contrary, the EU has since made decisions that are contradictory and incoherent with its prior strong position, such as the decision to re-start the financial assistance it had suspended in March 2016 to the Burundi contingent of AMISOM, following an agreement between the AU and Burundi that the EU had deemed acceptable (see Part IV.b.i)

What is more, the biannual programme for the protection and support of human rights defenders and key Burundian civil society actors in exile, currently funded by the EU, will end in December 2018. With regard to this programme, the EU has actually been accused by the regime of wanting to destabilise Burundi, an accusation it rejected in a statement issued in June 2017.<sup>83</sup> The EU should absolutely maintain its strong commitment in relation to its support of human rights defenders. It is essential that the

programme is extended, that the funds allocated to it are increased and that they can be accessed by other Burundian civil society organisations in exile, but also by any of their members who continue to work on the ground.

In light of the extremely alarming political and security developments in the country, EurAc believes that the time has come for the EU and its Member States to take a much stronger position and in particular to adopt additional restrictive measures against those responsible for violence and grave human rights violations. The EU must demonstrate its firm commitment to supporting democracy and the protection of human rights in Burundi, ideals that constitute the true added value of European cooperation compared to the other international partners, and in this way avoid a new, more serious and large-scale, humanitarian and security crisis in the Great Lakes region.

## PART II – Authoritarian legislative abuses and the undermining of the gains of Arusha

The human rights crisis in Burundi, as described above, has been alarmingly exacerbated as a result of President Pierre Nkurunziza's intention to hold onto power and to guarantee this by both legislative and constitutional means. It is now concerning to note that the regime's authoritarian abuses, in particular through the development of a whole arsenal of laws, continue to stifle political and public life and could undermine the gains of the Arusha agreement<sup>84</sup>, which guarantees social cohesion and peace in Burundi.

### a. The constitutional reform bill and the general elections of 2020

Having been granted the title of "Eternal Guide" by his party in March 2018, President Pierre Nkurunziza is striving to perpetuate his position as head of state. This honorary title presents him as the representative of the Word of God, thus bestowing on him a high degree of moral authority. Wishing nevertheless to enshrine his power in law, the President has chosen to organise a national referendum on 17 May 2018,<sup>85</sup> when Burundian citizens will be asked to decide on a proposed reform of the Constitution of 18 March 2005<sup>86</sup>. It is important to stress that the reform bill has not been made publicly available by any official government source and that no parliamentary debate taken place, thus making the process very opaque. While the President had already tried

– without success – to change certain provisions of the Constitution in 2014,<sup>87</sup> it appears that the 2018 referendum will enact such reforms for good. The conditions in which the referendum is to take place are also highly questionable.

#### i. Contents of the reform and what is at stake

The Arusha Agreement and the two comprehensive ceasefire agreements of 2003 and 2006<sup>88</sup> brought an end to the civil war that had devastated Burundi between 1993 and 2000. The Arusha Agreement formalises the recognition of different groups within Burundian society (Bahutu, Batutsi and Batwa) and sets up a power-sharing arrangement by which each of these groups is afforded representation and participation in the running of public affairs. The fundamental principles of Arusha were enshrined in the 2005 Constitution of Burundi. In this way a consociational power-sharing model<sup>89</sup> was put in place. This model enables a pluralistic society to adopt a democratic mode of administration while still guaranteeing necessary representation to the country's demographic minorities. The key principle is that simple majority rule for political decision-making is abandoned<sup>90</sup> and quotas are established for political and community representation in the various branches of state (administrative, judicial, political and security). Thus the current Constitution provides for a maximum of 60% Hutu and 40% Tutsi in government (Article 129), state

**84. Arusha Peace and Reconciliation Agreement**, 28 August 2000

**85. Decree No. 100/027 of 18 March 2018 on the call for voters for the 2018 constitutional referendum** (in French), Republic of Burundi, 18 March 2018.

**86. Constitution of the Republic of Burundi** (in French), 18 March 2005

**87. Burundi: the bill for the revision of the constitution is rejected in Parliament** (in French), Radio France Internationale, 21 March 2014

**88. Global Ceasefire Agreement between the Transitional Government of Burundi and the National Council for the Defence of the Democracy-Forces for the Defence of Democracy (CNDD-FDD)**, 2003 & **Comprehensive Ceasefire Agreement between the Government of Burundi and the Palipehutu - FNL**, 2006

**89. Consociational democracy**, Arend Lijphart, World Politics, Vol. 21 N°2, January 1969.

**90. Consociational theory and power sharing in Burundi** (in French), Cahier/2006.04, University of Antwerp, 2006.

**91. Requiem for the Arusha agreement, reflexions on the constitutional reforms in Burundi** (in French), IFRI briefing note, September 2017.

**92. Constitutional bill** (in French and Kirundi), Republic of Burundi, December 2017

**93.** All articles cited below are in accordance with the numbering system of the new constitutional bill.

**94. Burundi's constitutional referendum: consolidating the fait accompli in the run-up to the 2020 elections**, Constitution. Net, International IDEA, 23 January 2018

enterprises (Article 143) and the national assembly (Article 164). In the senate, two delegates are elected per province, each one belonging to a different ethnic group (Article 180). A system of co-optation is also in place to guarantee Twa representation. Similarly, specific provisions in relation to ethnic balance apply to the two vice-presidents (Article 124), the judiciary (Article 217), and local community authorities (Article 266). The security arms of the state – the army, the police and SNR – are also organised in this way (Articles 245 and 247), with a maximum representation of 50% from any one ethnic group permitted in each of these bodies. The ministers of defence and of the police should equally come from two different groups (Article 130). The provisions relating to the security forces, considered unique to Burundi, have been praised for the fact that they enable equal representation of Hutu and Tutsi, thus warding off fears of extermination of the Tutsi by the Hutu, or vice versa.<sup>91</sup>

Many constitutional changes are included in the constitutional reform bill that will be put to a referendum vote,<sup>92</sup> seemingly with two main aims. The desire of the presidential party to create guarantees enabling him to remain head of state is evident in some of the new provisions. What is more, the reform allows for some of the principles of the Arusha system to be called into question. The implementation of equal power-sharing arrangements has enabled peace to be preserved in Burundi for nearly 15 years. It is therefore of great concern to note that the proposed constitutional reform, as well as other recently adopted legislation, could undermine the invaluable gains of that agreement.

One of the biggest issues with the constitutional change is to be found in

Article 97 of the constitutional reform bill,<sup>93</sup> which regulates the role of the president. The president will, from now, be allowed to serve a seven-year term renewable for up to two successive terms. These changes appear to give the incumbent president the possibility of standing in the 2020 elections, and potentially of remaining in power until 2034. He could then hand over the reins for a while and later come back and potentially serve other terms. And there is ambiguity in the fact that no transitional provision in the constitutional bill regulates the position of the current president or specifies the possibility or not of his running as a candidate in 2020. This creates a kind of vagueness which favours the current president as well as anyone else from his party who may in the future aspire to the position, and it mitigates the risk of insurrection from within the CNDD-FDD.<sup>94</sup>

The nationality, age and residency requirements for different offices have also been changed: a candidate for the presidency for example will have to be at least 40 years old (the former limit was 35) and be resident in Burundi at the time of his/her registration as a candidate. This provision thus excludes all opponents currently in exile from the 2020 elections (Article 98).

Another major reform is the restructuring of the executive with the creation of the post of prime minister. The president was previously assisted by two vice-presidents, one in charge of political and administrative issues, the other social and economic ones. In the new bill, only the post of first vice-president is maintained. The prime minister will come from the majority party and the same ethnic group as the president. The post of vice-president will be relegated to the opposition but stripped of all its powers.

The reason for this change is understood to be, amongst other things, the desire to appease tensions and to address the ambitions of some members of the CNDD-FDD.<sup>95</sup>

In addition, the **proportional representation** of the different political forces in the country, a fundamental principle of the consociational model, is also called into question by, for example, the proposal that ministers will no longer be appointed on the basis of their party having received a certain number of votes, but will be directly chosen by the president (Article 109).

The **ethnic balance** provided for in the 2005 Constitution is rolled back in several ways. Whereas the provisions relating to power-sharing between the police force and the army are maintained, it is noteworthy that the SNR is no longer cited as part of the country's "security and defence forces". This de facto excludes this agency from the minimum requirements regarding the representation of different groups amongst its members. The chance of not having a mixed intelligence service raises important issues in relation to the security and independence of this agency. What is more, guarantees for minority groups to influence political decisions are also undermined by the fact that, from now on, laws will be passed based on an absolute, and no longer a two-thirds, majority both in the national assembly (Article 180) and in the senate (Article 191).

Lastly, a very controversial provision in the constitutional bill (Article 289, also known as the "**nullity clause**")<sup>96</sup>) stipulates that, within five years, members of the senate can evaluate the appropriateness of maintaining the system of ethnic quotas in the executive, legislative

and judiciary. This provision creates a breach that could lead to the end of equal power-sharing and in due course favour the party currently in power, which is majority Hutu. Even though it is not impossible that the provisions of the Arusha Agreement could in the future evolve as Burundian society evolves, this change nevertheless comes at a very inopportune moment. In a context of political tension and in the face of the recent setbacks in relation to fundamental freedoms and civil and political rights, but also in terms of reconciliation and social cohesion, backtracking on these arrangements for co-existence could prove to be a very dangerous exercise.

Significant reforms to the **judicial system** are also proposed in the constitutional reform bill, which for the first time introduces ethnic quotas for the judiciary (60% Hutu, 40% Tutsi) (Article 213).<sup>97</sup> This change suggests a move to politicize the judiciary to the same degree as political functions. The separation of powers is also called into question, in particular by changes in the make-up of the *Conseil Supérieur de la Magistrature* (Supreme Council of the Judiciary - CSM) and to the procedures for the appointment of its members (Article 222). The head of the body would from now on be named by the President of the Republic, the minister of justice as well as by – and here is where the novelty lies – the president of the Supreme Court (Article 223), who is also nominated by the president. Previously the Supreme Court president had no role in the matter. It should be noted that the CSM is the highest disciplinary authority for the judiciary, that it guarantees the independence of judges and is the only body with the power to dismiss them. Finally, the terms of office of Constitutional Court members would be increased from 6 to

**95. The African Union and the constitutional review process in Burundi**, Institute for Security Studies, 12 March 2018

**96. Burundi's constitutional referendum: consolidating the fit accompli in the run-up to the 2020 elections**, Constitution. Net, International IDEA, 23 January 2018

**97.** Article 208 of the current Constitution stipulates only that: "The judiciary is structured so that its composition reflects the whole of the population. It is imperative that recruitment and appointment procedures for the judiciary are carried out in the spirit of promoting regional and ethnic balance and gender equity."

**98. Human rights violations in the DR Congo and Burundi: what role for the International Criminal Court?** (in French), Commission Justice et Paix, April 2018

**99. Open letter to Ambassador Anatole Bacanamwo on the subject of the constitutional referendum** (in French), Agence Bujumbura News, 15 March 2018

**100. Burundi: constitutional reform bill should respect pluralism, states UN Special Envoy** (in French) UN News, 26 February 2018

**101. Understanding the revised Constitution. Key innovations** (in French) Government of Burundi, December 2017

**102. Burundi: upsurge in violence in the lead up to the constitutional referendum** (in French), FIDH – Ligue Iteka, February 2018

**103. Press release** (in French), CNARED, 14 February 2018

**104. Burundi: Repression Linked to Presidential-term Vote,** Human Rights Watch, 17 April 2018

**105. January 2018 monthly report** (in French), APRODH, February 2018

**106. A leader from the ruling party calls for beating up of opponents** (in French), France 24, 15 February 2018

**Burundi in Denial as Rights Abuses Continue with Impunity**, HRW, 13 March 2018

**Burundi: upsurge in violence in the lead up to the constitutional referendum** (in French), FIDH – Ligue Iteka, February 2018

8 years, non-renewable (Article 232). In an unstable political context, the extension of these terms may invite criticism in relation to the ability or not of this institution to play an independent and impartial role.

Lastly, another new element has been introduced into the constitutional text in the form of **religious references**, in particular in the preamble which now states: “We, the Burundian people, conscious of our responsibilities before God...”, but also in the oaths of allegiance applying to the different political mandates (Articles 107, 126 and 138). The introduction of religious references into the Constitution, combined with the mystic tendencies of the presidential couple, as well as the recent proclamation by his party of President Nkurunziza as “Eternal Guide”, raises questions about intentions to pave the way for re-establishing of the monarchy. This possibility is allowed for under the current Constitution (Article 4).

In addition, the draft bill explicitly stipulates that no Burundian can be extradited in case of conviction (Article 50). This new provision, at a time when an investigation has been opened by the ICC in relation to human rights violations in Burundi, is questionable. The impunity of perpetrators of grave crimes has significant consequences for victims, but also for society as a whole and in particular for social cohesion, peace and stability.<sup>98</sup>

## **ii. Process and context for the organisation of the referendum**

The legality of recourse to a referendum to change the Constitution is open to debate,<sup>99</sup> but it is mainly the context in which it is taking place that raises

questions and taints its legitimacy and credibility. What is more, it does not appear to adhere to the provisions contained in Article 299 of the Constitution, which stipulate that “no revision can be carried out if it threatens national unity and the cohesion of the Burundian people”. Indeed, some changes described above (in particular relating to the representation of minorities) threaten the short-term stability of the country, as well as the tried and tested model for running the country.

Is it possible to organise a referendum at a time when the country is experiencing a serious political and security crisis, when almost all opposition representatives are in exile and when numerous Burundian citizens are also refugees in other countries? The UN Secretary-General has stressed that the current context is not suitable for the carrying out of such a significant reform: the referendum is not inclusive, there is no consensus regarding a unifying project and it does not allow every person to express themselves freely.<sup>100</sup>

In reality, a veritable terror campaign has been taking place since the referendum was announced in December 2017. Despite the fact that campaigning is not allowed to start before 1 May 2018, i.e two weeks prior to the referendum, the authorities began implementing their “yes” campaign in December. Under the guise of a citizen information campaign<sup>101</sup> people are subject to enormous pressure: first to register on electoral lists so that they can participate in the referendum but also with regard to the actual ballot paper. Numerous non-governmental organisations (NGOs)<sup>102</sup> and opposition parties<sup>103</sup> have spoken out against the forced registrations in the face of people’s reluctance. Proof of registration also serves as a pass for all

other daily activities: to access school, hospital or even in case of police arrest all citizens must be able to show their registration document, without which they are to be pursued.<sup>104</sup> A veritable propaganda campaign has begun inside the country (including in schools),<sup>105</sup> spreading the idea that anyone who loves their country cannot but vote “yes” in the referendum. Suspected opponents are threatened, abused and tortured. National representatives have publicly incited violence against such people (see Part I.c).<sup>106</sup> President Pierre Nkurunziza himself issued threats when the referendum information campaign was launched: “We take this opportunity to warn all those who may try to frustrate this project, either in words or in deeds. Such acts constitute a red line.”<sup>107</sup>

### iii. The 2020 General Election

The organisation of the referendum lays the groundwork for the 2020 General Election. Indeed, thanks to the referendum process, what is in effect a population census has taken place, which has effected people’s registration on electoral lists. More than 5 million Burundians had been registered by April 2018.<sup>108</sup> If the constitutional bill is adopted, the current president could eventually run for a fourth consecutive term given the absence of an explicit provision to the contrary (see Part II.a.i).

In order to guarantee Burundi’s independence with respect to the international community, the Burundian authorities have appealed to the population to contribute financially to the organisation of future elections. These so-called “voluntary contributions” have been strongly criticised by civil society<sup>109</sup> who highlights that the population, economically bled dry, struggle to meet its “obligations”. In reality the

contributions are in no way voluntary, because the decree stipulates specific tariff structures/rates.<sup>110</sup> This contradiction, as well as the illegal nature of the decree,<sup>111</sup> have also been contested by a group of opposition members of parliament,<sup>112</sup> who have expressed their surprise at this strategy given that funding for the 2020 elections has been included in the state budget for the past two years. This has led them to believe that these funds, whose traceable and transparent management and monitoring has not been detailed in the decree, will directly benefit the presidential party.<sup>113</sup> This measure attests to a bankrupt and hard-pressed government, seeking to bring cash into state coffers by any means.

The bill to revise the Constitution and the next elections are the cause of serious concern amongst civil society, members of the opposition, as well as the international community.<sup>114</sup> They call into question democratic gains and the principles of the rule of law, and pose a grave threat to the future of the country. The UN Secretary General has thus stated that: *“The adoption of constitutional amendments that would reverse provisions of the Arusha Agreement would, under the current circumstances, bear the risk of plunging the country back into armed conflict, with unpredictable repercussions for the region.”*<sup>115</sup>

#### b. A series of repressive legislative reforms

Even though the constitutional reform represents without doubt the height of Burundi’s current authoritarian abuses, we should not overlook the significant legislative changes being implemented alongside this and affecting other areas of public life. These changes are part of the same logic that has brought about

**107. Speech of President Pierre Nkurunziza at the launch of the campaign on the constitutional referendum** (in French), Presidency of the Republic of Burundi, 12 December 2017

**108. Referendum: the Electoral Commission calls on population to check voter lists** (in French), IWACU, 3 April 2018

**109. Letter to the President of the National Assembly** (in French), OLUCOME, 26 January 2018

**110. Official site of the Government of Burundi** (in French), December 2017

**111. Report for the month of February 2018** (in French) Coalition Burundaise pour la CPI (Burundian Coalition for the International Criminal Court), February 2018: “Article 159 of the Constitution stipulates that public revenue is under the domain of the law and no other person, even a member of the Government, is legally empowered to make a decision creating a public revenue stream unless it is made by Parliament”.

**112.** Deputies from the Amizero y’Abarundi (Hope of Burundians) coalition

**113. January 2018 monthly report**, (in French), APRODH, February 2018

**114. Burundi: UN Commission of Inquiry denounces intimidation campaign in view of the constitutional referendum** (in French), UN News, 13 March 2018; **Proposed Constitutional Amendments in Burundi**, press statement, U.S. Department of State, 1 May 2018

**115. Report of the Secretary General on Burundi**, United Nations Security Council, 23 February 2017

**116. Law No. 1/02 of 27 January 2017 regulating the functioning of non-profit associations** (in French), Government of Burundi, 27 January 2017

**117. Unanimous adoption of new law on local non-profit associations**, Burundi AG NEWS, 1 January 2017

**118. Democratic processes and political stalemate in the Great Lakes region: for a stronger engagement from the European Union in Burundi, the DR Congo and Rwanda**, EurAc, 7 June 2017

**119. Law No. 1/01 of 23 January 2017 modifying Law No. 1/011 of 23 June 1999 modifying Decree-Law No. 1/033 of 22 August 1990 regulating the cooperation between the Republic of Burundi and foreign non-governmental organisations** (in French), Government of Burundi, 23 January 2017

**120. Burundi: Parliament passes a law to enhance control of international NGOs** (in French), Radio France Internationale, 23 December 2016

political lockdown, restriction on freedoms and the strengthening of the power of the current presidential majority. Two laws in particular demand our attention: the law on local non-profit associations (*Associations Sans But Lucratif - ASBL*) and the law on foreign NGOs.

### **i. Law regulating the functioning of local non-profit associations**

Unanimously adopted by the National Assembly on 28 December 2016, the law regulating local non-profit associations<sup>116</sup> henceforth replaces that of 1992, which according to the government was no longer fit-for-purpose in a globalised world.<sup>117</sup> The ASBL law enshrines significant changes in the running of these associations, which seriously undermine the fundamental principles of the freedom of association.

Requirements for the recognition of these associations have been made more complicated and are at the discretion of the relevant minister. It is he/she who grants legal status to these organisations (Article 20). Once awarded, registration certificates must be renewed twice a year, placing a significant administrative burden on the smaller of these organisations. Furthermore, the associations' activities are regulated, approved and monitored by the authorities (Article 82). The minister reserves the right to oversee and evaluate the activities on the ground (Article 25). Worse still, the interior minister can suspend any association that deviates from its objectives, without any recourse to judicial process (Article 86).

This law demonstrates the authorities' desire to restrict and discourage the initiatives of civil society organisations, in particular those working on politically

sensitive issues. If any doubt remains as to this interpretation, one only need look at the definition of the term "political activities" in the law: "any activity aimed at taking power and at openly challenging institutions" (Article 3).

Since the beginning of the crisis in 2015 many organisations have already been suspended – Ligue Iteka, SOS-Torture, *la Coalition de la société civile pour le monitoring électoral* (The Civil Society Coalition for Electoral Monitoring – COSOME), *la Coalition burundaise pour la CPI* (the Burundian Coalition for the International Criminal Court – CB-CPI) and *l'Union burundaise des journalistes* (the Burundi Journalists' Union – UBJ) – or else permanently de-registered, such as FORSC, FOCODE, ACAT Burundi, APRODH and *Réseau des citoyens probes* (Network of Honest Citizens – RCP).<sup>118</sup>

The provisions of this new legislation strengthen the executive's discretionary power to control civil society organisations, even though the majority of them, fearing for the security of their staff, have already been forced into exile.

### **ii. Law regulating cooperation between the Republic of Burundi and foreign NGOs**

This law,<sup>119</sup> enacted in January 2017, is a reaction by the government to foreign NGOs, which it accuses of contributing to "chaos and disorder".<sup>120</sup> Important changes have been made to the current legislation. As with the changes applying to local organisations, they reveal the government's intention to control potential dissenters, but also bear witness to the vulnerable financial situation in which the country now finds itself. Lastly, the law threatens the provisions of the Arusha Agreement and related issues of ethnic quotas.

The activities of foreign NGOs are now strictly regulated by the Burundian authorities. First of all, they must follow strict – but very vague<sup>121</sup> – procedures for certification and registration, over which the government has the final say. Alongside this, the government closely controls the activities of foreign NGOs, which must henceforth be “in harmony with government programmes and priorities” (Article 6) and “collaborate closely with ministries relevant to the sector and activities” (Article 10). These provisions are used by the government to monitor the activities of NGOs, a control further strengthened by strict reporting requirements (Article 22), all of which severely hinders freedom of association and undermines NGO independence. By obliging NGOs to align with government priorities, issues sensitive for the government such as human rights, the rule of law, governance and justice are *de facto* excluded. The provisions heighten fears that some organisations working on these issues will be expelled or censored, or even forced to self-censor. In addition, they undermine the independence of NGOs, which are as a matter of principle “non-governmental”.

Other provisions, of a financial character, relating to the activities of foreign NGOs clearly hint at the government’s intention to create difficulties for these organisations but also at its own financial problems. Every foreign NGO that wishes to register and work in Burundi will henceforth have to pay a fee of 500 US dollars (Article 9). It is compulsory for each organisation to open an account in the National Bank and deposit one third of its budget there before a cooperation agreement can be signed. What is more, they are required to limit their operating costs to 35% of their total budget, while the remaining 65% is “effectively” allocated to the development of

Burundi (Article 16). Lastly, a unique tax regime is applied to the salaries of Burundian staff employed by foreign NGOs (Article 39). The reason for these different provisions is the great financial difficulty the country is currently facing; Burundi being indeed considered one of the poorest countries in the world. As a result of economic sanctions, very little foreign currency now enters the country. As such the money of foreign NGOs represents a significant financial windfall for the authorities.

In addition, foreign NGOs, being accused of favouring the recruitment of people of Tutsi background, who are considered regime opponents, must henceforth comply, for the recruitment of Burundian staff, with the “ethnic and gender balance outlined in the Burundian Constitution” (Article 18). This implies that NGOs should hold records of the ethnic identity of their employees on the basis of which the authorities can allow or disallow new recruitments. The inclusion of an ethnic quota for the recruitment of staff to foreign NGOs has been very negatively perceived and interpreted as intending to divide and destabilise these organisations, as well as increase the power of control of the authorities, whose interference would henceforth extend to the private sphere. The law never envisaged that ethnic quotas, inspired by Arusha, would apply to the private sector or to independent professions. Foreign NGOs have rejected this new provision en masse and have made their opinions known through “Réso” (a coalition of foreign NGOs), which has entered into negotiations with the Burundian authorities. In the face of obstruction and a lack of agreement, foreign NGOs now fear this article will be implemented by means of a presidential decree, thus *de facto* eliminating all possibilities of debate and challenge.

<sup>121</sup>. Comments on Burundi’s general framework for cooperation between the Republic of Burundi and foreign non-governmental organizations, ICNL, 2017

Finally, direct access by foreign NGOs to the population is also limited since from now on it is required that all meetings be held in Kirundi and any training be given in the local language and exclusively by Burundian people.

If they do not comply with these provisions, foreign NGOs are vulnerable to sanctions, ranging from non-renewal of visas for their expatriate staff to ending their activities and being expelled from the country. These laws strengthen the control and interference of the government on key sectors and considerably reduce the autonomy and viability of civil society organisations (both local associations and foreign NGOs).

These constitutional and legislative abuses are all the more worrying considering that a peaceful resolution to the political crisis seems to be becoming more elusive by the day.

# PART III – What are the risks to peace and security in Burundi?

## a. Stalemate in the political dialogue

On a political level, Burundi is currently at a total impasse which could have significant security repercussions if the current dialogue process is not rapidly re-launched in a constructive and inclusive manner.

Indeed, the inter-Burundian dialogue being conducted under the auspices of the East African Community, facilitated by Benjamin Mkapa, former President of the United Republic of Tanzania, and in which Ugandan President Yoweri Museveni is mediator, has now completely stalled. The conclusion of the 4th dialogue session, which took place between 27 November and 8 December 2017, without any agreement or final statement, illustrated the degree of deadlock in the process. Having continuously refused, in the earlier sessions, to sit at the same table as opposition members, this time Bujumbura was represented by the permanent secretary of the Interior Ministry, whose weak decision-making power illustrates the Burundian President's lack of will in relation to the process. For their part, members of the opposition in exile, brought together in the *Conseil National pour le Respect de l'Accord d'Arusha pour la Paix et la Réconciliation au Burundi et la Restauration de l'Etat de Droit* (National Council for the Respect of the Arusha Agreement and for Peace and Reconciliation in Burundi and the Re-establishment of the Rule of Law

– CNARED), were not present, not having been invited as such. Neither were the majority of civil society actors in exile, most of whom are still under an arrest warrant issued by the Burundian authorities and fear for their security on Tanzanian territory.

However, 32 registered political parties, civil society organisations, media, and women's, youth and religious groups, except for the Catholic Church, participated in the session. Leaders of opposition parties based in Burundi, including Léonce Ngendakumana of the Sahwanya-FRODEBU party as well as Agathon Rwasa and Evariste Ngayimpenda from the Amizero y'Abarundi coalition, were also present. These opponents confirmed that the security situation in Burundi was worrying, that attacks on human rights continued, and that the socio-economic and humanitarian situation in the country was disastrous. At the conclusion of the consultations, held without the possibility of any meaningful dialogue and in the absence of a final statement, the facilitator presented a list of points of convergence and divergence, including in particular the amendments to the Constitution and the abolition of the requirement for a two-thirds majority in parliament. In response, CNARED issued a statement<sup>122</sup> calling on the presidents of East African nations to increase pressure on Pierre Nkurunziza, including through an embargo, and on the international community to do likewise through economic sanctions

**122. CNARED statement regarding the Arusha session from 27 November to 8 December 2017** (in French), CNARED, 9 December 2017

**123. Government statement following the 4th inter-Burundian dialogue session in Arusha** (in French), 11 December 2017

**124. Burundi: withdrawal of AU-UN statement denouncing Bujumbura's intransigence** (in French), Radio France Internationale, 16 April 2018

**125. Macocha Tembele: "news of the facilitator's resignation nothing but rumours"**, Iwacu, 23 February 2018.

**126. CNARED statement regarding the Arusha session from 27 November to 8 December 2017** (in French), CNARED, 9 December 2017

**127. Tanzanian leader urges Burundian exiles to go home**, News24, 21 July 2017

**128. Museveni and Magufuli: "the ICC decision kills Burundi peace initiatives"** (in French), Iwacu, 12 November 2017

**129. Tanzanian mediation compromised by the arrest of FPB leaders** (in French), Radio Publique Africaine, 25 October 2017

**130. Statement by the spokesperson on Burundian political dialogue**, EEAS, 15 December 2017

and targeted sanctions aimed at actors implicated in the crisis. CNARED also warned of the risk of “generalised conflict” in Burundi posed by a lifetime presidency of Pierre Nkurunziza.

For its part, the Burundian government, in a statement issued on 11 December 2017,<sup>123</sup> thanked the facilitator for his inclusive invitation to political actors who were not being pursued by the judicial authorities, reiterating that Burundi was not in crisis and even less in a political stalemate, and that this would be the last session held outside the country; the next ones should take place in Burundi. During the 19th EAC summit at the end of February 2018, Benjamin Mkapa presented his report and the challenges in relation to successfully conducting a dialogue process characterised by a lack of clear will on the part of the Burundian government to include in discussions the various actors implicated in the crisis. The facilitator seems not to enjoy the clear and explicit support of the different heads of state of the EAC, having desperately tried and failed to organise a 5th dialogue session at the end of April.<sup>124</sup> Benjamin Mkapa appears at best to be in a position of weakness and defeat, as suggested in particular by rumours of his intention to step down from the process,<sup>125</sup> and at worst as a Burundian regime “sympathiser”, as stated by CNARED.<sup>126</sup>

The impartiality of EAC mediation in the face of the Burundian crisis is in fact open to question: the remarks made by Tanzanian President John Pombe Magufuli, standing beside President Pierre Nkurunziza, in July 2017, encouraging Burundians in exile to go back home and saying that “those who go around preaching that Burundi is not at peace should stop their gospel”,<sup>127</sup> followed by mediator Yoweri Museveni’s

condemnation in November 2017 of the ICC decision to open investigations into the Burundi crisis,<sup>128</sup> are at the very least a source of concern. Finally, the presumed arrest and disappearance of four members of the *Forces Populaires du Burundi* (Popular Forces of Burundi – FPB) in Tanzania in October 2017, and their possible extradition to Burundi, continues to cast doubt on a mediation process that increasingly shows signs of favouring one of the parties to the conflict.<sup>129</sup>

In the face of this situation, the EU<sup>130</sup> has remained very timid, limiting itself to a short declaration reiterating its support for the mediation process and appealing for the sincere and serious engagement of all stakeholders. Yet the failure, for over two years now, to create a meaningful and inclusive political dialogue increases the risk of a recourse to violence and of the radicalisation of opponents of Pierre Nkurunziza’s regime. A proactive and preventive approach in the face of the danger of violence in the country should be adopted by the whole of the international community, and in particular the EU. In addition, the mistrust expressed by different parties to the conflict in relation to the current facilitation should prompt the international community and the EU in particular to consider a resumption of the mediation process by an actor who, under the aegis of the AU, is perceived as more legitimate and neutral.

## b. Hate speech, incitement to violence and to armed conflict

The deadlock in the dialogue process is particularly worrying in a country where the wounds of the past remain open. Burundians are currently facing the

challenge of dealing with the memory of this past and while the Arusha Agreement had helped to re-establish a degree of harmony amongst the population, the undermining of the Agreement, together with a climate of hate and ethnic polarisation exploited by the government draw Burundi back to the darker moments of its history.

The current climate of hate has made certain commentators fear the worst.<sup>131</sup> Although those in power and CNDD-FDD party members are the key exponents of this hate speech (see Part I.c), it has also been adopted by certain sectors of the population. For example, during the commemoration of the International Day of women's rights, on 31 March 2018, members of the National Women's Forum performed songs describing colonisers, Europeans and opponents of Pierre Nkurunziza as venomous snakes that deserved to be decapitated before the end of 2018. The women present also threatened to hang "enemies of the CNDD".<sup>132</sup> Incitement to violence and hatred is also widely resorted to by the *Imbonerakure*, for example during official visits by Burundian authorities such as the visit of the President of the Senate to Kayanza province on 1 April 2017, during which hundreds of *Imbonerakure* marched into Kayanza stadium chanting hate songs.<sup>133</sup> A video also circulated on social networks, showing around 100 *Imbonerakure* singing a song calling on people to "impregnate opponents so that they give birth to *Imbonerakure*"; the term "impregnate" translated directly from Kirundi could also mean "to knock up" or even "to rape".<sup>134</sup> According to FORSC this song is widely sung and repeated at each rally such as that of Saturday 6 May 2017, during which thousands of new members were welcomed into the CNDD-FDD in Bujumbura. Accused of grave

human rights violations (see Part I), the *Imbonerakure* constitute a very worrying threat to peace and security in Burundi. The recent exchanges of fire between this militia and the Burundian military in Cibitoke province, resulting in four injured, worryingly demonstrates the threat posed by the existence of a group of armed civilians alongside a regular army, provoking potential misunderstandings and frustration between these two entities, both of which, in parallel, are responsible for guaranteeing the security of the country.<sup>135</sup> Controlling the whole territory, specifically by means of patrols and night-time displays of force,<sup>136</sup> these armed and trained youth, who take their orders directly from the President's office, act as a local police force, harassing all alleged opponents of President Pierre Nkurunziza and his referendum. Even though opponents of the present regime comprise both Hutu and Tutsi, the Burundian authorities and the *Imbonerakure* foment distrust and hate towards the Tutsi in particular, who are classified as natural opponents and enemies of Pierre Nkurunziza's "reign". As such, those displaced in 1993 are particularly subject to intimidation, threats and harassment of a political-ethnic nature, and their movements outside the sites designated for the displaced is scrupulously controlled, not to say forbidden, by the *Imbonerakure*.<sup>137</sup> A recent intensification of paramilitary training among the *Imbonerakure* reported by civil society organisations has stirred up fears within the population at large.<sup>138</sup> Finally, the adoption in March 2018 of a bill establishing a Burundian national volunteer force that seems to create a legal framework for the actions of the *Imbonerakure* has also provoked serious concerns amongst various Burundian civil society actors.<sup>139</sup>

**131. Genocide: Beate Klarsfeld fears for Burundi** (in French), Radio France Internationale, 4 February 2018

**132. Burundi Watch Update**, Atrocities Watch Africa, Mars 2018.

**133. Hate speech: Burundian authorities attack "demons" and "vampires"**, (in French), FORSC, October 2017

**134. Idem**

**135. Report No. 123 of SOS-Torture** (in French) SOS-Torture, 21 April 2018

**136. Burundi: the Imbonerakure militia shows its strength three weeks before the referendum** (in French). La Libre Afrique, 23 April 2018

**137. The displaced from the 1993 war - a population under house arrest without any humanitarian assistance** (in French), FORSC, 7 April 2018

**138. Report of the Secretary-General on the Situation in Burundi**, S/2018/89, UNSC, 25 January 2018

**139. Analysis and adoption of bill establishing a Burundian national volunteer force** (in French), National Assembly of Burundi, 4 April 2018

**140. Repression and Genocidal Dynamics in Burundi**, FIDH and Ligue Iteka, November 2016

**141. Burundi: Ezechiel Nibigira, former head of the Imbonerakure, to become Minister of Foreign Affairs** (in French), Jeune Afrique, 20 April 2018

**142. Political crisis in Burundi: "the risk of genocide has passed but killings continue"** (in French), Jeune Afrique, 6 February 2018

**143. Burundi: The Army in Crisis**, International Crisis Group, 5 April 2017

**144. Burundi: a facade of normality?** (in French), France Culture, 20 April 2018

Alongside the *Imbonerakure*'s omnipresence, with its hate-filled ethnic discourse, the “clean-up” of the security forces, implemented by the regime following the failed coup of March 2015, is intensifying (see Part 4.a). This undermining of ethnic balance within the defence forces is of great concern, even more so because it is coupled with the use, by those in power, of specialised units with a strong Hutu representation, both within the police, such as the riot police (established in 2015) and the *Appui pour la Protection des Institutions* (unit in charge of protecting state institutions), and within the army, such as the *Brigade spéciale pour la protection des institutions* (Special Brigade for the Protection of Institutions), who appear to report directly to the President via parallel chains of command.<sup>140</sup> The appointment of Ezechiel Nibigira, former leader of the *Imbonerakure*, as head of the Ministry of Foreign Affairs is further evidence of the hard and brutal line being taken by those in power.<sup>141</sup> Even though, officially, increasing numbers of observers from Burundian<sup>142</sup> and international civil society appear to have ruled out the risk of genocide, no doubt in order to avoid magnifying the impact of the ethnic rhetoric used by those in power to cause divisions among the population, increase repression and thus consolidate their power, the recourse to hate speech as well as the policy of terror and repression on the part of the *Imbonerakure* in particular are extremely worrying signs for peace and security in Burundi. Given that Burundi is not (yet) in a situation of open civil war, but rather of low intensity conflict<sup>143</sup>, with the government trying to maintain a facade of normality,<sup>144</sup> it is essential that the international community and the EU in particular do not passively stand by as the situation deteriorates before taking action, but that they adopt as of now a

preventive approach, exercising added pressure on the Burundian government to enable conflict prevention mechanisms to be put in place, such as the deployment of a contingent of UN police officers, as envisaged by UN Security Council (UNSC) Resolution 2303. The EU should also provide concerted support for civil society programmes aiming to promote peaceful coexistence and strengthen social cohesion, in order to avoid the spread of hatred and division which could lead to the outbreak of violence and another conflict.

This seems all the more important as despair and fatigue in the face of the current stalemate in the dialogue process risk pushing a growing number of Burundians towards viewing armed conflict as the only solution.

In fact, armed conflict is already the chosen option for some individuals, in particular following the 2015 crisis, when various armed groups hostile to Pierre Nkurunziza's regime saw the light of day. Without going into detail regarding the numerous Burundian armed groups, it is nonetheless important to consider two of them that have focussed their struggle exclusively on maintaining the constitutional order and bringing about the fall of those currently in power, namely *Résistance pour un État de droit* (Resistance for the Rule of Law – RED-Tabara), mainly composed of youth who are against a third mandate and victims of repression who were subsequently radicalised, as well as the *Forces Républicaines pour le Burundi* (Republican Forces for Burundi – FOREBU), largely composed of former members of the army and police who in August 2017 reassembled within the *Forces Populaires du Burundi* (FPB). These two groups grew significantly between 2015 and the end of 2016,

increasing attacks in Bujumbura and other provinces. Efforts to coordinate the two movements appear to have been under discussion since the beginning of 2016, and in August 2017 RED Tabara released a statement announcing its intention to develop a strategy for joint action in the armed conflict.<sup>145</sup>

Nevertheless, even if various meetings and exchanges appear to have been organised with a view to developing a possible coalition, this appears compromised by the lack of common leadership. This leadership crisis has grown further since the disappearance of the main FPB leaders in October 2017 in Tanzania,<sup>146</sup> but also following the alleged arrest in August 2017 of the chief of staff of RED Tabara, Melchiade Biremba, who is said currently to be detained in Kinshasa. Weakened and divided, for the moment these two key groups seem to have little grip on a territory that is criss-crossed and totally controlled by the *Imbonerakure*, creating an obstacle for even the slightest movement of troops on Burundian soil. These groups also currently lack substantial external support in terms of arms or consistent financing. Ultimately and above all, the FPB as well as the RED Tabara do not have a solid rear base in a neighbouring country. The current collaboration between Bujumbura and Dar es Salaam does not allow for a strong presence of these groups in Tanzania. True, the eastern Democratic Republic of the Congo (DRC), in particular Fizi and Uvira territories in the province of South-Kivu, have historically been preferred areas of retreat and recruitment for Burundian armed groups. Indeed, in August 2017, the UN Group of Experts for the DRC (hereafter: Group of Experts) reported the ongoing mobilisation of these two groups in the region, and the recruitment of new members in Burundian refugee

camps in the DRC. FOREBU (now FPB) was then presented as “the most relevant Burundian armed group operating in the Democratic Republic of the Congo”.<sup>147</sup> Nevertheless, it is difficult for them to establish a secure rear base in this area, with the *Forces Armées de RDC* (Armed Forces of the DRC – FARDC) and some Maï Maï groups exerting more and more pressure on them. Uganda, which does not have any common border with Burundi and is not strictly speaking a preferred area of retreat, appears nonetheless to have tolerated the training of members of RED Tabara on its soil during 2016, but this appears no longer to be the case officially. Lastly, Rwanda, accused by the Group of Experts of having trained and armed Burundian refugees in February 2016,<sup>148</sup> does not seem, for now, to be prepared to take the diplomatic risk associated with this kind of support. Hence there appears no risk, in the short term, of conflict erupting as a result of external rebellion. However, regional geopolitical stability is currently very fragile. An outbreak of ethnic violence, orchestrated by those in power in Burundi, could for example provoke direct or indirect reactions from Rwanda and Uganda, in the form of support to rebel armed groups.

**145. Burundi: joint rebel action envisaged against President Nkurunziza** (in French), AA, 30 August 2017

**146. Tanzanian mediation compromised by the arrest of FPB leaders** (in French), Radio Publique Africaine, 25 October 2017

**147. Letter dated 4 August 2017 from the Group of Experts extended pursuant to Security Council resolution 2293 (2016) addressed to the President of the Security Council**, Security Council, 10 August 2017

**148. Great Lakes: contents of the confidential report of the UN Group of Experts** (in French), Jeune Afrique, 6 February 2016

**149. Refugees from Burundi: Total**, United Nations High Commissioner for Refugees (UNHCR), consulted 26 April 2018

**150. Burundi risks becoming forgotten refugee crisis without support**, UNHCR, 6 February 2018

### **c. A forgotten refugee crisis**

In this context, the sensitive issue of refugees represents an additional risk to stability in the region. According to UNHCR figures, in April 2018 there were 430,478 Burundian refugees<sup>149</sup> in neighbouring countries, including more than 250,000 in Tanzania, about 90,000 in Rwanda and 47,000 and 40,000 in DRC and Uganda respectively.<sup>150</sup> The UNHCR also points out that an increase of about 50,000 new refugees is expected in 2018, given that regional efforts to

resolve the country's political crisis have not made significant progress. In her briefing of 6 February 2018,<sup>151</sup> UNHCR Regional Coordinator for Burundian refugees Catherine Wiesner underlined that the UNHCR and its partners were not promoting or encouraging refugee returns to Burundi. Alluding to diplomatic efforts by Bujumbura to convince third countries to repatriate the Burundian refugees on their territory, she also appealed to the region's states to honour their international responsibilities and not to force any Burundian refugee to return to their country against their will.<sup>152</sup> The majority of these refugees live in overcrowded camps where minimum standards of humanitarian assistance cannot be met.<sup>153</sup> The situation is just as appalling for urban refugees, especially in Rwanda, where they face specific challenges in particular due to the lack of information or an exchange channels regarding the support provided by the UNHCR and its partners who are mainly active in the camps.<sup>154</sup>

**154.** Situation of Burundian refugees living in the dioceses of Butare, Kabgayi, Kibungo, Kigali and Nyundo, CJP-Caritas Rwanda-CRS, November 2017 (in French)

**155. Third of Burundi population need humanitarian aid**, AFP, 21 February 2018

**156. Humanitarian Action Plan of ECHO 2018**, ECHO, 2018

slowly becoming a forgotten crisis. The EU should allocate a significantly higher amount towards the Burundian refugee crisis and to the humanitarian needs of the Burundian population. It should also pay particular attention to the way in which humanitarian programmes are implemented, ensuring in particular that they are conflict sensitive. Indeed, if the current situation provides fertile ground for recruitment and infiltration by armed groups, as has been the case on many other occasions in the region, it could also see suffering and frustration turn to violent tensions, in particular between refugees and host populations, as well as when groups of refugees return to their country of origin.

In the face of this alarming humanitarian situation, the UNHCR launched a 391 million dollar appeal to support Burundian refugees, stressing that only 21% of the required funds had so far been mobilised, making the Burundian refugee crisis the world's least funded refugee crisis. The UNDP has also stated that one in three Burundians will need humanitarian assistance in 2018, an increase of 20% compared with 2017.<sup>155</sup> In light of this crisis, the EU has planned a 33 million euro assistance package in 2018 for all of the countries in the Great Lakes region, including the DRC, Burundi, Rwanda and Tanzania.<sup>156</sup> This amount is well below what is needed to meet the needs highlighted in this paper and demonstrates the extent to which Burundi is

# PART IV – A power under siege : the AMISOM pot of gold

The African Union's peacekeeping mission in Somalia (AMISOM) is the largest peacekeeping mission on the African continent. It is also one of the most dangerous mission's in Africa, with the number of fatalities amongst its deployments estimated at more than 4,000.<sup>157</sup> The EU contributes to the allowances of AMISOM troops to the value of 25 million US Dollars a month, through the European Development Fund (EDF), specifically via the African Peace Facility (APF).<sup>158</sup> Since the initial deployment of the mission in 2007, the EU has transferred more than 1.5 billion Euro to the AU for AMISOM. The financial contribution of the EU constitutes a significant source of income for many of the troop contributing countries. It is the governments of the countries contributing to AMISOM that decide the amount and frequency of transfers to their contingents. Ethiopia, for example, only transfers 50% to its soldiers and uses the remaining half for other purposes.<sup>159</sup>

## a. Burundi and AMISOM

Burundi re-joined AMISOM in 2007. With six rotating battalions, i.e. 5,432 soldiers, it is the second biggest troop contributor to AMISOM.<sup>160</sup> Even though the security situation is highly precarious, it still brings significant benefits to the country and its troops.

### i. Financial advantages

AMISOM provides important financial

resources to both the government and to individual soldiers. It has permitted a substantial increase in salaries (800 US Dollars on average per month for a Burundian soldier deployed in Somalia, compared with 40 US Dollars in Burundi) and a “death in service” benefit of 50,000 US Dollars, a fortune in Burundi.<sup>161</sup> AMISOM veterans have invested in property, sometimes building new residential districts.<sup>162</sup> Participating in the Somalia mission also opens up prospects for international careers.<sup>163</sup> The EU-funded contributions are also an important source of revenue for the government, which withholds 20% of salaries for “administrative costs”.<sup>164</sup>

### ii. Political and diplomatic benefits

Burundi has acquired significant political and diplomatic clout as a result of its large contribution of troops to AMISOM. Indeed, from a political perspective it permits the government to keep a hold on power and ensure the loyalty of the armed forces by offering them lucrative positions abroad, even if a large part of the allocated funds is withheld by the government (see below). On a diplomatic level, a reputation as regional peacekeeper strengthens Burundi's international image while diverting attention away from its internal crisis.<sup>165</sup> This strengthened political leverage at a regional level is likely to be one of the main reasons why the country was admitted into the AU Peace and Security Council.<sup>166</sup>

**157. True cost of world's most dangerous peacekeeping mission shockingly high**, The East African, 25 January 2018

**158. Impact of EU funding dynamics on AMISOM**, Institute for Security Studies, December 2017.

**159. Paying for AMISOM: Are Politics and Bureaucracy Undermining the AU's Largest Peace Operation?**, IPI Global Observatory, January 2017.

**160. Burundi**, African Union Mission in Somalia

**161. Burundi: The Army in Crisis**, International Crisis Group, 5 April 2017.

**162.** Idem

**163.** Idem

**164. Paying for AMISOM: Are Politics and Bureaucracy Undermining the AU's Largest Peace Operation?**, IPI Global Observatory, January 2017

**165. Impact of EU funding dynamics on AMISOM**, Institute for Security Studies (ISS), December 2017

**166. Peacekeeping Contributor Profile: Burundi**, Providing for peacekeeping, October 2016

**167. The Burundian army's dangerous over-reliance on peacekeeping**, African Arguments, September 2017

**168. Peacekeeping Contributor Profile: Burundi**, Providing for peacekeeping, October 2016

**169.** Idem

**170. Burundi: The Army in Crisis**, International Crisis Group, 5 April 2017.

**171. Belgium suspends its police cooperation with Burundi and its support to the electoral process** (in French), Press release from Alexander de Croo, 10 May 2015

**172. U.S. suspends Burundi peacekeeping training over protests**, Reuters, 23 May 2015

**173. COUNCIL DECISION concerning the conclusion of consultations with the Republic of Burundi under Article 96 of the Partnership Agreement**, Council of the European Union, 8 March 2016

**174.** Idem

**175. Paying for AMISOM: Are Politics and Bureaucracy Undermining the AU's Largest Peace Operation?**, IPI Global Observatory, January 2017

### **iii. Benefits for the integration process in the Burundian army**

Participation in AMISOM has also had a positive impact on the integration process in the Burundian army and on strengthening its “esprit de corps”.<sup>167</sup> Indeed the decision to provide troops to the mission was taken at a time when rebel groups and the Burundian army (FAB) merged and when the majority of members of the former armed forces had been forced to demobilise. Deployment in Somalia temporarily interrupted the demobilisation process, thus alleviating the grievances of the ex-FAB.<sup>168</sup>

### **iv. Institutional benefits**

The significant contribution to AMISOM contingents also opened up opportunities for training and capacity building in the Burundian army, thus increasing its professionalism and strengthening the integration process. Pre-deployment training given by ACOTA (Africa Contingency Operations Training and Assistance), funded and managed by the US State Department and supported by the United States Africa Command was highly important in this regard.<sup>169</sup>

### **b. Reactions of the international community and in particular the EU following the 2015 crisis, and their impact on AMISOM funding**

The crisis that erupted in April 2015 had a profound impact on the Burundian army. The failed coup attempt of May 2015 led to a series of purges and reprisals, including several assassinations of former FAB and rebel leaders, all of which destabilised the fragile internal cohesion.<sup>170</sup> In response to the violent

repression of protests against Pierre Nkurunziza running for a third term, several of Burundi's partners suspended their cooperation with the state security forces. Belgium and the Netherlands suspended their security sector reform programmes<sup>171</sup> and the United States suspended its ACOTA pre-deployment training.<sup>172</sup> The suspension of the ACOTA programme also had the unintended effect of putting an end to the supervision of troops deployed to AMISOM.

The most significant impact of the international response to the repression in Burundi was the suspension, in March 2016, of all direct financial support to the government of Burundi by the EU and its Member States. This suspension, a result of the failure of consultations held under Article 96 of the Cotonou Agreement with Burundi, also brought about a review of EU financing to AMISOM.<sup>173</sup> In the words of the Council of the EU, the “financing conditions and the procedures for payment of allowances to Burundian military personnel taking part in the AMISOM Mission, as well as the contribution paid to the Government of Burundi for pre-deployment costs (financed by the EDF under the APF), will be reviewed and adjusted in consultation with the African Union.”<sup>174</sup> Until an agreement had been reached between the EU, the AU and Burundi on the ways of paying the salaries of the Burundian contingent, the troops no longer received EU-funded contributions. As a result, in December 2016 President Nkurunziza threatened to withdraw the Burundian troops from AMISOM if their salaries were not paid, and also threatened the AU with legal action on the issue.<sup>175</sup>

Faced with the threat of troop withdrawal and legal action, the AU and

Burundi agreed in January 2017 that the AU would directly transfer the soldiers' salaries into personal bank accounts opened in their name in a private Burundian bank instead of transferring them to the government. The EU accepted this principle and imposed a special audit process to verify that the salaries were indeed being paid directly to the soldiers. In this way, it appeared that AMISOM would be able to continue its mission in Somalia and that Burundian troops would keep their allowances, while the Burundian government was prevented from benefitting directly from European funds.<sup>176</sup> However, many Burundian and international observers expressed serious doubts, highlighting instances of misappropriation of AMISOM funds by the regime.

### c. Allegations of corruption and misappropriation of AMISOM funds

Indeed, the lack of transparency with regard to the management of AMISOM funding has prompted several corruption allegations. In 2014, the Burundian anti-corruption watchdog OLUCOME accused government officials of having bought a new private jet for President Nkurunziza with AMISOM funds.<sup>177</sup> In 2016, the national budget made reference to 3 billion Burundian francs as "extraordinary revenue from AMISOM". This is a huge drop compared with 2014-2015, when 29 billion was included in the same budget line, raising additional questions about corruption and misappropriation of AMISOM funds.<sup>178</sup>

#### i. "Voluntary" contributions transferred by AMISOM soldiers to the government

The implementation of the agreement reached in January 2017 between the EU, the AU and Burundi has proven more complex than expected. The agreement was meant to prevent the central government from benefitting from EU funds while guaranteeing direct payment of allowances to the Burundian troops in AMISOM. However, instead of the allowances being transferred to individual soldiers' accounts, they were deposited in the *Coopérative d'Epargne et de Crédit pour l'Autodeveloppement* (CECAD), a military cooperative run by the Defence Ministry.<sup>179</sup> Even though individual accounts for each soldier deployed to AMISOM had indeed been opened in CECAD, some soldiers claimed only to have received 80% of their allowance, suggesting that the government continued to levy administrative costs of 20%. When questioned by Radio France Internationale (RFI), the Burundian army spokesperson, Colonel Gaspard Baratuza, replied that the soldiers voluntarily offered to transfer 20% of their allowances.<sup>180</sup> However, these voluntary contributions now appear to be more of an established rule and ever less voluntary. In an interview given to the Burundian news agency Iwacu in February 2018 Gaspard Baratuza, reacting to accusations that AMISOM funds were being used to organise the 2020 presidential elections, explained: "*That is not true (...) We have decided to put all our military personal on an equal footing. Those who earn a lot will have to contribute more. To do this, we have introduced an agreement procedure. Whoever wants to can sign up and transfer 500 US Dollars per month. Whoever refuses will be replaced by someone who understands our reasoning. But*

**176. Burundi, AU resolves AMISOM pay dispute**, AFP, 16 February 2017

**177. Mystery surrounding new presidential jet** (in French), Iwacu, 23 October 2014

**178. Peacekeeping Contributor Profile: Burundi**, Providing for peacekeeping, October 2016

**179. Burundi: the government is still taking a 20% cut from Amisom soldiers' salaries** (in French), RFI, 23 June 2017

**180. Idem**

**181. Administrative procedures to blame** (in French), Iwacu, 16 February 2018

**182. Enforced disappearance of Alexis NGABONZIZA, Ferdinand HAVYARIMANA and Corporal-Chef Jean NDAYIZEYE**, FOCODE, 3 March 2017

**183. Burundi: EU closes consultations under Article 96 of the Cotonou agreement**, Council of the European Union, 14 March 2016

**184. Evaluation of the implementation of the African Peace Facility as an instrument supporting African efforts to manage conflicts on the continent**, ECDPM, 1 December 2017

*this has nothing to do with funding for the elections, which will be withheld from the local salaries of all military personnel.”<sup>181</sup>*

## **ii. The system of *Kumena amaso* and the greasing of palms to secure a place in AMISOM**

Some Burundian human rights organisations have documented even more underhand methods of organised corruption linked with EU-funded allowances to AMISOM troops. They have reported a widespread practice of soldiers seeking deployment in Somalia who grease the palms of officials charged with recruitment in order to secure a place in AMISOM. According to this practice, called *Kumena amaso* (meaning ‘to turn a blind eye’): “*a soldier can pay between one million (1,000,000) and five million (5,000,000) Burundian Francs to be on the list of participants in peacekeeping missions. These payments go through “sub-commissionaires”, usually corporals close to the military administration, located in different military regions. Since it is often difficult to collect such a sum at a time, the soldiers seek money lenders, civil or military, who charge them exorbitant monthly interest rates, i.e. 50% per month or ask for the sharing of monthly allowances once deployed in the mission.*”<sup>182</sup>

## **d. The lack of coherence in continued EU support to the Burundian contingent of AMISOM**

The financial support which enables Burundian participation in AMISOM gives the Burundian President considerable power and influence, in particular by allowing him to buy the loyalty of

the army through the offer to Burundian soldiers of handsomely paid positions in Somalia as well as the possibility of personal enrichment through the *Kumena amaso* system. Thanks to a sophisticated and well-organised system of coercion, ironically called “voluntary contributions”, the Burundian government benefits directly from EU funding to AMISOM’s Burundian troops. Such a practice, which consists of withholding “contributions” on allowances paid by the EU, is at odds with the letter and spirit of the EU Council conclusions of 14 March 2016<sup>183</sup> suspending all direct financial support to the Burundian government and also with the agreement between the EU and the AU regarding new payment modalities for Burundian troops in Somalia. What is more, in the current context in Burundi, marked by grave human rights violations, the participation of Burundian troops in AMISOM allows the Burundian government to assume a respectable image and to have significant diplomatic influence in particular in relation to international mediation efforts. This was also acknowledged and highlighted in the final external evaluation report of the EU APF.<sup>184</sup> Furthermore, with the suspension of ACOTA pre-deployment training by the US, which included a programme for the supervision and vetting of Burundian troops deployed to AMISOM, it is now practically impossible to verify whether Burundian soldiers in Somalia are responsible for human rights violations. It is also impossible to verify whether members of militia groups like the *Imbonerakure* are compensated for “services rendered” in acts of repression by being deployed (and well paid) in Somalia.

# Recommendations: Courses of action for the European Union and its Member States

On the basis of the analysis presented in this report (see Introduction, Part I, Part II, Part III and Part IV), EurAc wishes to propose the following courses of action and recommendations to the various European decision-makers: to the EU Member States, in particular when meeting as the Council of the European Union, to the European Commission (EC), in particular the Directorate-General for International Cooperation and Development (DG DEVCO) and the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO), to the European External Action Service (EEAS) and to the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission (HR/VP).

## **On the political and diplomatic level**

### **Council of the EU – EEAS**

- Given the flagrant lack of improvement in the human rights situation in the country, characterised in particular by the brutal repression of dissident voices in the lead-up to the referendum and by the recent adoption of repressive laws on foreign NGOs and local non-profit associations, **renew the decision to suspend direct support to the Burundian government as agreed in the EU Council decision of March 2016**, by applying Article 96 of the Cotonou Agreement, and **re-direct the suspended aid towards direct financial support to civil society organisations**, in particular those working to promote and protect civil, political, social and economic rights and press freedoms, including organisations and their members in exile;
- **Suspend financial support** used to fund salaries and allowances for the Burundian contingent in AMISOM, a practice totally at odds with the suspension of direct support under Article 96 of the Cotonou Agreement, and **put pressure on the African Union to find a replacement for Burundian troops**, allowing that mission to continue to fulfil its vital role in Somalia;
- **Publicly condemn the organisation of the constitutional referendum** given the current political and security context which is not conducive to such major changes;

- Support the organisation of a high-level meeting with all historical guarantors of the Arusha Agreement and support the release of a joint statement condemning the undermining of this Agreement and of its indisputable achievements in the search for peace in Burundi, as well as the deliberate exploitation of ethnic issues that could lead to a serious destabilisation of Burundian society, as well as to renewed conflict;
- Cease EU support to the mediation process as currently conducted by the EAC, given its lack of adequate inclusiveness and credibility, and press for the setting up by the AU of a mediation and facilitation team that is impartial and agreed by all parties, allowing the representation of all stakeholders in the conflict, with particular attention to the participation of women.

### **On the issue of the protection of fundamental freedoms and human rights**

#### **Member States – Council of the EU – EEAS**

- Extend the EU targeted sanctions (prohibition on entering EU territory and assets freeze) adopted in October 2015 against four people, and target other individuals within President Nkurunziza's inner circle who are responsible for human rights violations and/or who use hate speech, in particular with ethnic connotations;
- Use the EU's diplomatic influence to put pressure on the members of the UN Security Council (UNSC), in particular on European states that are permanent or temporary members, and more particularly on the UNSC sanctions committee, to immediately apply UN sanctions against Burundian officials responsible for human rights violations and/or who use hate speech, in particular with ethnic connotations;
- Use the EU's diplomatic influence to put pressure on members of the Human Rights Council to renew the mandate of the UN Commission of Inquiry on Burundi and demand that the Burundian government allow the UN, the AU and other independent observers to carry out investigations into crimes committed since the beginning of the crisis, including access to all sites of detention without prior warning and total and unimpeded access to all detained persons;

- Communicate in a much stronger and more coherent manner the EU's commitment and determination to defend the rights and freedoms of Burundian citizens, such as the freedom of expression, association and assembly; condemn policies of harassment, arrest and detention of political opponents, human rights defenders (in accordance with the *European Guidelines on Human Rights Defenders*<sup>185</sup>), civil society members and their families, and journalists, in particular threats to and violence against the population as part of the referendum campaign;
- Demand that de-registered or suspended organisations are able to resume their activities and that their security is guaranteed; demand that media organisations are able to resume their activities and that their security is guaranteed;
- Demand the immediate and unconditional release of all prisoners of conscience, and that any charges against them are dropped;
- Call for the abrogation of the new laws on local Burundian non-profit associations and foreign NGOs, which appear to impose undue restrictions on freedom of expression, association and assembly and grant radical new powers to the government to control these organisations and repress critical voices;
- Publicly condemn the adoption of a new law on the creation of a national volunteer force which appears to legalise the activities of the ruling party's violent youth militia, the *Imbonerakure*, which has been widely accused by international human rights organisations and the UN of seriously violating fundamental rights while operating with total impunity;

#### **DG DEVCO – Members States - EEAS**

- Urge EU Member States to provide strengthened direct and flexible financial aid to civil society organisations and the media, in particular women's organisations, working on the ground but also those in exile, and in particular those who are working to promote and protect civil, political, economic and social rights and press freedoms ; facilitate internal relocation or access to emergency visas for human rights defenders and organisations at risk in Burundi, in order to help guarantee their physical and psychological integrity in all circumstances ;

## **On the security level**

### **EEAS – Council of the EU**

- Use the EU's diplomatic influence to bring about the effective implementation of the UNSC decision to deploy 228 UN police officers to Burundi in accordance with UNSC resolution 2303 adopted on 29 July 2016;

### **DG DEVCO**

- Press for the implementation of specific programmes in Burundi but also within and around refugee camps in neighbouring countries with the aim of promoting peaceful coexistence and strengthening social cohesion, with special emphasis on the inclusion of women and young people;

## **On the humanitarian level**

### **DG ECHO**

- Ensure that humanitarian projects are implemented with a clearly-defined “conflict sensitive” element and put in place rigorous mechanisms to ensure respect for humanitarian principles of neutrality and impartiality by international and Burundian implementation partners on the ground;
- Disburse additional emergency funding to meet the current needs of Burundian refugees.

# List of abbreviations

ACAT	<i>Action des Chrétiens pour l'Abolition de la Torture</i> (Action by Christians for the Abolition of Torture)
ACOTA	Africa Contingency Operations Training and Assistance
AMISOM	African Union Mission in Somalia
APF	African Peace Facility
APRODH	<i>Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues</i> (Burundian Association for the Protection of Human Rights and Detained Persons)
ASBL	<i>Associations sans but lucratif</i> (non-profit associations)
AU	African Union
CB-CPI	<i>Coalition burundaise pour la CPI</i> (the Burundian Coalition for the International Criminal Court)
CDP	<i>Conseil des patriotes</i> (Council of Patriots)
CECAD	<i>Coopérative d'Epargne et de Crédit pour l'Autodeveloppement</i> ( <i>Self-development Savings and Credit Cooperative</i> )
CNARED	<i>Conseil National pour le Respect de l'Accord d'Arusha pour la Paix et la Réconciliation au Burundi et la Restauration de l'Etat de Droit</i> (National Council for the Respect of the Arusha Agreement and for Peace and Reconciliation in Burundi and the Re-establishment of the Rule of Law)
CNDD-FDD	<i>Conseil national pour la défense de la démocratie-Forces de défense de la démocratie</i> (National Council for the Defence of Democracy-Forces for the Defence of Democracy)
COSOME	<i>Coalition de la société civile pour le monitoring électoral</i> (The Civil Society Coalition for Electoral Monitoring)
CPI/ICC	Cour Pénale Internationale/International Criminal Court
DG DEVCO	Direktorate-General for International Cooperation and Development
DG ECHO	Direktorate-General for European Civil Protection and Humanitarian Aid Operations
DRC	Democratic Republic of Congo
EAC	East African Community
EC	European Commission
EDF	European Development Fund
EEAS	European External Action Service
EU	European Union
FAB	<i>Forces Armées Burundaises</i> (Burundian Armed Forces)
FARDC	<i>Forces Armées de RDC</i> (Armed Forces of the DRC)
FNL	<i>Forces Nationales de Libération</i> (National Forces of Liberation)
FOCODE	<i>Forum pour la conscience et le développement</i> (Forum for Conscience and Development)
FOREBU	<i>Forces Républicaines pour le Burundi</i> (Republic Forces of Burundi)
FORSC	<i>Forum pour le renforcement de la société civile</i> (Forum for the strengthening of civil society)
FPB	<i>Forces Populaires Burundaises</i> (Popular Forces of Burundi)
HR/VP	High Representative and Vice-President of the European Commission
MSD	<i>Mouvement pour la Solidarité et la Démocratie</i> (Movement for Solidarity and Democracy)
NGO	Non-governmental organisation
PARCEM	<i>Parole et Action pour le Réveil des Consciences et l'Évolution des Mentalités</i> (Word and Action for the Awakening of Consciousness and the Evolution of Mentalities)
PNB	<i>Police Nationale Burundaise</i> (Burundian National Police)
RANAC	<i>Rassemblement national pour le changement</i> (National Rally for Change)
RCP	<i>Réseau des citoyens probes</i> (Network of Honest Citizens)
RFI	<i>Radio France Internationale</i>
RPA	<i>Radio Publique Africaine</i> (African Public Radio)
SNR	<i>Service National du Renseignement</i> (National Intelligence Service)
UBJ	<i>Union burundaise des journalistes</i> (Burundian Union of Journalists)
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council

**Created in 2003, the European Network for Central Africa (EurAc) has member organisations from civil society in 11 European countries. These organisations work on and in the Great Lakes region. They support civil society organisations in Burundi, the Democratic Republic of Congo (DRC) and Rwanda in their efforts to promote peace, the defence of human rights and development.**

**EurAc's mission is to carry out advocacy work towards the European institutions and political decision-makers around 3 central themes for the Great Lakes region: (1) peace and security, (2) human rights and inclusive political participation and (3) management of natural resources. Transversely from these fields, the improvement of governance and the strengthening of non-state actors as counter-power are priorities of our advocacy network.**

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