



**BURUNDI ON A DOWNWARD SPIRAL:
PREVALENCE OF VIOLENCE AND IMPUNITY**
A POLICY ACTION BRIEF

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CIVICUS

Who We Are

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Abbreviations

AU	African Union
ACHPR	African Commission on Human and Peoples Rights
ACAT	Action des Chrétiens pour l'Abolition de la Torture au Burundi (Christian Action for the Abolition of Torture in Burundi)
APRODH	Association pour la Protection des Droits Humains et des Personnes Détenues (Association for the Protection of Human Rights and Detained Persons)
AREDDHO	l'Association pour la Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme au Burundi (Association for Research on the Environment, Democracy and Human Rights in Burundi)
CAR	Central African Republic
CNARED	Conseil Nationale pour le respect de l'accord d'Arusha (The National Council for Respect of the Arusha Agreement), the main opposition coalition
CNDD-FDD	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), the ruling party in Burundi
CSO	Civil society organisation
DRC	Democratic Republic of Congo
EAC	East African Community
EU	European Union
FOCODE	Forum pour la Conscience et le Développement (Forum for Awareness and Development)
FORSC	Forum pour le Renforcement de la Société Civile (Forum for the Strengthening of Civil Society)
FONTAINE-ISOKO	Fontaine Isoko de la Bonne Gouvernance pour un Développement Intégré (Fountain Isoko for Good Governance for Integrated Development)
HRD	Human Rights Defender
ITEKA	Ligue Burundaise des Droits de L'Homme (Burundian League for Human Rights)
NGO	Non-governmental organisation
NIS	National Intelligence Service
OAU	Organisation for African Unity
PSC	Peace and Security Council of the African Union
PARCEM	Parole et Action pour le Réveil des Consciences et l'Evolution des Mentalités (Words and Action for the Awakening of Conscience and the Evolution of Mindsets)
RPA	Radio Publique Africaine (African Public Radio)
RFI	Radio France Internationale
RCP	Réseau des Citoyens Probes (Network of Citizens' Probes)
RTNB	Radio-Télévision nationale du Burundi (Burundi National Radio and Television)
SPPDF	Synergie des Partenaires pour la Promotion des Droits de la Femme (Synergy of Partners for the Promotion of Women's Rights)
STEB	Syndicat des Travailleurs de l'Enseignement du Burundi (Union of Education Workers of Burundi)
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Council
UPD	Union pour la paix et la démocratie - Zigabimanga (Union for Peace and Democracy)

Executive summary

“The international community has expressed concerns in different ways about the situation in Burundi. However, there is a lack of concrete actions to rescue the people of Burundi. At the same time, the genocide machinery was on at the height of the conflict in 2015 as hundreds of people have been killed... The international community must learn lessons from the experiences in Rwanda in 1994 and stop the violence in Burundi before it spirals out of control.”

Cyriaque Nibitegeka, Human Rights Defender, Burundi Bar Association, December 2015

The current crisis in Burundi has given rise to the worst violations of human rights since the country's brutal civil war of 1993 to 2005.¹ The Burundian government has wantonly targeted representatives of civil society organisations (CSOs) and real and perceived members of the political opposition. Extrajudicial killings and assassinations of those who are critical of the actions of the government have become commonplace.

The conflict was sparked in April 2015 when President Pierre Nkurunziza announced his intention to seek a third presidential term, in defiance of constitutional limits. He subsequently won the election, boycotted by the opposition and held with a low turnout, in July 2015. Since the start of the crisis more than 1,087 people have been killed and over 1,000 have been wounded.² Thousands more have been arbitrarily arrested and over 3,000 have been detained and tortured. At least 265,092 Burundians have fled the country to avoid being targeted.³ Among them are human rights defenders (HRDs), journalists, former members of government, representatives of civil society and citizens who have been caught up in the conflict. Most of them have sought refuge in neighbouring countries. According to the United Nations High Commissioner for Refugees (UNHCR), as of May 2016 at least 139,483 people have fled to Tanzania, 78,485 to Rwanda, 24,219 to Uganda and 22,905 to the Democratic Republic of Congo (DRC).⁴

Arrest warrants have been issued against several HRDs, members of the political opposition and others who publicly denounced President Nkurunziza's unconstitutional third term. The government of Burundi has labelled HRDs as people seeking to overthrow the government, making those in exile susceptible to arrest, including when they travel, as information about arrest warrants has been shared with international intelligence agencies. HRDs and members of the political opposition in exile also remain targets for the Burundian government. Some in exile report that their movements are being monitored and others are concerned that pro-government hit squads have infiltrated the ranks of refugees.

For those still in Burundi, security forces and government officials show blatant disregard for the rule of law and disrespect for international human rights obligations. Mass graves continue to be discovered in various parts of Burundi, while government officials issue statements with the intention of inciting ethnic tensions. Some of those arrested by the government have disappeared, while reports

¹ This policy action brief covers events in Burundi up to the end of May 2016.

² Figures of the exact number of those killed for reasons directly related to the current crisis vary, but some suggest more than 800 have been killed since April 2015, and civil society in Burundi report that as of May 2016, at least 1,087 have been killed. See 'Memorandum of Burundi civil society to the African Union and Partners including the UN, EU and the USA regarding Burundi's participation in AMISOM', <http://bit.ly/28QIYik> and 'Burundi: 900 deaths estimated as conflict between Nkurunziza and opposition rages on', International Business Times, 14 January 2016, <http://bit.ly/28RxcYd>.

³ 'Burundi Situation', Interagency Information Charing Portal, United Nations High Commissioner for Refugees, <http://bit.ly/1U7TaV6>.

⁴ Ibid.

from the human rights community in exile state that others are injected with unknown substances before they are released.

CSOs have been particularly targeted, as the government has mounted a campaign to deregister prominent organisations, particularly when they work on issues of corruption, democracy, governance and human rights. The bank accounts of some CSOs and their leaders have been frozen to obstruct them from engaging in legitimate civil society activities. CSO representatives and HRDs, and their relatives, have become targets for assassination by the authorities. All independent media agencies have been shut down and a number of journalists have had to flee Burundi.

Violence is being carried out by members of the Burundian security forces and the *Imbonerakure*, the armed wing of the ruling party, the *Conseil national pour la Défense de la Démocratie-Forces de Défense de la Démocratie* (CNDD-FDD). Since June 2015 attacks on security forces and military installations have also been carried out by unidentified people, most of them belonging to armed opposition groups. Such attacks often elicit brutal and large scale responses by state security agents, who attack civilians indiscriminately in affected areas.

Perhaps the greatest challenge to resolving the Burundi crisis is the accusation made by the Burundian government that those who oppose it are instigating an ethnic conflict. This hinders peace talks and creates further challenges for Burundians who have sought refuge in neighbouring countries, particularly those in Rwanda, because of historic conflicts between the two countries.

Several efforts have been initiated by the international community to resolve the crisis including by the East African Community (EAC) and the African Union (AU), but violence against the people of Burundi persists, while progress towards peace has been slow and inadequate. The efforts of the EAC's peace envoy, Uganda's President Yoweri Museveni, failed to provide any respite in the violence. Current peace negotiations facilitated by President Benjamin Mkapa of Tanzania face challenges because of the absence of key players from the peace process. There is a need for talks to be inclusive of all stakeholders, including civil society, and to address underlying problems of poor accountability, corruption and the denial of human rights.

Background to the conflict

The crisis in Burundi can be linked to the failure of the current regime to implement fully the key provisions of the Arusha Agreement, signed on 28 August 2000 between the Burundian government and different factions in the Burundian civil war. The Arusha Agreement marked the end of a brutal conflict that plagued Burundi between 1993 and 2005. The agreement calls for the establishment of a new political order based on the rule of law, democracy and respect for fundamental rights. It notes that the nature of the civil war was "...fundamentally political, with extremely important ethnic dimensions," and that it stemmed from "...a struggle by the political class to accede to and/or remain in power."⁵ The current crisis revolves around the contestation of Article 7(3) of the Agreement, which mandates that the president shall be elected for a term of five years, to be renewed only once, forbidding the president from serving more than two presidential terms. This presidential term limit is written into the Burundian Constitution.

Following the signing of the Arusha Agreement, President Nkurunziza took power after winning the election in 2005. In 2010 he won an election that was largely boycotted by the political opposition as his government was consistently targeting those who opposed his regime.⁶ Following the 2010 election, President Nkurunziza stifled fundamental freedoms and restricted the activities of CSOs, journalists and media agencies. Gross human rights violations committed by key members of the

⁵ See 'Arusha Peace and Reconciliation Agreement for Burundi', <http://bit.ly/20atSla>.

⁶ 'Burundi's 2010 elections: democracy and peace at risk?', Eva Palmans, European Centre for Electoral Support, <http://bit.ly/28S7H9L>.

regime were largely ignored by the authorities, perpetuating a sense of impunity reminiscent of the civil war period, with the government increasingly targeting members of the political opposition, forcing many to flee the country. Meetings and public gatherings organised by opposition political parties were routinely disrupted and their leaders harassed.

Over the last few years, Burundian authorities have recruited, armed and trained members of the *Imbonerakure* militia as a means of suppressing their critics. Civil society members who raised concerns about this were targeted by the authorities. For example, HRD Pierre Claver Mbonimpa was arrested on 15 May 2014 and jailed on charges of “inciting public disobedience” and “threatening public security” following an interview with *Radio Publique Africaine* (RPA), in which he expressed concerns about the training of young Burundian citizens by the military.⁷ He was provisionally released on health grounds on 29 September 2014. In addition, the freedom of expression has long been restricted by the authorities, with journalists frequently targeted, harassed and arrested, which encouraged practices of self-censorship.⁸ On 20 January 2015 Bob Rugurika, a journalist and director of RPA, was arrested and charged with complicity in murder for failing to reveal the identity of a radio programme guest. He was released on bail on 18 February 2015.

The current crisis was ignited on 25 April 2015 when President Nkurunziza’s CNDD-FDD party announced that he would stand for a third term.⁹ A day after the announcement, the *Halte au troisième Mandat* (stop the third term) campaign, a movement bringing together 300 Burundian CSOs, led peaceful protests against the decision.¹⁰ Members of the political opposition and citizens also took part in protests calling on President Nkurunziza not to seek a third term on constitutional grounds. The protests initially began in Bujumbura, the capital, but soon spread to other areas. Other groups involved in the protests were the *Mouvement Arusha* (Arusha Movement), composed of political parties, and the *Mouvement des Femmes* (Women’s Movement) consisting of women’s organisations and Burundian women working in a variety of fields. The response of the authorities to these peaceful demonstrations was often brutal, with deadly force being used against protesters. With the judiciary largely controlled by the regime, the perpetrators of violence are able to act with impunity.

April 2015 protests: the use of excessive force by the state

Burundian authorities have a history of restricting the freedom of assembly and using legislation, particularly the Law on Public Gatherings, to prevent public assemblies organised by civil society, the media and members of the political opposition.¹¹ Attacks on peaceful protests and restrictions on public gatherings increased significantly in 2014 ahead of the presidential, parliamentary and local government elections scheduled for 2015. Requests for permission to organise demonstrations by civil society and members of the political opposition were routinely rejected. When meetings and demonstrations took place, they were violently dispersed by security forces who also arrested protesters.¹² Most of those arrested were subjected to judicial persecution and sentenced. Even protests and workshops organised by lawyers’ associations and activities organised to commemorate significant events such as International Women’s Day were disrupted. However, demonstrations organised by the ruling CNDD-FDD party were allowed to take place without interruption. Further, the

⁷ ‘CIVICUS Alert - Burundi: release human rights defender immediately’, CIVICUS, 26 May 2014, <http://bit.ly/28P4OE7>.

⁸ ‘Burundi: Dire need to increase protections for civic space’, Article 19, April 2014, <http://bit.ly/28NVglg>.

⁹ Protocol 2, article 7, paragraph 3 of the Arusha Peace and Reconciliation Agreement stipulates that the president of the republic is elected for one term of five years, renewable only once.

¹⁰ ‘Inter-agency contingency plan: Burundi 2015 elections’, Relief Web, 29 April 2015, <http://bit.ly/28RY7Cu>.

¹¹ ‘Burundi : Pillay denounces increasing restrictions on political and civil rights ahead of 2015 elections’, United Nations Human Rights: Office of the High Commissioner, 7 March 2014, <http://bit.ly/1kDPLO5>.

¹² ‘Analysis of the legal framework for civil society in Burundi: case of December 2013’, Audace Gutavu, ‘Law on Public Demonstrations and Assemblies’, International Journal of Not-for-Profit Law, Vol. 16, No. 2, December 2014/16, <http://bit.ly/28PArLE>.

police often provided security for ruling party demonstrations and their participants to ensure that they could take place without incident or disruptions.

Following large scale protests against the announcement on 25 April 2015 of President Nkurunziza's intention to stand for a third term, authorities immediately labelled the protests as "an insurrection". Security forces and the National Intelligence Service (NIS) responded to the protests with excessive and disproportionate force.¹³ Some protest leaders, particularly those of *Halte au troisième Mandat*, were accused of promoting ethnic division, a sensitive issue in Burundi, even though protesters came from diverse ethnic and religious backgrounds.

Attacks on protesters intensified after a failed coup by a group of military officers on 13 May 2015. In the aftermath of the attempted coup, all demonstrations were banned and protesters were warned that they would be treated as coup supporters. On 23 May 2015 Zedi Feruzi, the leader of the political opposition party *Union pour la paix et la démocratie-Zigabimanga* (UPD) was assassinated in the town of Ngagara as the government continued its crackdown on protesters.¹⁴

The NIS and the police detained and tortured scores of protestors. Some were beaten with iron bars and forced to provide details of those who oppose the regime and their role in protests. In addition, security forces and NIS officials intimidated medical personnel and those treating injured protesters. Shockingly, security officials stormed several hospitals in Bujumbura and demanded the names of injured protesters who were receiving treatment.

Attacks by the *Imbonerakure*

The violent militia supported by the ruling party, known as the *Imbonerakure* ("those who see far" in the Kirundi language) has often been implicated in human rights violations and is known to have disrupted meetings and demonstrations by members of the political opposition and threatened and intimidated people who attend such meetings. It is estimated that there are approximately 50,000 *Imbonerakure* members in Burundi.¹⁵ They have been trained and provided with arms by the Burundian security forces. They are used to target those with opposing views and have carried out human rights abuses with impunity. As the protests erupted in 2015, members of the *Imbonerakure* moved from other parts of the country to Bujumbura to build up the number of militia members in the location where the protests were most intense. The *Imbonerakure* carries weapons and patrols major areas, targeting and physically attacking those who refuse to renounce their membership of opposition political parties. It has detained and beaten up protesters and others who are seen as having views that differ from those of the government, and *Imbonerakure* members continue to be stationed at check points in various parts of Burundi to restrict citizens' attempts to flee violence.¹⁶

In May 2016 a group of Burundian CSOs acting as part of the *Halte au troisième Mandat* movement expressed concerns over the continued presence of 5,300 Burundian peacekeeping forces in Somalia, along with other forces in the Central African Republic (CAR), Côte d'Ivoire and Sudan. They called on the European Union (EU), the United Nations (UN) and the USA to push for the return of these forces to Burundi. The CSOs argue that the absence of such a large contingent of defence forces from Burundi allows the *Imbonerakure* to commit atrocities against defenceless citizens with impunity.¹⁷ They argue further that President Nkurunziza uses the presence of Burundian forces in peacekeeping missions to deflect attention from his country and position Burundi as a peaceful and

¹³ 'Communiqué du gouvernement par rapport à la situation sécuritaire actuelle', President of the Republic of Burundi, 29 April 2015, <http://bit.ly/28OXYQr>.

¹⁴ 'Burundi Opposition figure Zedi Feruzi shot dead', Al Jazeera, 24 May 2015, <http://bit.ly/1Fvt0nM>.

¹⁵ 'Who are the Imbonerakure and is Burundi unravelling?', IRIN News, 28 April 2015, <http://bit.ly/1zchm1g>.

¹⁶ 'Burundi Watch Update, 23-29 May 2016', Atrocities Watch Africa, <http://bit.ly/28PR2jM>.

¹⁷ 'Memorandum of Burundi civil society to the African Union and Partners including the UN, EU and the USA regarding Burundi's participation in AMISOM', op. cit. See also Atrocities Watch Africa, op. cit.

responsible country that honours its commitments as an AU member by contributing to peacekeeping efforts.¹⁸

Human rights defenders: prime targets for the authorities

The government of Burundi often makes no distinction between HRDs and members of the political opposition. Since the start of the protests, HRDs and their families have been particularly targeted and often been subjected to vicious attacks by the security forces. Most HRDs have fled the country for their safety, to DRC, Kenya, Rwanda, Tanzania and Uganda. The president and leading government officials have made threatening and inflammatory comments about members of civil society and their families. HRDs who have remained in Burundi are unable to carry out their activities freely because of concerns about their safety and stringent restrictions placed on them and their organisations. They face being labelled and targeted as opponents of the regime. Some have disappeared. Family members who have attempted to look for them have been intimidated by the authorities.

For example on 10 December 2015 Marie-Claudette Kwizera, treasurer of Ligue Burundaise des Droits de L'Homme (the Burundian League for Human Rights, ITEKA), one of the most prominent human rights organisations in Burundi, was abducted in Bujumbura and forced into a van owned by the NIS.¹⁹ On 12 December 2015 her family was informed by NIS agent Dieudonne Bigirimana that she was being detained by the NIS. He demanded 3.5 million Burundian Francs (approximately US\$2,200) in exchange for her release. This was paid, but Marie-Claudette's whereabouts remain unknown, despite the fact that a member of her family went to the NIS and NIS officials searched the building.

On 3 August 2015 Pierre Claver Mbonimpa, President of the *Association pour la Protection des Droits Humains et des Personnes Détenues* (Association for the Protection of Human Rights and Detained Persons, APRODH), survived an assassination attempt when he was shot in Bujumbura by unidentified armed riding a motorbike.²⁰ Following this attempt on his life, he was taken out of Burundi for medical treatment. On 9 October 2015 his son-in-law Pascal Nshimirimana was killed by people armed with rifles and grenades, and his son Welly Fleury Nzitonda was arrested and then assassinated in November 2015 on his way to Mutakura, one of the Bujumbura neighbourhoods experiencing violence.²¹ The Prosecutor General later issued a list of the names of HRDs and members of the political opposition who have been issued with arrest warrants, and urged governments of countries to which they have fled to extradite them.

Provocative and inflammatory statements made by President Nkurunziza and senior government officials have been described by Burundians as evocative of similar pronouncements made prior to the genocide in neighbouring Rwanda in 1994. On 24 October 2015 President Nkurunziza warned those who have sought refuge abroad not to “feel they are superior” as they have left behind family members in Burundi. On 2 November 2015 the President made a speech that gave an ultimatum to people holding weapons “illegally to hand them over within five days”. The pronouncement was followed by indiscriminate assaults on citizens in neighbourhoods identified by the authorities as areas where those opposed to the regime were concentrated, targeted assassinations and large scale arrests and detentions.²² These actions forced many more people to flee, adding to the number of people internally displaced or in exile. On 4 November 2015 the first Vice President stated that “the

¹⁸ Atrocities Watch Africa, op. cit.

¹⁹ 'Burundi: Détention arbitraire de Mme Marie Claudette Kwizera, trésorière de la Ligue ITEKA', AWID, 16 December 2015, <http://bit.ly/28OGuPP>.

²⁰ CIVICUS, op. cit.

²¹ 'Burundi: un fils de Pierre-Claver Mbonimpa retrouvé mort à Bujumbura', RFI Afrique, 6 November 2015, <http://rfi.my/28RUhKb>.

²² 'Burundi: President's speech instils fear as killings increase', Human Rights Watch, 10 November 2015, <http://bit.ly/28NWOSJ>.

time to play was over". This led to mass arrests, extrajudicial killings and attacks in which bodies were hacked into small pieces by the security forces, under the pretext that they were ridding the country of illegal arms. In a meeting with local councils in Bujumbura, the President of the Senate, Révérien Ndikuriyo, used the word *gukora*, meaning "work" in Kirundi, which has a particular connotation, given the way the word was used during the Rwandan genocide in 1994.²³ He further promised to redistribute among militias land from parts of the country where citizens strongly protested against the third term.

Arbitrary closures and financial asphyxiation of CSOs

As part of its campaign to quash dissent, the government has orchestrated legal, bureaucratic and financial restrictions on CSOs, particularly those working on issues of corruption, good governance, human rights, torture and prisoners' rights. For example on 23 November 2015 the Ministry of Interior cancelled the licenses and ordered the temporary closure of 10 CSOs over accusations that they were taking part in anti-government activities.²⁴ The suspensions related to a criminal investigation in which the CSOs were accused of inciting violence during protests against the third term. Following this, the Prosecutor General obtained the banking details of several CSOs and issued notices informing them that their accounts were frozen. Affected organisations included *l'Association pour la Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme au Burundi* (Association for Research on the Environment, Democracy and Human Rights in Burundi, AREDDHO), *Syndicat des Travailleurs de l'Enseignement du Burundi* (Union of Education Workers of Burundi, STEB), ITEKA and RPA.²⁵ The organisations were informed that banks had been authorised to freeze their accounts without being provided details of the reasons for this action.

Attacks and restrictions on independent media

Freedom of expression and media freedoms have been severely restricted in Burundi in recent years, particularly following the 2010 presidential election. The government has used restrictive media laws to target journalists and independent media houses. Over the last five years, authorities have increasingly scrutinised journalists working on issues that the government considers sensitive on national security grounds. Journalists have been physically assaulted while covering protests and intimidated, persecuted and jailed under false charges of participating in acts of terrorism or being a member of a criminal group. In June 2013 restrictive amendments to the 2003 Press Law were approved that force journalists to disclose their sources to the authorities when reporting on issues related to public order and national security, and that empower the state arbitrarily to ban publications that endanger public safety and national security.²⁶

As the political situation deteriorated from April 2015 onwards, attacks on the media and independent journalists intensified significantly. Many journalists were forced to flee Burundi. At the start of the protests, prominent independent radio stations were attacked. Some had grenades thrown at their

²³ 'Burundi hears echoes of anti-Tutsi hate speech that sparked Rwanda genocide', International Business Times, 9 November 2015, <http://bit.ly/28PNbBT>.

²⁴ The 10 affected CSOs are: *Action des Chrétiens pour l'Abolition de la torture* (Christian Action for the Abolition of Torture in Burundi, ACAT); *Amicale des Militaires en Non Activité* (Association of Non-Active Military, AMINA); APRODH; *Fontaine Isoko de la Bonne Gouvernance pour un Développement Intégré* (Fountain Isoko for Good Governance for Integrated Development, FONTAINE-ISOKO); *Forum pour la Conscience et le Développement* (Forum for Awareness and Development, FOCODE); *Forum pour le Renforcement de la Société Civile* (Forum for the Strengthening of Civil Society, FORSC); *Maison Shalom* (House of Peace); *Parole et Action pour le Réveil des Consciences et l'Évolution des Mentalités* (Words and Action for the Awakening of Conscience and the Evolution of Mindsets, PARCEM); *Réseau des Citoyens Probes* (Network of Citizens' Probes, RCP); and *Synergie des Partenaires pour la Promotion des Droits de la Femme* (Synergy of Partners for the Promotion of Women's Rights, SPPDF).

²⁵ 'Burundi: soon, there will be no human rights defenders left', East and Horn of Africa Human Rights Defenders Project, 24 November 2015, <http://bit.ly/1Z1ljPn>.

²⁶ 'Burundi: Assent for Media Law blow to freedom of expression', Article 19, 6 June 2013, <http://bit.ly/28R6zn8>.

buildings and others were set alight.²⁷ These attacks were carried out by security forces, *Imbonerakure* members and unidentified individuals. During the protests, transmissions by private radio stations were interrupted and the RPA was ordered to shut down after authorities accused it of inciting demonstrations. Independent broadcasters Bonesha FM and Isanganiro were also targeted and forced to restrict their broadcasting to Bujumbura.²⁸ The telephone lines of these radio stations were jammed. Only the public broadcaster, *Radio-Télévision Nationale du Burundi* (Burundi National Radio and Television, RTNB), was allowed to broadcast. The authorities also imposed restrictions on social media, as this was used to coordinate protests.

Attacks on independent media houses and threats to journalists intensified in the aftermath of the May 2015 coup attempt. Unidentified individuals threw grenades at Bonesha FM and Renaissance Radio and Television, and a rocket was fired at RPA, destroying its equipment. These attacks forced the stations to stop broadcasting. Death threats, judicial persecution and physical attacks on journalists became commonplace. On several occasions journalists have been interrogated for hours about the May 2015 coup attempt and protests. Police officers have intimidated journalists by standing outside their houses for several hours and then entering forcefully, claiming to be searching for weapons. In May 2015 the authorities obtained a court order banning all private radio stations and accused them of broadcasting messages in support of the attempted coup. Online newspaper *Iwacu* was forced to shut down after receiving threats from unknown sources and being informed it would be targeted in the same way as radio stations.

On 2 August 2015 Esdras Ndikumana, a journalist working for *Radio France Internationale* and *Agence France Presse* was beaten by security forces after being arrested for covering the funeral of General Adolphe Nshimirimana, a military general and close ally of President Nkurunziza, who was shot dead.²⁹ On 13 October 2015 Christophe Nkezabahizi, a journalist with RTNB, his wife, and their two children were killed at their home. The police accused them of being armed insurgents, but reports stated that Christophe Nkezabahizi and his family were pulled from their house, told by police officers to lie down, and then shot in the head.

After silencing most independent media houses and causing most Burundian journalists to flee, the government has continued to target journalists working for foreign news outlets by threatening them with death and accusing them of inciting further protests. Accreditation has been withdrawn for some journalists. On 28 January 2016 Philippe Remy and Edward Moore of *Le Monde* were arrested in Bujumbura. Both were later released after an outcry from the international community.

Government ignores the international community

The brutal acts of the government and the *Imbonerakure* have brought a response from the international community, particularly from Burundi's development aid partners. The government of Belgium suspended aid to Burundi and the EU imposed travel bans and froze the assets of four senior members of the regime, on the grounds that they were accused of using unnecessary force against largely peaceful protests. In November 2014 the government of the USA imposed sanctions against Burundian officials identified as having instigated violence against opponents.

On 17 December 2015 the UN Human Rights Council adopted a historic resolution expressing grave concerns about the violence and the deteriorating human rights situation, urging the Burundian government to "...undertake to protect the people of Burundi against unlawful acts of intimidation and violence," and to convene a dialogue between the government of Burundi and all parties affected by

²⁷ 'Gun clashes rage on in Burundi as radio station attacked', Daily Nation, 14 May 2015, <http://bit.ly/28S5zNN>.

²⁸ 'Burundi: Events of 2015', Human Rights Watch, January 2016, <http://bit.ly/28YIQOJ>.

²⁹ 'RFI and AFP file court complaint for torture of their Burundi Correspondent', RFI, 20 October 2015, <http://rfi.my/28UcTZa>.

the violence.³⁰ The AU's Peace and Security Council (PSC) also expressed concerns about the violence in Burundi, including concerns with inflammatory statements, arbitrary arrests, detentions, violations of media freedom and the general prevalence of impunity, and called on the AU to launch an investigation into human rights violations and impose sanctions against those responsible for the violence. On 1 February 2016, however, the AU decided against sending 5,000 peacekeeping troops to Burundi after President Nkurunziza maintained that such an intervention would amount to an invasion and a violation of Burundi's sovereignty and territorial integrity.

With Burundian civil society, opposition figures and independent observers noting that the possibility of a genocide in Burundi cannot be ruled out, many feel that the international community and African leaders have not done enough to encourage President Nkurunziza to engage in peace negotiations. Mediation efforts by the EAC under the leadership of President Museveni of Uganda did not produce results. President Museveni was slow to galvanise action and could be accused of being preoccupied with the 2015 presidential election in Uganda. Further, his domestic human rights record and the violence that occurred before, during and after the Uganda election made him an unlikely candidate to find a just and lasting solution to the Burundi crisis. On 1 March 2016 former President Benjamin Mkapa of Tanzania was assigned the responsibility of facilitating the inter-Burundi dialogue, which attempts to bring together different stakeholders for talks, but he continues to face challenges. For example, the first round of talks between the Burundian government and members of the political opposition was conducted without any representation from the main opposition coalition, the *Conseil Nationale pour le respect de l'accord d'Arusha* (National Council for Respect of the Arusha Agreement, CNARED). The authorities stated that they did not want to involve members of the main opposition group as they consider them to be "enemies of the state". It can therefore be seen that the government of Burundi is reluctant to engage fully in the peace process and continues to insist that members of the opposition are terrorists, and accuses them of masterminding the coup attempt and fostering violence.

Many African leaders have adopted a quiet and passive stance towards the crisis. Rwandan President Paul Kagame has been vocal, but the hostility between the two countries causes doubt to be cast on his motives, and the Burundian government has reacted by accusing Rwanda of backing political opponents. Apart from this, no other African leader has publicly condemned the atrocities. While the AU has been critical of the violence and atrocities, and has called for an inter-Burundi dialogue, it has stopped short of openly criticising President Nkurunziza and his government. Following a meeting of the PSC on 29 January 2016, the AU sent a delegation to Burundi comprising leaders from Ethiopia, Gabon, Mauritania, Senegal and South Africa to consult with diverse stakeholders about an inclusive dialogue. At the end of the visit, the mission stated that the AU would send 100 human rights monitors and 100 military monitors to Burundi. These efforts are commendable, but they will not be enough to prevent Burundi from degenerating into further violence.

Conclusion

The government of Burundi has, since the outset of the crisis in April 2015, depicted the conflict as ethnic in tone, particularly to the international community. It has described those who were against the third term and political opposition members as terrorists, and treated some of them as terrorists. This insinuation is misleading and is aimed at diverting attention from the real issues affecting Burundi. While the third term was the spark for crisis, there are more entrenched issues that contributed to it, including the determination of the political class to hold on to power, limited tolerance of other political viewpoints, weak state institutions, the absence of accountability, high levels of corruption and restrictions on the freedoms of association, assembly and expression.

³⁰ 'Resolution adopted by the United Nations Human Rights Council on preventing the deterioration of the human rights situation in Burundi', UN, 17 December 2015, <http://bit.ly/28ZRxgV>.

Those who participated in the protests and who have fled the country come from diverse backgrounds. Rather than their opponents, it is government officials who mimic propaganda similar to that used to incite genocide in Rwanda in 1994. This means that, while it is important to note that the conflict remains a political one, the prospect of ethnic sentiments being exploited to commit further human rights abuses should not be overlooked by those leading the peace process.

The dangerous political environment and the legal and bureaucratic restrictions on CSOs mean that very few viable human rights organisations now operate inside Burundi. This makes it extremely difficult for human rights violations to be documented by Burundian CSOs and what is left of the media. The absence of a strong local voice within Burundi to provide consistent information on human rights violations makes it difficult to counter government narratives, and its propaganda that depicts peaceful protesters, activists and citizens as responsible for destabilising the country. The state authorities do not report objectively on the circumstances surrounding the deaths of many killed by state security and the *Imbonerakure*, and those who have disappeared while in detention. The collapse of judicial autonomy and the silencing of independent media groups make it easy for those behind violence and human rights violations to continue to commit atrocities with impunity.

For any peacemaking efforts to be truly sustainable all stakeholders must have access to free and reliable information on human rights violations, whether committed by the government or non-state actors. A first step would be for the government to guarantee the freedom of expression by allowing all independent radio stations and CSOs to resume operations. This must be done with firm commitments from the state to protect journalists and civil society workers. Outstanding arrest warrants against journalists and HRDs should be withdrawn, and the practice of labelling dissenters as enemies of the state or terrorists should be stopped.

The imperative to act should be understood throughout the region. The crisis Burundi is currently experiencing could affect the fragile political dynamics of the region. The presence of large numbers of those who have fled violence in neighbouring countries could further exacerbate historical tensions between states, particularly between Burundi and Rwanda. Several leaders of the military who were involved in the failed coup in May 2015 fled to Rwanda, which prompted accusations from supporters of President Nkurunziza that Rwanda was behind the coup and heightened suspicions that Rwanda is being used as a base to train and arm an opposition army. Although Rwanda has its own domestic human rights failings, the Rwandan government could play some important roles, in ensuring that it respects the rights of Burundians who have sought refuge in Rwanda and contributes to the peace negotiations when called upon to do so. It is also important for the peace process to work towards measures to facilitate the safe return to Burundi of all who have fled the conflict.

The appointment of former President Benjamin Mkapa of Tanzania to lead the dialogue signals a major step forward in attempts to restore peace. The peace process must be demonstrably inclusive and should involve all key parties to the crisis, including civil society and members of the political opposition in exile. Discussions during the peace negotiations must go beyond both the narrative that the current crisis has been instigated by those who seek to incite an ethnic conflict, and the controversy over the third term mandate. They must address longstanding political deficits. While mass protests and the government's violence response were sparked by the decision of President Nkurunziza to stand for a third term, the deeper and long-term governance and human rights challenges of Burundi need to be addressed if negotiations are to secure long-term peace.

Recommendations

The government of Burundi should:

- Lay the ground work for a meaningful dialogue to resolve the crisis by ending the use of violence as a strategy against those perceived to oppose the government.
- Commit to setting a date and timeline for the organisation of an inter-Burundi dialogue that will bring together state representatives, members of the political opposition, civil society and the international community .
- Carry out independent investigations into atrocities, including the killings of citizens and attacks on human rights defenders and their families..
- Take steps to release all those arbitrarily detained since April 2015 in relation to the protests and the government's clampdown on independent voices./.
- Immediately disclose the whereabouts missing persons, and all those arrested and kept in undisclosed locations, and investigate any cases of torture and abuse of such people.
- Disarm the *Imbonerakure* militia and initiate an investigation into acts of violence committed by it.

The international community:

- The UN and the AU should move beyond rhetoric and verbal condemnation of the violence by urging the Burundian government to take practical actions to stop the atrocities such as disarming the *Imbonerakure*.
- African leaders should publicly condemn the violence and put pressure on President Nkurunziza to stop killing his people and engage in dialogue with the political opposition and civil society.
- Because of the key role it played in the negotiations that led to the signing of the Arusha Agreement in 2005, the government of South Africa should play a proactive role in peace discussions and also take into account lessons learnt during its previous intervention.
- All international actors should coordinate efforts with local and international CSOs to ensure that a uniform approach is used to encourage the Burundian government to undertake dialogue with members of the political opposition, civil society and all other stakeholders.

CSOs should:

- Remain vigilant and continue to monitor the situation in Burundi while urging all parties involved in the conflict to engage in dialogue towards peace, reconciliation and justice in Burundi.
- Continue to work with CSOs from around the world, including key human rights organisations to identify strategies to bring change in Burundi and protect the rights of all Burundians.

Armed opposition groups should:

- Stop using violence and take steps to disarm themselves.
- Take all measures to guarantee the safety and wellbeing of citizens.
- Actively participate in any future peace talks aimed at resolving the crisis.



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