Burundi: A country on the edge

A briefing paper by the International Refugee Rights Initiative





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About the International Refugee Rights Initiative

The International Refugee Rights Initiative (IRRI) enhances the rights of those excluded from state protection as a result of forced displacement, conflict, discriminatory violence and statelessness. IRRI believes that strengthening the rights, capacities and democratic participation of these communities—refugees, the forcibly displaced, the conflict-affected, the stateless and those suffering violent discrimination on the basis of their political status—is essential to building just, peaceful and flourishing states and communities.

IRRI redresses the imbalances in power that fuel the violent exclusion of vulnerable populations from protection through:

- tackling the root causes of exile, statelessness, discriminatory violence, and conflict through which state protection is lost;
- enhancing the agency and protection of those who are forcibly displaced or threatened with displacement; and
- promoting the re-building of just and inclusive communities in which genuine citizenship is forged and displacement and exile comes to an end.

IRRI grounds its advocacy in regional and international human rights instruments and strives to make these guarantees effective at the local level. www.refugee-rights.org

Executive Summary

The announcement by President Nkurunziza in April 2015 that he was planning to stand for a third term sparked off a political crisis in Burundi. Weeks of protests were followed by a coup attempt that was rapidly quelled. Further protests then followed despite warnings from the government that protesters would be treated as coup sympathisers. Although these protests have now died down, opposition to the government remains strong, human rights abuses continue with impunity, and the population is exhausted, living with terrible uncertainty and fear. Accusations of government repression are rife, and a number of those in the opposition have declared open rebellion.

In February 2016, the International Refugee Rights Initiative (IRRI), as part of its ongoing monitoring of the situation, conducted a sevenday visit to Burundi to assess the human rights situation. Interviews took place in Bujumbura and three southern provinces¹ with government, members of civil society, human rights defenders and religious leaders. Additional interviews were carried out with Burundian exiles in Kampala and Nakivale refugee camp in Uganda between December 2015 and February 2016.

"It is not easy to see what is happening – who is right and who is wrong, we don't know. But in the meantime, many keep losing their loved ones."

Our visit confirmed reports that the government is acting in a highly repressive way. There are regular accounts of disappearances, arrests and arbitrary killings and limited freedom of press and association. As a result, the government is shrinking the spaces available for non-violent opposition, spurring some to resort to violence that could tip over into civil conflict. Indeed, in a context in which there appears to be limited appetite for inclusive dialogue, the formal creation of rebel groups and violent attacks would appear to be a crude attempt to force a seat at the table. At the same time, while the divide remains more political than ethnic, there is a clear ethnic dynamic at play in a context in which most political organising has, historically, taken place along ethnic lines. Both the government and those in opposition are likely to draw upon ethnicity as a tool for mobilisation and the possibility that ethnicity could be exploited to commit violence cannot be ignored. The current situation, therefore, is extremely tense and is likely to escalate if appropriate action is not taken.

However, there is still time to diffuse the situation, and the recent flurry of diplomatic activity by the United Nations (UN) and African Union (AU) is welcome. But for any strategy to be effective, immediate measures to lessen the human impact of the ongoing crisis must be coupled with an inclusive and substantive dialogue process that is able to address the deeper issues driving it. Consequently, this briefing makes the following recommendations:

To all actors:

- A strong and credible dialogue process is critical to finding a political solution to the crisis. Burundians that we spoke with made it clear that this should be *the* top priority for the international community, as it is the only engagement capable of truly resolving the situation in a durable way. Therefore, all actors must put thought and energy into moving this process forward, not least as failure to do so sends a clear message to the opposition that violence is the only way to earn a seat at the table. However, in order for it to be effective, such a process must:
 - Have a clear substantive agenda that goes beyond discussion of the third term, which was seen by those interviewed as a *symptom* of the current crisis. Instead, the primary focus should be on addressing structural issues that allowed the crisis to evolve, including corruption, weak institutions

and lack of development. It should also propose mechanisms to ensure more inclusive governance going forward. The creation of appropriate transitional justice mechanisms should also be discussed.

- Have a committed and credible mediator: it is clear that the mediator appointed by the East African Community (EAC), Uganda's President Museveni, does not have the right credentials in this regard. While the naming of former Tanzanian President Mkapa to assist is welcome, concerns remain regarding his political positioning and capacity to influence the process without leading it.²
- Be, and be seen to be, inclusive: unless there is an adequate balance of political groups represented, including those in exile and those critical of the government, it is unlikely that negotiations will lead to durable peace.
- There is an urgent need for clear and reliable information on the evolving situation. Inside Burundi, the lack of independent information creates fertile ground for rumours to be exploited to manipulate the population. Outside Burundi, appropriate policy responses cannot be articulated without a clear understanding of the situation on the ground. In this context:
 - The government of Burundi must ensure freedom of expression as guaranteed under international human rights law. Although the recent decision to allow the reopening of two radio stations is welcome, the government must do much more to show real commitment to freedom of expression. All media outlets, especially those that are critical of the government, must be allowed to reopen and operate freely. Arrest warrants and extradition requests against journalists must be rescinded unless there is strong and reliable evidence that they are responsible for an internationally recognised crime.
 - The international community should prioritise freedom of expression in setting benchmarks for government action.
 - Freedom of expression is a necessary first step to ensuring access to clear and credible information, but in itself is not a guarantee. The media must also take its public responsibility seriously, act professionally and ensure that it is providing the verified information and diversity of perspectives that is so desperately needed. International actors should provide support to ensure that they are able to do this.
- Civil society, both those still operating in Burundi and those that have recently been forced into exile, needs to be supported. Inside the country, individuals continue to carry out monitoring functions despite considerable personal danger. It is vital that they know that they are supported in their work both financially and through capacity building. Those in the diaspora also have an important role to play in getting information to the international community, supporting refugees and ensuring the preservation of Burundian civil society capacity. International organisations offering support by making information available through public statements or any other means.
- Every effort must be made to create conditions that will allow refugees and internally displaced person to return to their homes, voluntarily and in safety and dignity. Failures to fully reintegrate those who returned previously from exile need to be acknowledged, and all efforts must be made to prevent similar mistakes from occurring. For example, efforts must be made now to protect the properties of those who have been displaced, or the eventual return of those now in exile could lead to an increase in tensions within and between communities.

• An urgent and appropriate humanitarian response must be ensured. Burundi is already one of the poorest countries in the world, ranking 184 out of 188 countries ranked in UNDP's Human Development Index.³The current political crisis and displacement is further disrupting the already fragile economy. By 14 January 2016, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) estimated that there were 645,000 people living with food insecurity in Burundi's six most affect provinces. The level of hunger was described as "alarming."⁴Therefore, urgent humanitarian assistance is needed to ensure that the situation does not deteriorate further.

To the government of Burundi:

- The Burundian government must ensure that the monitors deployed by both the AU and the UN have access to all parts of the territory. The government has taken a positive step allowing the monitors into Burundi, but their presence can only be effective if they are allowed to undertake their work with complete freedom of access to all areas of Burundi and to all actors.
- The Burundian government must ensure that its law enforcement operations meet international human rights standards. The government of Burundi has a responsibility to protect its citizens from all forms of violence and has a clear right to maintain law and order. Arbitrary arrests, unlawful detention, torture, disappearances and extra-judicial killings, however, are not legitimate tools for achieving this.

To the international community:

- The international community must provide clear benchmarks to the government of Burundi with regards to their responsibility to protect their citizens. In addition they must ensure that these responsibilities continue to be reinforced in public statements and in all diplomatic efforts.
- Policing is one of the issues that should be subject to benchmarking. While it is clear that the police are perpetrating violence and human rights violations, they are also under-resourced and undertrained. Benchmarking around policing might help to generate the political will necessary to ensure a more positive operating framework for the police; and once there is a more positive environment, much needed training and technical assistance should be deployed.
- The international community including the AU, the UN and the EAC must better coordinate their diplomatic efforts. International actors will be much more effective if they speak and act in harmony.
- The international community at large must look seriously now at how they can support the current dialogue process. They cannot simply wait for the EAC mediation.
- The international community should continue to call on Rwanda not to intervene and should monitor reports of such intervention, whether direct or indirect, closely. There is considerable concern on the ground about the potential for a Rwandan intervention, with most Burundians looking to their neighbour as a potential source of destabilisation.

- Ensure that the both AU and UN observers/monitors are provided with appropriate logistical and material support to be able to work effectively. In addition, they should, to the extent possible, make the data collected public to ensure that it is as accessible as possible.
- The international community must push for a robust international presence in Burundi to ensure the protection of civilians. While the deployment of peacekeepers without government consent would not be advisable, the option of peacekeepers should be kept on the table and continuing efforts should be made to encourage the government to accept a robust international presence. For example,
 - A UN police presence would be welcome. However, such a presence must be sufficiently resourced, have a strong mandate, and include sufficient numbers to significantly impact on the protection of civilians.
 - Information and intelligence gathering is key. In the current environment in Burundi, the source of threats is often hard to discern. Although the *imbonerakure* are much feared, it is unclear who is a member, how many members they have and how they are structured. In addition, it is unclear who exactly is responsible for grenade attacks and how they might be organised. In this context, a strong intelligence capacity would be critical to the effectiveness of any presence in protecting civilians.
- Targeted sanctions need to be coordinated and reinforced to ensure maximum effect. The AU Commission should act quickly to name individuals for targeted sanctions as requested by the AU Peace and Security Council (AU PSC) in the communique of its 551st meeting in October 2015. In addition, the AU, European Union (EU), United States (US) and others should coordinate to ensure a coherent and effective sanctions regime.

The evolution of a crisis

The announcement on 23 April 2015 by President Nkurunziza that he would run for a third term sparked fierce opposition. Although Burundi's constitution⁵ contains a two term limit, Nkurunziza argued, and the Constitutional Court agreed (albeit reportedly under pressure), that his first term did not count because he was appointed by parliament rather than in a general election. Serious protests then rocked the capital, Bujumbura. The government attempted to suppress the protests violently, with excessive force on the part of police leading to a number of deaths among protesters.⁶

On 14 May, the situation escalated following an attempted *coup d'état* when the president was in neighbouring Tanzania for an emergency meeting with members of the EAC. Although the coup was soon quelled, it created additional pressure from the government against protesters. On 18 May, the External Relations and International Cooperation Ministry ordered all demonstrators to cease protesting and warned in a statement that: "the demonstrators will be treated as accomplices of the protestors as they are obstructing investigations into the putsch



Election poster in Burundi, February 2016.

attempt and deliberately disturbing public order."⁷ Protests continued nonetheless, subject to continuing forceful repression. While many of the protesters were peaceful, some were not and clashes between protesters and police were reported. At least one person IRRI spoke to expressed fear of the protestors, who also used violence to mobilise support for their own position. The coup also led to the closure of a number of media outlets and although, at the time of publication, two out of the five radio stations that were closed in the immediate aftermath of the coup have been allowed to reopen, the situation for media remains incredibly tense.⁸ In addition, there followed a series of arrests and disappearances of those allegedly responsible for the attempted coup.

The EAC, the AU, the EU and key donor states all expressed concern about the increasingly hostile and unstable environment and called for a delay in elections. The government did offer small concessions, delaying the elections by a few days – as opposed to weeks or, preferably, months as requested by the opposition. Eventually, however, and arguing that it could delay the elections no longer without violating constitutional provisions, it proceeded with the communal and parliamentary elections on 29 June, and the presidential elections on 21 July, without allowing enough time for serious dialogue to take place. International observers criticised the process: the EU withheld funding for the elections⁹ and the AU decided not to deploy a planned election observation mission, in the words of Chairperson Zuma: "What type of election is going to take place under these conditions? As the AU we were planning to send long-term observers but we can't now. We cannot. Because the environment is not conducive for an election."¹⁰

Most of the opposition, protesting government unwillingness to offer a significant postponement and dialogue, boycotted the elections. From the perspective of the government, the election results not only confirmed their position in government, but emboldened them, as they won an overwhelming majority of seats in parliament.¹¹ Outside of government, however, there was strong criticism. The UN Election Observation Mission (MENUB), deployed in all 18 provinces of Burundi, concluded following the parliamentary elections that the elections took place "in a tense political crisis and a climate of widespread fear and intimidation in parts of the country."¹²

Since then, there have been ongoing reports of arbitrary arrest, detention, torture and sexual violence. As of 14 January 2016, the Office of the High Commissioner for Human Rights (OHCHR) had documented 439 killings, 263 cases of torture or ill-treatment since April 2015.¹³ Much of this is attributed to the government or its armed youth wing, the *imbonerakure* (meaning "those who can see from far").¹⁴ At the same time, there have been a series of grenade attacks by unknown assailants within the capital, killing scores of people. Over 250,000 people have fled the country since April 2015,¹⁵ most fleeing to Tanzania, Rwanda, the Democratic Republic of Congo (DRC) and Uganda.

The situation escalated further on 11 December when armed opposition launched a coordinated attack on three government military installations, killing an estimated 87 people.¹⁶ The situation was quickly contained by the government, allegedly using high levels of brutality. Although the OHCHR was unable to verify allegations of "mass arrests" in response to the incident, they did monitor 262 cases of arbitrary arrest and detention in December 2015 alone.¹⁷ In January 2016, Amnesty International reported the existence of mass graves in Burundi.¹⁸ While the government admits that it buried 58 suspected rebels who remained unidentified without notifying their families, it denies the existence of mass graves.¹⁹ Nonetheless, the fact that there is even a discussion about mass graves is a powerful symbol of the fragile line separating the current political crisis from civil war.

The government's position

While all of this information paints a stark picture, the official position of the government of Burundi is that the country is fully under control and that the "crisis" has been over-stated by an international media that is being fed propaganda by those in exile. In the official discourse, those in exile are, in effect, spoilers, upset at their inability to win in a

competitive election process. One official interviewed by IRRI stated that the opposition had made people flee "so that the international community would hear that things are getting very bad and would intervene. It was because they realised they would [sic] not win the election, so they deliberately derailed it."²⁰ Those in exile were seen as the primary generators of "bad press" for the government, but Rwanda has also been accused of playing a role, for example with accusations that weapons are coming from there (discussed in more detail below).

The allegation that Burundi's external image has been created by an over-reliance on information from one side of the political divide has created a strong feeling of alienation amongst government officials, who feel that their government is being unjustly criticised. One official asked us: "Please, speak for our country."²¹ While government officials acknowledged that there was a political crisis in Bujumbura, they insisted that the situation was not as severe as reported. For instance, the fact that in the countryside people were engaging in agriculture, trading in the markets, and going about their business, was all pointed to as evidence that the crisis was contained. Local government officials interviewed outside of Bujumbura insisted that the impact of the violence in the capital was minimal, a perspective that was reinforced by the narrative that Burundi's current problems are external: "other people from outside are just lighting fires. Go and see for yourself – go anywhere in the province, and you will see. There is security here."²²

Not business as usual

Of course, much of this has to be seen for what it is – namely, government propaganda. While the government claims that the problems are localised in Bujumbura, most of those interviewed who were not from government challenged the notion that other areas were unaffected arguing that if one part of the body is injured the whole body is infected. While many people are going about their business, therefore, they are doing so within a context of fear and repression.

Some of this repression is targeted against those who are known to be or supposed to be associated with the opposition, civil society actors (in particular those working on human rights issues) and journalists. However, this

environment means that others are fearful of getting caught up in the mess. As one man said, "During the time of the demonstrations, there was a list that was made. They [the police, security forces and *imbonerakure*] know where they are. They have their photos on their phones. Others are taken because they are thought to be in a rebel group... It is just a situation of fear."²³ All of those interviewed in Nakivale refugee camp in Uganda talked of how they had fled as a direct result of being targeted in this way. One young man, a university student, left his home in Bujumbura after seeing his father and cousin

"If they come and seize you at home, no-one will know why you were taken. But if you are at work and they arrest you, everyone will know why you were arrested."

killed in front of him. He fled with his sister and her small daughter, travelling through Rwanda, but did not dare stop there: "we feared the violence would follow us." He now sits in a refugee camp in Uganda, utterly traumatised and with no idea of what his future holds.²⁴

Meanwhile, many of those who have not fled the country fear that they could be arrested at any moment. As a journalist said in response to the question of whether or not he feels safe: "Safe and unsafe. I receive information sometimes that I must be careful. I have news that I might be killed... But it's better to stay working here [in a temporary office] than to be at home. If they come and seize you at home, no-one will know why you were taken. But if you are at work and they arrest you, everyone will know why you were arrested."²⁵

One interviewee told us that he had paid 80,000 FBU (approximately US\$40) to have his name removed from the list.²⁶ With the government fast running out of money and increasingly unable to pay its police force, security is increasingly for sale. As another interviewee told us, "They pay 200,000 FBU (US\$100) to people who arrest people, so everyone who is hungry will do the arrests."²⁷

At the same time, some of the repressive violence was indiscriminate. If you are in the wrong place at the wrong time, then you can become a target. Or if you have the wrong demographic profile and live in the wrong area, your opposition may be assumed regardless of your actions. As a man living in Makamba province said, "Personally I don't feel insecure. But if your neighbour is insecure, then you know that sooner or later your turn will come."²⁸ Because the police are seen to be the instruments of this repression, fear was widespread and many people no longer see the police as a source of protection: "There is now a confidence crisis between communities and police or security. If people see a police pick-up, they just run. They think they're going to be kidnapped... People have been taken somewhere and never seen again."²⁹ Indeed, the OHCHR has expressed concern about the increase in forced disappearances,³⁰ with 29 such cases reported in December 2015 alone.³¹ The indiscriminate nature of violence is also being underscored by an increasing number of grenade attacks in Bujumbura.

Adding to the complexity of the situation, several interviewees acknowledged that many policemen are also being killed: "...what we don't hear about is that many policemen have also been killed. It is very complex. It is not easy to

see what is happening – who is right and who is wrong, we don't know. But in the meantime, many keep losing their loved ones."³²

The atmosphere of fear is feeding off the fact there are wide scale arrests and many people who are arrested are subject to enforced disappearances. In other instances, bodies have turned up on the streets – often in areas other than the ones from which they were taken. With minimal access by human rights monitors to jails, there "Personally I don't feel insecure. But if your neighbour is insecure, then you know that sooner or later your turn will come."

is considerable rumour and conjecture regarding what happens to those who are taken by the police or *imbonerakure*. One human rights defender talked of how he believes that many prisoners have been brought to the jail in Rumonge from Bujumbura, but he has not been allowed access to them.³³ Another man told of how he lives near a security post, and bodies are sometimes dumped near his home during the night. "Sometimes they take people out of vehicles and kill them there. They take them from Musaga and Cibitoke. They take them to [near where I live] and kill and dump them here. I have seen that with my own eyes."³⁴ When asked who arrests them, he said that they are taken by people who are not in uniform. They then use the bodies as an excuse to arrest others in that area – accusing them of the killing before taking the bodies away and burying them.³⁵ While it is impossible to ascertain exact numbers of people who are disappearing or being killed, as noted above the OHCHR has documented 439 killings as of January 2016 and others have estimated that there have been between 15 and 22 fatalities³⁶ per week since late December.

In particular, people talked of their fear of the *imbonerakure*, a shadowy force that operates from within the communities. Its members do not wear uniforms, making them hard to identify. As one man said, "When people talk about *imbonerakure*, I say, who are they? They are my son, his son, ordinary people."³⁷ Some reported that they have seen members of the *imbonerakure* wearing military or police uniforms. Others reported that *imbonerakure* were infiltrating the police and that police themselves were fearful of this. In a context in which anyone could belong to the *imbonerakure*, people do not know who to trust. And with every killing and every kidnapping – and every rumour of killing and kidnapping – fault-lines are ever widening and deepening between different constituents within and outside the country.

Media shut-down: the government as a victim of its own success

While the situation on the ground is serious, it is important to acknowledge that there is a good deal of sensational material circulating via social media and other means. The closure of media outlets clearly appears to be part of a deliberate strategy on the part of the government to limit the availability of information about the situation in the country and to stifle democratic discussion. However, it now seems that this strategy is proving counterproductive. Although the mainstream media has been stifled, information is continuing to circulate. And with journalists unable to operate freely and to verify information, people may have little choice but to rely on conjecture and rumour. In this context, there is a tendency for the more sensationalist material to dominate, although some argued that politicisation of the media and lack of professionalism in the media had already allowed sensationalist media to take root prior to the closure of media stations. As one man told us, "We don't know what's going on. There is no media. That's when the issue of fear and rumours started working seriously. Whatsapp is terrible. It has created huge fear."³⁸ Or as a journalist whose radio station had been closed down described the situation:

...it is hard for us to do proper investigative journalism. And this is a big problem. It means that no-one is checking the accuracy of information. So "news" starts being whatever rumour is circulating on social media. With no finances, we can't verify everything and it becomes very hard. For instance, we went to Kabezi [by Lake Tanganyika] because there were claims that bodies had been found. Our journalist found that they had been buried in September after drowning in a boat accident. The families had just buried them there. But there was speculation. If we can't verify, people won't know the truth.³⁹

The lack of reliable information within the country has also, inevitably, impacted access to reliable information outside the country. While the international media has worked hard to overcome the limitations imposed upon it, it faces considerable challenges. As a human rights defender said, "international media relies too much on what it sees on social media – on second hand information. And for us inside, it is hard for us to work. Journalists are one of the first to be attacked when there are problems."⁴⁰ Likewise a journalist told us, "the problem is that the international community is arguing from a point of not knowing the situation fully. So without doubt the solutions won't be right. There are so many misunderstandings, and people don't say the truth."⁴¹

Of course, there are a number of other sources of information. For instance, the OHCHR has a presence in the country monitoring the situation, and the High Commissioner has made a number of public statements reflecting some of the trends of this monitoring.⁴²In addition, a high level group of experts was able to visit the country and one of the experts participated in an interactive dialogue on Burundi held by the Council on 22 March.⁴³ Much of the OHCHR's reporting, however, is not made public.

It has also served to create two competing narratives, neither of which are helpful: an intransigent opposition speaking from outside of the country that is, at times, using propaganda and capitalising on the media shut-down; and a counter-narrative by the government which claims to be maligned unfairly.

In this context, the lack of space for objective, verified media reporting has left a significant gap that is often being filled by rumour and the lack of opportunity for moderate voices to come through, is further polarising the situation.

The "alibi" of the third term

The current situation of fear has evolved out of a crisis of governance within the country. While the announcement by President Nkurunziza that he intended to run for a third term was undoubtedly a catalyst, it is important that the issue of the third term be recognised as symptomatic of a deeper crisis of governance. Time and again, interviewees from all sides of the political spectrum stressed the need for the third term issue to be dealt with within a broader context in which neither government nor opposition have shown themselves to represent the views of the people. Both sides were seen to be simply after power – which, in turn, was the route to access resources. One journalist talked about this problem: "The problem is politicians with no members. They will do anything to reach their goal – which is power."⁴⁴ This view was echoed by civil society: "The opposition is just as bad as the government. They are all trying to exploit power for their own good."⁴⁵"The third term became an alibi for getting the attention of the international community. Meanwhile Nkurunziza went to villages, gave out g-nuts and *kitenge* and became very popular. But it was just for his fame, not for the people's development."⁴⁶

Therefore, without a doubt there is a crisis in governance that has been growing for years, and is manifest in multiple ways, including corruption, poor economic policies, rural/urban divisions and the absence of space for political opposition. This context, as well as the failure to address the legacies of past violence, was the context in which Nkurunziza's third term bid escalated so rapidly into one of insecurity and displacement. It is these underlying causes that will need to be addressed for any lasting solution to the crisis.

Rumours of war

The current situation in Burundi appears to be one of repression rather than civil war. There is much fear, however, that the situation could spread throughout the country and evolve into a full scale civil war. Indeed, many are surprised that the situation has not already deteriorated further, as numerous rumours of war have been circulating. As one civil society actor said, "Nobody thought things would be as they are today. We thought it would be much worse. A message came from Rwanda that you had to leave by 21st June [2015] because there was going to be trouble. It was a rumour spread on social media. Then it was pushed to the 24th. We were all expecting an invasion from Rwanda, but nothing happened."⁴⁷

The regular grenade attacks, as well as the 11 December attacks on military installations, would appear to be efforts to change this dynamic. Many interviewees described how the 11 December attacks – and the government's response – had heightened levels of rumour and fear of the situation evolving into wider civil conflict. One interviewee described the aftermath of the attack:

On the 12th, no-one was allowed out of their houses. That's when many were killed. Only security was allowed to move. So it was a battle between rebels and security forces. The City Council then removed the dead bodies. But we don't know who was killed, how many, what happened. That is why there is so much suspicion. If anyone did see, they can't say.⁴⁸

Whether or not the situation will escalate into a civil war is impossible to say with certainty. However, there is already ample cause for concern. On the one hand, interviewees talked about the fact that there are growing numbers of armed rebel groups operating within the country as pockets of opposition become increasingly radicalised. People in Burundi as well as the international media report that a formal rebellion, the Republican Forces of Burundi (FOREBU), has been set up under the leadership of General Niyombare (the leader of the failed coup), with an ex-

army colonel as his deputy.⁴⁹ There are also widespread rumours of arms coming in from eastern DRC and Rwanda. As one interviewee said, "People are coming from Congo with guns. It is hard to identify who they are, but there are rumours that these are people close to the opposition."⁵⁰ Or, as another person said, "Many people have now accessed weapons as a way of settling local disputes. Kalashnikovs are the smallest weapon people seem to have now. And grenades. There is a rumour that the weapons come from Rwanda. We heard that the Rwandan government was renewing its stock of weapons and this was a way of getting rid of their old ones."⁵¹Credence was lent to these rumours by a leaked report of the UN panel of experts on DRC which contained similar information.⁵²There were also rumours that the government is allied with the Mayi Mayi militias in eastern DRC.

The fact that the army, integrated following the Arusha Accords to include Hutu and Tutsi and members of the various former rebel groups, has so far appeared to remain cohesive is positive and can be pointed to as one of the factors of resilience preventing the conflict from further deteriorating. There are worrying signs, however, that this cohesion is now being eroded. Several interviewees expressed concern that the current crisis has polarised the army and police, and that many of the police and army have deserted to join rebellions. In addition, many believe that the *imbonerakure* are being given police and army uniforms and are being armed.⁵³ In this regard, there was a particular fear that the government was favouring members of the police and army "who came from the bush" – in other words, former rebels on the side of the ruling *Conseil National pour la Défense de la Démocratie - Forces pour la Défense de la Démocratie* (CNDD-FDD) over others in the post Arusha Accord integrated army. If this is true, it could break down the fragile cohesion created by integration and set the stage for wider violence. While much of this is based on rumour and conjecture, there was sufficient substance to these concerns to generate serious disquiet. As one interviewee

summed up the situation: "So now we are already in a war logic [sic]. People feel they are going to lose if they don't prepare for war."⁵⁴

On the other hand, several interviewees stressed that civil war is unlikely – at least in the immediate future. Many pointed to the fact that rebel groups are fragmented and that it would take considerable time for any viable force to mobilise. And, to date, the evidence seems to reinforce this viewpoint: the random throwing of grenades within Bujumbura, indiscriminately targeting Burundian citizens, while certainly deadly for those caught up in such attacks, does not look militarily threatening. However, that is not to say that a viable rebel force will not be able to upscale its activities in a relatively short space of time should they deem it necessary.

What is happening is not ethnically organised. But those ruling today are the orphans of [the severe ethnic violence targeting Hutus in] '72, so anything can happen. Some people when they are facing the prospect of atrocities, who can say what can happen?

Ethnicity: the elephant in the room

The question of whether or not ethnicity will be deployed as a means to escalate the situation is of crucial importance. As noted above, although it appears that so far the divide is primarily political rather than ethnic in nature, these categories are somewhat blurred in Burundi, where the country's political history has seen the majority of political parties being associated with one particular ethnic group. We were told, for example, that most of the *imbonerakure* are Hutu, but that was explained as being due to the fact that this group is affiliated with the ruling party and that Hutus are the base of that political party. Similarly, the discussions around favouritism of former CNDD-FDD fighters in the army was cast in a similar tone. While their political allegiance to the CNDD-FDD was seen as critical to the government calculus, there was also an undertone of concern that this meant effectively replacing or favouring Hutus over Tutsi in a way that could undermine the fragile balance that has been achieved. Whether or not these readings are accurate, they show a situation in which the political and the ethnic are already somewhat blurred.

At the same time, history weighs heavily on people's minds. As one interviewee said: "What is happening is not ethnically organised. But those ruling today are the orphans of [the severe ethnic violence targeting Hutus in] '72, so anything can happen. Some people when they are facing the prospect of atrocities, who can say what can happen?"⁵⁵ Therefore, while it is by no means inevitable that the crisis will escalate along ethnic lines, it would be naïve to underestimate the potential of ethnicity as a means of mobilisation for those seeking to consolidate their power bases.

Another key element at play has been the fragile framework for ethnic cohesion outlined in the Arusha Accords. By setting up an ethnic quota system within the military and elsewhere in government, the Arusha Accords sought to create guarantees for Tutsis and reduce ethnic polarisation. The government, however, has been criticised as being uncommitted to this process. As International Crisis Group stated, "The ruling party never genuinely adhered to [the Arusha Accords] principles and had not been part of the negotiations process to begin with."⁵⁶It is understandable, therefore, that there are significant fears that the current crisis could be leveraged by the government to abandon elements of the Arusha Accords, which could further undermine inter-ethnic relations.

The geopolitical context

Previous experience in the region has shown that the destiny of each country is deeply intertwined with those of its neighbours. Numerous conflict dynamics have been left unresolved, and there is significant potential for those in need of political bolstering to draw in other regional actors for support. Furthermore, in a region where ethnic allegiances exist across borders, there is a fear that regional interventions could be organised along ethnic lines, with potentially devastating consequences for ethnic relations in-country and regionally.

It is already obvious that the crisis has exacerbated already tense relations between the governments of Rwanda and Burundi. Many of the leaders of the failed coup have allegedly escaped to Rwanda's capital, Kigali, fuelling rumours that Rwanda was behind the coup. As a result, several interviewees expressed their fear that Rwanda could – or has – become a base for those in exile to create an opposition army, or that Rwanda could intervene more directly. As one interviewee said,

It is like an iceberg. There is so much under the surface. But it is bad to talk about it when there is something that can still be done.

"When people talk about conflict between Rwanda and Burundi that is something that really worries me. If Rwanda gets involved, it will just polarise everything. It is like an iceberg. There is so much under the surface. But it is bad to talk about it when there is something that can still be done."⁵⁷ There is growing confirmation that rebel recruitment is under way in Rwanda⁵⁸ including in the leaked report of the UN panel of experts on the DRC alleging that Rwandan military personnel are training Burundian refugees who want to overthrow Burundian President Pierre Nkurunziza.⁵⁹

The instability and continuing presence of armed groups and weapons in eastern DRC provides further fuel for the potential regionalisation of the Burundi crisis. With elections of their own around the corner in the DRC and the potential for the situation there to deteriorate, there is a need to pay particular attention to these regional dynamics as they develop over the coming months. Just as armed groups in the DRC have been supported by regional powers in a form of proxy warfare in the past, there is a risk that these groups might be drawn into the current crisis. Those interviewed, therefore, were all too aware of the potential damage that could be done by the situation becoming increasingly regionalised.

Outside of Bujumbura?

The question of whether or not the crisis, which has been concentrated in Bujumbura, has or will spread throughout the country remains hard to ascertain. On the one hand to date the majority of the unrest is concentrated in Bujumbura (and only in certain neighbourhoods there), and it appears that there is minimal unrest in most other areas of the country – with what is happening mostly in border areas. Certainly, in our visits to Rumonge, Rutana and Makamba those regions appeared calmer than Bujumbura. However, it should be noted that the disruption of monitoring networks, both by civil society and by journalists, could obscure what repression and/or unrest is occurring.

Even if the apparent calm is genuine, however, the risk of unrest spreading is serious. Many of those interviewed emphasised the linkages between the capital and the rest of the country. For instance, the impact of media restrictions and other repressive measures inevitably impacts everyone wherever they are living. Likewise the fact that many of those who have fled to neighbouring countries were living outside of Bujumbura, often a significant distance from the epicentre of the crisis, is evidence of the far-reaching impact.

While the countryside might generally appear calm at the moment, therefore, tensions exist that should not be ignored. In particular, ongoing multiple localised disputes over ownership of land continue to rumble on throughout the country. Careful attention needs to be paid to this issue – both in the short-term and longer-term, not least given the fact that many disputes over land access and ownership are in fact linked to previous rounds of conflict, particularly



Road sign in southern Burundi, February 2016

the1972 ethnic violence. Land, ethnicity and access to political power can form a noxious combination. In other words, a local land dispute between two individuals or families can take on wider political dimensions. While it is important to address top level divisions within the country, attention also needs to be paid to the multiple tensions that exist at the local level. The withdrawal of international aid and economic disruption caused by the conflict, by worsening an already worrying economic situation, may also increase these tensions.

A new round of displacement

The crisis has led to a new round of displacement, with over 250,000 fleeing to neighbouring countries and 25,000 are internally displaced.⁶⁰ The displaced have come both from Bujumbura, but also from across the country. Fear of escalation was clearly at the forefront of people's minds. As one person said, people fled because a precedent had been set for political repression leading to civil conflict – and genocide.⁶¹ But when asked why some chose to flee and others not, we were repeatedly told that many of those who had fled were amongst those who had previously been displaced, had returned to Burundi, but had failed to reintegrate – often due to the inability to reclaim their land. As a result, they had been left feeling economically, socially and politically marginalised. As one person said when asked why some people fled: "First, they fled because of fear. Second, it was another chance of being accepted outside of Burundi. Third, people were hungry."⁶² For many people, life was already economically precarious before this crisis

erupted. There was a keen awareness that it would not take much to tip them into a situation in which survival would no longer be possible. As one interviewee said, "When there's peace, people can survive."⁶³

This current round of exile, therefore, builds on previous rounds of conflict, violence and displacement, and any future return and reintegration is going to be even more challenging than it was before. A refugee interviewed in Nakivale camp, for instance, told of how he had already been displaced five times, despite only being in his late twenties. He had also witnessed atrocities: "In 1993, when I was a little boy, I saw people burned to death and I had to hide among the dead." In 1998, he was almost killed, showing the scar on his head from where he was burnt.⁶⁴ Other refugees spoke of their fear that their homes were being looted in their absence, and that when they returned – if they returned – they would have nothing, thereby adding yet another layer of injustice onto their situation.

For the international community, the large numbers of refugees has been viewed as a key means of evaluating the scale of the crisis within Burundi. In response, government officials blamed the rapid exodus on unscrupulous prophets who were predicting war: "People left, not because of war but because of rumours... The pastors in the churches were predicting war – this is what they were telling the people."⁶⁵ While other interviewees confirmed that dire predictions had been made, it is certainly not a complete explanation: it is unlikely that so many would have left their homes if they had not felt there was some substance to support these dire warnings. Their absence is certainly felt: "Grass is growing up around some people's houses because they can't go home. People have left. Yet government is saying we have peace."⁶⁶

While refugee numbers have been well documented, there has been less attention to the situation of internally displaced persons (IDPs). However, the International Organisation for Migration has launched a programme to monitor the situation of IDPs displaced by the recent crisis (there are others who are still displaced following the previous civil war). According to their January 2016 report, 25,081 displaced individuals had been identified in three provinces (Rutana, Makamba and Kirundo).⁶⁷ In Rutana, the largest source of IDPs is from within the province itself,⁶⁸ challenging government statements that there is security. The majority of IDPs (70%) are being housed in host families.⁶⁹

The scale and nature of displacement offers something of a litmus test for situation within the country. Some are fleeing directly due to the threat of political repression; others are fleeing because they are scared and very hungry. They are scared because there is a precedent for political repression escalating rapidly in their country; and they are hungry because years of mismanagement of the country's resources have severely inhibited development, with Burundi ranking 184th out of 187 in the UN's Human Development Index.

A crisis rooted in failures to address legacies of past violence

Interviewees also recognised the need for the current crisis to be understood within the context of its wider and historical context, and the failures to resolve legacies of past violence. While levels of repression, displacement and violence within the country have undoubtedly increased over the past year, it is important that the continuities between the current crisis and the country's tumultuous post-colonial history are adequately recognised. Although considerable progress had been made since the signing of the Arusha Peace and Reconciliation Agreement in August 2000 (including the creation of multi-ethnic security forces), recent events point to the many failures to deal robustly with legacies of violence and injustice (including the violence of 1972 and the decade-long civil war in the 1990s). These unresolved legacies have now merged with the increasingly violent abuse of political power to create the current crisis.

Indeed, several interviewees talked of how the current situation had echoes of 1972, when everyone knew that people were being taken and killed, but no-one said anything. "They have never mourned their dead. And today, too scared to tell the truth... it is the same thing."⁷⁰ Or, as another interviewee said, "When

When people tell you there is no problem here, it is because they are

people tell you there is no problem here, it is because they are too scared to tell the truth... yet all the signs are like the early 70s. It is very, very dangerous. One person shoots, 20 people are arrested. There is so much fear and rumour."⁷¹ While history does not have to repeat itself, it also teaches valuable lessons that where injustice is not sufficiently and appropriately dealt with, it eventually re-asserts itself. The government's current – and belated – efforts to implement some of the transitional justice elements of the Arusha Accords, in particular the Truth and Reconciliation Commission, are not seen as credible by large parts of the population and are unlikely to address the need. In this context, any durable solution will need to include transitional justice mechanisms formulated in light of a deep understanding of the country's complex past and the implications of this past on what is currently unfolding. It will also need to ensure that these are appropriately implemented.

Ultimately, the need for equitable governance to become strongly entrenched within Burundi is vital to its political health moving forward. It is important to remember that although President Nkurunziza's bid for a third term was clearly the trigger for recent events, tensions have been simmering in Burundi for some time with the ruling regime being accused of becoming increasingly dictatorial. Local and international human rights organisations have been sounding the alarm for years. This misuse of political power is antithetical to dealing with legacies of violence. It leaves the country in a permanent state of suspended animation, always waiting to see if a trigger will lead to the kind of violence and unrest that has been witnessed over the past days. The people of Burundi deserve far more. And it is the responsibility of their government to deliver.

Policy context

The political crisis in Burundi was not unexpected. Despite the fact that human rights groups and opposition politicians in the country have been warning of increasingly repressive tendencies on the part of the government for some time, it was not until Nkurunziza's announcement that he would run for a third term that the international community really focused on Burundi. Even then, international action has been uneven and ineffective to date. While a full post-mortem of the failure of early warning to translate into early action goes beyond this briefing, it is worth noting that the more the crisis escalates, the more robust the intervention that will be needed in order to have an impact. Regardless, it is not too late for decisive action to make a substantial impact in protecting civilians and ensuring greater equity in the distribution and use of political power in the country. In this context, it is worth considering some of the policy options deployed or discussed to date.

Withholding aid and economic sanctions

In early May 2015, the EU announced that it was withholding two million euros in aid as a result of the violence.⁷² At the same time, Belgium announced that it was withholding aid that had been earmarked for supporting of the elections.⁷³ In October 2015, Belgium announced that it was suspending aid programmes "benefitting the government."74 Full development cooperation has yet to be suspended, however, in December 2015, Members of European Parliament, called for the withdrawal of non-humanitarian assistance.⁷⁵ On 14 March 2016, the EU announced that it would suspend direct aid to the government in favour of giving targeted funding directly to humanitarian agencies.⁷⁶

In October 2015, the AU PSC adopted a resolution calling for individual sanctions (travel bans and asset freezes) against "all Burundian stakeholders whose actions and statements contribute to the perpetuation of violence" and asked the African Commission to draw up a list of names. Thus far, it appears that the commission has not yet done so. The EU also adopted targeted sanctions (travel bans and asset freezes) against four individuals who are implicated in the violence. These individuals include Godefroid Bizimana, deputy chief of police, two other government officials and Leonard Ngendakumana, a close ally of coup leader Godefroid Niyombare. In November, the US also imposed similar measures against four individuals. Bizimana was also on the American's list as was a government official not included on the EU's list. The US also named two coup leaders, including Niyombare.⁷⁷ These individual sanctions send a strong signal to the government about the seriousness of the international community, but at the moment the EU, AU and US appear to be taking disparate approaches, so additional coordination would be useful.

International presence: from peacekeepers to observers?

On 9 July 2015, the AU PSC authorised the deployment of military observers to Burundi to oversee the disarmament of youth leagues associated to political parties called for by the same body.⁷⁸ The deployment began on 22 July.⁷⁹ In early December, following the preliminary reporting of the African Commission on Human and Peoples' Rights' fact-finding mission to Bujumbura the AU PSC welcomed efforts to increase the mission to 100 military experts, police and human rights observers to Burundi.⁸⁰ In the case of the latter, while some did arrive in Burundi, they have yet to sign a memorandum of understanding with the government that would allow them to undertake their activities and movements. While some commitments have recently been made by the government of Burundi on facilitating their work, it remains to be seen whether they will be able to operate effectively or not.

By November 2015, there was increasing talk within the AU and at the UNSC of the possibility of sending in peacekeepers. This conversation escalated following the events on 11 December 2015, with the AU PSC announcing its intention to deploy 5,000 peacekeepers⁸¹ to the country in an extraordinary move for the continental body. The AU PSC invited the UNSC to support the mission by endorsing it in a Chapter VII resolution. The UNSC responded quickly, but with a press statement,⁸² not a resolution. The AU gave the Burundian government 96 hours to accept the deployment,⁸³ but the government remained opposed, asserting that it would deem any intervention as hostile and would attack any incoming force. The AU PSC then referred the matter to the AU Heads of State, who backed away from the plan at a summit on 31 January 2016, instead sending a high level mission of five heads of state to Burundi to negotiate.

By the time of our visit, the peacekeeping discussion had become something of a political football. Not surprisingly, government officials were strongly against the idea of peacekeepers and expressed satisfaction that the AU had reneged. As a local government official asked, "If they come, it will be to protect who? And from whom?"⁸⁴ Or as another government official said, "Now the AU are against it and we are pleased. Burundians have already sent peacekeepers elsewhere. So why do we need them here? If the worst was to happen, we would rather recall our own peacekeepers to come back and defend the country."⁸⁵

Interviews with non-government, however, were more divergent. Most non-governmental actors did highlight the need for protection in the current context of fear and suspicion of governmental protection. For those who desperately feel in need of alternative sources of protection, the idea of a peacekeeping force had strong resonance: "We are not protected. So we need others to come and protect us."⁸⁶ For most, however, there were reservations about the potential for a deployment to address that need for protection.

Some saw peacekeepers as the wrong response to the type of threat that is currently in place:

I don't see anything wrong with them, but also nothing right... I know the peacekeeping forces that came after 2000 were very helpful... But today's context is completely different. Then it was an open civil war that was ethnically motivated. But this time, it isn't about ethnicity. It is far more political. So we need a political answer, and I'm not convinced peacekeepers can offer that.⁸⁷

Among those expressing concern about this mechanism, some stressed that peacekeepers might become necessary: "If the situation escalates, we need them here so we can run to them for protection."⁸⁸Some also expressed concern that a protection deployment could detract energy and attention away from the dialogue process – which was ultimately more critically needed to resolve the situation.

Following IRRI's visit, a high level delegation of five African presidents mandated by the AU Summit visited Burundi and secured an agreement from the government of Burundi for the deployment of 100 human rights observers and 100 military monitors.⁸⁹In addition, a new discussion on the possible deployment of international police under a UN banner has begun. In the context of UNSC discussions about facilitating some sort of international presence, Russia has proposed a police force to train and accompany Burundian police.⁹⁰ Discussion of a police presence is currently ongoing, with a number of different configurations (police advisers or observers, armed or unarmed) being mooted. On 1 April 2016, the UN Security Council (UNSC) asked the Secretary-General to prepare options for the deployment of a police operation, which are to be submitted to the council in the next 15 days.

Although these ideas have yet to be translated into action, their trajectory is generally to be welcomed. While there was ambivalence about the viability of a peacekeeping force at this stage among Burundians interviewed by IRRI, there was stronger consensus around the viability of observers, which is essentially a weaker form of ensuring international presence and aiming for protection through presence.

Dialogue

When asked about policy responses to the current crisis, consistently interviewees stressed the need for the current situation to be resolved through dialogue. Most saw facilitation of dialogue as *the* single most important forum for engagement with the international community. In many respects, the international community agrees, recognising that only a political settlement will bring an end to the crisis and all the other measures discussed above are merely ways of either increasing pressure on the parties to negotiate or to mitigate the impact on civilians until such time as the crisis is resolved. The EAC took the lead early on, appointing Uganda's President Yoweri Museveni to lead these efforts. Even the government of Burundi has recognised the need for dialogue, setting up the internal dialogue commission in October.⁹¹Serious concerns remain, however, over moving the situation from consensus around the need for dialogue, and the format in which it should occur.

Several concerns were raised in this regard. First, interviewees insisted on a dialogue that genuinely represented the different sides to the current crisis. With the exception of government officials, all those interviewed stated that the internal dialogue – the inter-Burundi dialogue – was a façade. As that process has progressed, concerns have grown among international observers that this mechanism may be an effort to manufacture the appearance of public support for overturning the Arusha Accords. Instead, people looked to an externally-mediated dialogue as offering more hope.

Second, there was considerable feeling that President Museveni is not the correct person to lead the dialogue process due to the fact that he has been discredited by his own extension of mandates. As one man said, "I don't understand how a man who has done what Museveni has done – who has 7 mandates himself! – can be a good mediator. We need someone who has shown that they can follow a mandate."⁹²While the naming of Tanzania's former president Mkapa to assist in the mediation happened after the conclusion of our field visit, drawing from the conversations that we had on the ground it would seem that Mkapa is seen as a more neutral and more acceptable mediator. However, there are still concerns that he may be too oriented to the government. When individuals on the ground suggested who they would like to be engaged, they tended to point to leaders from West Africa who had stepped down or limited their terms. Regardless, whomever heads up the mediation will need coordinated support from all international actors, including the EAC, the AU, and the UN.

Third, there was recognition that the government is unlikely to take negotiations seriously unless it is pressured to do so. As one interviewee put it: "Before negotiations you need to recognise the rebellion. There needs to be two equal sides. And that means the situation first has to get worse because right now the government doesn't want to recognise the rebels." ⁹³ Although this dynamic has also been recognised by international actors, there is little consensus on what leverage could compel the government to the negotiating table.

Finally, to be effective there needs to be a much clearer articulation of the substantive framework for the discussion. As noted above, this platform needs to go beyond the third term issue and deal with some of the core governance issues that underlie the crisis. These include issues of corruption, lack of development, access to land, construction of robust institutions and how to address the legacies of previous violence. A complicated question will be how any negotiations conducted now will relate to the Arusha agreement. There is considerable concern about opening up this framework for possible repeal given the role that it has played in governance in the transitional period. On the other hand, key provisions have not been implemented and critical issues have not been sufficiently addressed.

The government's recent expression, at least rhetorically, of willingness to negotiate is welcome. Following a January visit by the UNSC to Bujumbura and a visit by UN Secretary General, Ban Ki Moon on 22 February 2016, Nkurunziza announcedthat he is willing to negotiate with the opposition.⁹⁴ However, little in his political calculation appears to have changed, and significant doubt to his commitment remains. As one interviewee said: "If dialogue doesn't bear fruit, then I think we will have civil war. Those ruling today started their movement in the 1990s because they had lost their fathers in 1972. And now those fleeing, when they come back they will come back fighting. Like the current government did."⁹⁵

Conclusion

The stakes, therefore, are very high. Any notion that the situation has somehow reached a juncture where international attention can be reduced is misguided. There is currently a window of opportunity for concerted and co-ordinated action that could prevent the situation from escalating. Resolving the current crisis, while highly complex, will only become increasingly difficult if the situation deteriorates further. Most importantly, the human cost, even without any escalation, is utterly unacceptable.

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⁷ The External Relations and International Cooperation Ministry communiqué on threats to peace in Burundi, 18 May 2015, available at: <u>http://www.burundi-gov.bi/IMG/pdf/communique_sur_les_menaces_a_la_paix.pdf</u>, accessed 1 April 2016.

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- ²¹ Interview with local government official, Rumonge, 2 February 2016.
- ²² Interview with local government official, Rumonge, 2 February 2016.
- ²³ Interview with religious leader, Bujumbura, 5 February 2016.
- ²⁴ Interview with refugee, Nakivale refugee camp, Uganda, December 2015.
- ²⁵ Interview with journalist, Bujumbura, 1 February 2016.

²⁶ Interview with opposition, Bujumbura, 6 February 2016.

²⁷ Interview with political activist, Bujumbura, 4 February 2016.

²⁸ Interview with former refugee, Makamba, 2 February 2016.

²⁹ Interview with member of civil society, Bujumbura, 1 February 2016.

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³⁷ Interview with member of civil society, Bujumbura, 1 February 2016.

- ³⁸ Interview with religious leader, Bujumbura, 1 February 2016.
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⁴⁴ Interview with journalist, Bujumbura, 1 February 2016.

- ⁴⁵ Interview with member of civil society, Bururi, 2 February 2016.
- ⁴⁶ Interview with member of civil society, Bururi, 2 February 2016. (*Kitenge* is locally made cloth).

⁴⁷ Interview with civil society actor, Bujumbura, 2 February 2016.

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