

Central Africa Report

The battle for Burundi

Is there a viable solution?

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Summary

President Pierre Nkurunziza's bid for an unconstitutional third term triggered the most recent violent crisis in Burundi. But it is not the only factor behind the seething discontent and endemic fighting in this Great Lakes country. A history of government intransigence, a lack of will on the part of both government and the opposition to negotiate, a severely repressive regime and the apparent inability of international and regional agencies to intervene successfully all add up to an intractable situation.

ON 25 APRIL 2015, following months of speculation about who would be the presidential candidate for the National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD), Burundian President Pierre Nkurunziza announced that he would run for a third term.

This decision conflicted with both the Constitution and the Arusha Agreement, signed in Tanzania in 2000, which set presidential limit of two terms. The announcement triggered the most serious political and security crisis since the country's civil war ended in 2005. In the violence that ensued, 542 people died and 265 175 Burundians became refugees in the region. (Figures provided by the United Nations Office for the Coordination of Humanitarian Affairs, as of 3 June 2016.)

The root of the problem

The unrest began with peaceful protests by opposition parties and civil society organisations, but eventually turned into confrontations between protestors and police, who used violence to suppress the demonstrations.

At the heart of the dispute is the interpretation of the Constitution. Article 302, introduced to minimise tensions during the post-transition period, stipulates that the president must

be elected by the National Assembly and the Senate. However, Article 96 states that the president is to be elected by universal suffrage and that the term of office is renewable once.

The ruling party argued that the Constitution was ambiguous. The CNDD-FDD exploited what some legal scholars maintain is a textual loophole, arguing that since Nkurunziza was not elected by universal suffrage the first time around, his first term did not fall under the limits set out in article 96, making the post-transition president eligible for a third term.

Dissenters argued that articles 96 and 302 of the Burundian Constitution should be interpreted in accordance with article 7.3 of the Arusha Agreement, which unequivocally sets a limit of two terms. They argued that while there were ambiguities in the Constitution, the Arusha Agreement was clear.

The genocide was a disproportionate response to an attempted Hutu armed rebellion in which about 1 000 Tutsi were killed

One of the striking features of this crisis is the fact that, until recently, Burundi was lauded as an example of successful peace building in Africa. Indeed, Burundi had succeeded in leveraging ethnic differences to create an apparently strong and functioning power-sharing agreement; the military had largely integrated members of former armed groups into the army and, unlike the situation among its neighbours, the post-conflict era in Burundi was characterised by a free press and a vibrant civil society.

This report, which is based on interviews conducted in Bujumbura, Brussels, Kigali and Nairobi, maps the emergence and development of the current crisis. It identifies the relevant political actors and exposes their roles and shifting positions in recent years. The report also focuses on the political and security institutions that are at the heart of political disputes.

The civil war and the armed groups

The Burundian civil war was triggered in 1993 by the assassination of Melchior Ndadaye of the Front for Democracy in Burundi (Frodebu), the country's first democratically elected president and its first Hutu president. Three years later Pierre Buyoya, who had been president prior to Ndadaye's victory, seized power through a military coup, reinstating the rule of the Union for National Progress (Uprona), a predominantly Tutsi party.

As the war raged, President Julius Nyerere of Tanzania and, later, South African President Nelson Mandela took the lead in brokering a peace agreement among 17 Burundian armed groups and political parties, with Uprona, Frodebu, the Conseil National de Défense de la Démocratie (CNDD) and the Party for the Liberation of the Hutu People (Palipehutu) as the most important actors.

Palipehutu was created in 1980 in the Tanzanian refugee camps to which thousands of Hutu had fled in 1972 to escape the genocide orchestrated by the Tutsi-led army and in which an estimated 100 000 – 200 000 Hutu died.¹ The genocide was a disproportionate response to an attempted Hutu armed rebellion in which about 1 000 Tutsi were killed.² In the camps, plans for an armed struggle were hatched and

1993

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the National Forces for Liberation (FNL), the armed wing of Palipehutu, was created. In the course of the war, the party and the armed wings split a number of times over leadership issues. In 2001 Agathon Rwasa, from the Ngozi province, took over the leadership of the principal wing, FNL, after years at the head of military operations in Bujumbura rural.

The CNDD, a rebel group that is the brainchild of some of the Frodebu leaders, emerged after the 1993 assassination of Ndadaye.³ Political attempts to achieve a more ethnically and regionally inclusive Burundian government had clearly failed, leading some members of Frodebu to embrace the concept of armed struggle. Led by Leonard Nyangoma, one of the party's founders and a former minister in Ndadaye's government, the CNDD recruited people throughout the country – young military trainees, youth from other rebel groups and Frodebu cadres at home and in exile – to cement its resistance base. With its armed wing, the FDD, the organisation established a base in Congo.

In 1998, the group split due to leadership issues. Nyangoma was accused of regionalism, favouritism, and corruption. It was also claimed that he had no tolerance for dissent. Some prominent members of the organisation were evicted and assassinated.⁴ While Nyangoma maintained the political wing, CNDD, the bulk of the party followed Jean-Bosco Ndayikengurukiye and formed CNDD-FDD.

In 2001, the young deputy secretary-general of the group, Pierre Nkurunziza, overthrew Ndayikengurukiye as the head of CNDD-FDD, in a move orchestrated by CNDD strongman Hussein Radjabu, a former member of Palipehutu.

Until recently, Burundi was lauded as an example of successful peace building in Africa

By the time Nkurunziza took over the leadership of the CNDD-FDD the Arusha Agreement ending the civil war had been signed. Nyangoma of the CNDD was one of the signatories and dissatisfaction increased within the ranks of Frodebu, which had undergone more than a decade of leadership crises and internal infighting during the war.

Throughout the Arusha negotiations some members of the party expressed their frustration that the top leadership in exile was making too many concessions to the Tutsi.⁵ Over the years some Frodebu members changed their allegiance to the CNDD-FDD. But as the implementation of the Arusha Agreement progressed, Frodebu, under the leadership of Jean Minani,

assumed a position of strength as it secured the largest number of seats in the Transitional National Assembly.

As the post-transitional elections of 2005 approached, the political landscape changed. In 2003 the CNDD-FDD, while not a signatory to the Arusha Agreement, signed the Global Ceasefire Agreement and entered government. During more than a decade of war it had gathered a significant amount of popular support as it fought Uprona-dominated forces throughout the country.

While the campaign of the FNL, another Hutu grouping, did not cover the same breadth of territory as that of the CNDD-FDD, the party enjoyed a great deal of popularity under Rwasa's leadership. But the FNL's failure to seize the momentum of the post-transition elections allowed the CNDD-FDD to capture a significant amount of the Hutu electorate, much of which was disillusioned with Frodebu. By joining the political fold immediately before the 2005 election, the CNDD-FDD reaped the benefit of the demise of Frodebu and the weakening of the FNL.⁶

The CNDD-FDD, 2005-2013

In 2005, following decades of ethno-political violence, years of hard-fought negotiations to ratify the Arusha Agreement and five years of transitional government, Burundi held its first popular elections since 1993 and the CNDD-FDD won the communal, legislative, and Senate polls.

Nkurunziza was president of the CNDD-FDD during the transition and was appointed one of the four CNDD-FDD ministers to integrate government. He rose to the presidency of the country by indirect vote, as mandated by the newly-minted Constitution.

The accession to power of the CNDD-FDD, a former rebel group with both Hutu and Tutsi members, not only officially ended the transition, but also the short-lived leadership of Hutu-dominated Frodebu.

The euphoria of the post-transition election was short-lived, as the CNDD-FDD's culture of intransigence became apparent in the first few years of its leadership. And some of the tactics used to neutralise dissent would replicate and intensify around the 2010 and 2015 elections.

Early signs of repression

The CNDD-FDD leadership understood that if it were to retain its hold on power it would have to consolidate and maintain the support of the demographic majority, the Hutu. With little aspiration to win over the Tutsi electorate but with a keen awareness of the need to maintain the power-sharing

framework for purposes of legitimacy, it respected the political and security guarantees anchored in the 2000 Arusha Agreement. However, it managed to use a combination of force and legislative and judicial measures to neutralise Hutu political threats within and outside the party.

One important target was the remaining armed group, the FNL. Early in the post-transition period the ruling party had attempted to dismantle the group. The relationship between the CNDD-FDD and the FNL had long been acrimonious.⁷ While both groups had initially fought what they believed to be Tutsi political supremacy, they differed in their philosophy, methods and support bases. The FNL had been forged in the Tanzanian refugee camps long before the CNDD-FDD was created and, unlike its rival, had refused to stop its armed struggle until all its demands had been met.⁸ Moreover, during the war as both armed groups vied for primacy, the CNDD-FDD and the FNL engaged in numerous confrontations.

The court, which has been accused of being politicised, sided with the government and the MPs were expelled and replaced

While people close to the CNDD-FDD assert that the FNL was never a threat to the party's hold on power,⁹ the CNDD-FDD has been relentless in its attempts to destroy the movement. In the first years of CNDD-FDD rule, intelligence services, local administrators, and members of the army engaged in extrajudicial killings of FNL members and their supporters.¹⁰ Eventually, in May 2008, an agreement was signed by the FNL and the government and in 2009 the FNL became a political party.

Consolidation of power and repression also took place within the CNDD-FDD. At the beginning of his tenure as president, Nkurunziza was not the powerful executive he has become. Nicknamed the 'Umuhuza', the unifier, Nkurunziza had limited political experience but was known for his crucial role in repairing cleavages within the CNDD-FDD to consolidate the base of the party during the armed struggle.

During the war the CNDD-FDD suffered from the heterogeneity of its membership in terms of region of origin and religious, political and military philosophy. Divisions within the membership often manifested along those lines. Nkurunziza's leadership style was quite different from that of Nyangoma. Nkurunziza spent most of his time with the troops, fostering cohesion within their ranks.¹¹ When he was elected head of state he attempted to continue his day-to-day leadership of the party but it was Radjabu, one of the leading architects of the party's political framework, who became party leader.

Radjabu often acted as though government leadership was subordinate to party leadership. He intervened in government affairs, often holding parallel meetings with different ministries, not only to stay apprised of political developments, but also to try to inject some of his directives.¹² Within a few months Radjabu had placed some of his key allies in powerful positions.

While Nkurunziza did not attempt to curtail Radjabu's power, other CNDD-FDD ranking members moved to neutralise him. In February 2007 a special congress was convened in Ngozi to remove Radjabu from the party's leadership. As power was slipping away from him, Radjabu tried to rally supporters for his cause. He was arrested a few months later and convicted in 2008 on charges of plotting a rebellion



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and insulting the president. To many observers, Radjabu's conviction was a political ploy by CNDD-FDD insiders to neutralise him. A key actor who helped to engineer the process was Onesime Nduwimana, then vice-president of the National Assembly.¹³

Following Radjabu's dismissal and arrest, the CNDD-FDD neutralised party members who had had close ties with him. First, the party removed Immaculée Nahayo, a close associate of Radjabu, from her position as president of the National Assembly, and replaced her with Pie Ntavyohanyuma. This elicited a strong reaction from Radjabu's allies who were members of Parliament and as a result, 22 MPs aligned themselves with the opposition in protest. This left the CNDD-FDD with fewer than 60% of the votes in Parliament, when it needed 68% to pass legislation.

After months of legislative deadlock the CNDD-FDD looked at ways of expelling the 22 MPs. In May 2008, the new president of the National Assembly petitioned the Constitutional Court to exclude the 22 from Parliament, arguing that they could not constitutionally act as independents because they had been elected as CNDD-FDD representatives. The court, which has been accused of being politicised, sided with the government and the 22 MPs were expelled and replaced.

In 2008 Frodebu president Minani, a former president of the National Assembly, announced that he and 12 elected representatives from Frodebu were creating their own wing of the party. In creating Frodebu-Nyakuri,¹⁴ he officially severed ties with the Frodebu of Leonce Ngendakumana, who had been critical of the dismissal of the 22 CNDD-FDD representatives. Most observers believed the split was the result of CNDD-FDD interference. The ruling party took advantage of leadership divisions within Frodebu and the willingness of some members of the party to defer to the party in power.¹⁵ By dividing the opposition, the CNDD-FDD, knowing that Frodebu-Nyakuri would vote with it, resolved the legislative blockage and, in the process, cleansed itself of dissenting voices.¹⁶

What would become known as the 'nyakurisation' method of dividing and weakening the opposition would be used again in the years to come.

2010 elections

As the 2010 elections approached, the ruling party continued its pattern of power consolidation and repression, systematically closing the political space. First, government agents routinely violated the rights of opposition parties to public assembly, demonstration and political expression, making it difficult for them to campaign freely. Members of the

opposition and civil society were regularly intimidated, harassed and arrested by the police, the intelligence services and negative elements of the 'Imbonerakure' (those who see far), the CNDD-FDD's youth wing, who often disrupted opposition political meetings.¹⁷

The CNDD-FDD also began to interfere in the internal dynamics of the opposition parties by creating dissident groups within them, offering financial incentives to leading opposition figures to join the CNDD-FDD and attempting to weaken parties with strong Hutu bases that could potentially challenge it.¹⁸

This was the context in which Burundi held its 2010 elections. Following local elections in May, the opposition accused the government of fraud and voter intimidation and demanded that the results be invalidated. International observers, while admitting that minor irregularities had been observed, argued that the results were, for the most part, valid,¹⁹ while the electoral commission (CENI) refused the opposition's request.

In response, the bulk of the opposition created a political platform, the Alliance for Democratic Change (ADC-Ikibiri), which included the FNL, Sahwanya-Frodebu (one of Frodebu's splinter parties), CNDD, the Movement for Solidarity and Democracy (MSD) and the Union for Peace and Development (UPD). The coalition boycotted the remainder of the political process and called on the international community to intervene.

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While the international community was aware of the unfair pre-electoral conditions in which the opposition had to operate, most international partners judged that the holding of peaceful elections without blatant fraud was significant progress in Burundi. Their decision to legitimise the electoral process was made in order to prioritise stability, not long-term democratic consolidation.

Moreover, the international partners had spent the past five years working with the CNDD-FDD. The party's closest political rival was the FNL, which had yet to gain the trust of key international stakeholders because of its initial refusal to engage in political dialogue and the brutal crimes attributed to the group during the war.²⁰ Challenging the CNDD-FDD on the elections would have given the FNL a political opening while it was struggling for international legitimacy.

Another important factor that weakened the legitimacy of calls to invalidate the 2010 electoral results was the active

participation of Uprona and Minani's Frodebu-Nyakuri in the electoral process. The participation of the most important and historically relevant Tutsi party and a party led by the former president of the National Assembly granted a certain degree of legitimacy to the process.

The opposition coalition's boycott of the presidential elections had a devastating impact on Burundi's political configuration. Nkurunziza ran unopposed and captured the presidency with 92% of the votes. Uprona won 17 of the 106 seats while the CNDD-FDD increased its power in the National Assembly to 81 seats from its previous 59, ensuring its almost complete domination of the assembly. The outcome was the creation of a *de facto* single-party state.

Post-election violence and repression

Following the controversial 2010 elections, Burundi experienced a surge of violence and instability. A number of groups linked to the political opposition initiated an armed rebellion against the government; the United Nations Group of Experts identified Rwasa's FNL as among them.²¹ In the year that followed, confrontation pitted government security forces against the FNL and its supporters. The CNDD-FDD, which had recruited a number of former FNL combatants, used them to track down and eliminate FNL militants and supporters in Bujumbura rural.²² In addition to crushing the rebellion, government forces attacked political networks and FNL.

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Rwasa and his FNL were perceived at the time to be the most viable competition to Nkurunziza and the CNDD-FDD. By the time the crackdown was over, Rwasa, who had just returned to Burundi before the 2010 elections, was again in exile and his supporters had to go underground, as their networks had been compromised. This significantly reduced the visibility, strength and viability of the party.

Associated with the FNL rebellion was a group reportedly led by Alexis Sinduhije, the leader of the MSD and former director of the most popular radio station in the country, the Radio Publique Africaine (RPA). The armed group, which was named Le Front National pour la Révolution au Burundi – Tabara (Fronabu-Tabara) and comprised Tutsi youth, created an alliance with Rwasa's FNL.²³

Sinduhije and the MSD emerged as a perceived threat to the government. Despite the fact that the vast majority of government abuses and executions targeted Hutu FNL members, many MSD supporters who were engaged in confrontations with CNDD-FDD youth groups during this time and suffered brutal retaliation were Tutsi members of the MSD.

For more than a year the government was accused of engaging in torture, disappearances, extrajudicial killings and other massacres, raising fears that Burundi was on its way to a full-fledged resumption of armed hostilities between political parties.²⁴ Political meetings were banned and many opposition members were murdered. Sinduhije and other opposition leaders, such as the Frodebu leader Pancrace Cimpaye, fled the country.



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In addition to the violence that ensued, the post-2010 election period gave the state the perfect opportunity to further close the political space. The ruling party took advantage of its control of the legislature to pass repressive laws targeting political parties, civil society, and the press, as shown below.

Post-2010 elections legal developments

Legislation	Political impact
2011 law governing political parties ²⁵	<p>Gives a great deal of power to the minister of the interior for accreditation.</p> <p>Cumbersome accreditation process.</p> <p>Punishes with fines and prison anyone leading or joining a political party that has not been approved by the Ministry of the Interior.</p> <p>Prohibition of political coalitions outside the official electoral season.</p>
2012 law governing the opposition ²⁶	<p>Fines and prison terms for leaders of the opposition found guilty of lies or slander or intending to disrupt peace and security.</p>
2013 law on public demonstration ²⁷	<p>Imposes a complex system of authorisation that gives a great deal of discretion to local authorities to prohibit political meetings and rallies or to cancel them at the last minute with little or no justification.</p> <p>Demonstration organisers are liable for damages and violence if they do not suspend demonstrations.</p>
2013 law on the media ²⁸	<p>Restricts news reporting on national defence, public safety, state security and the local currency.</p> <p>Undermines the protection of sources.</p> <p>Imposes hefty fines for violations of vaguely defined offences such as publishing material that hinders national unity.</p>

Opposition returns to Burundi

By the end of 2012 political violence had subsided, paving the way for the return of exiled leaders in 2013 under negotiated security guarantees brokered by the United Nations. Among the returnees were FNL's Rwaso, considered Nkurunziza's most viable opponent, and MSD's Sinduhije.

In March 2013 the United Nations Office in Burundi organised a workshop in Kayanza Province, which included representatives from the major political parties. The objective of the workshop was to assess the previous elections and to develop a strategy to

March 2013

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prepare for those to be held in 2015. At the conclusion of the workshop an electoral roadmap was agreed upon in principle.

The roadmap addressed the legal framework that would govern the coming electoral process, security provisions to protect political actors and the facilitation of their activities, as well as the management and conduct of the elections. However, in the following months, the government backtracked on many of its commitments.

The Burundi crisis and key actors

Nkurunziza's desire to run for a third term became clear to members of the CNDD-FDD shortly after the return of the above-mentioned members of the opposition. This objective would have a significant impact on the main political developments in the country in the following two years.

Precursors to the crisis

The first signs

The first official sign that Nkurunziza intended to seek a third term came in January 2012 during the president's New Year address to the nation. During his speech, Nkurunziza announced his plan to revise the Constitution and other laws relating to electoral processes.²⁹ This announcement sent shockwaves through observers.

A few days later, Professor Paul Ngarambe, the former president of the National Electoral Commission (2004-2005), wrote an opinion piece in the *Iwacu* newspaper in which he argued that the president was constitutionally ineligible to run for a third term.³⁰ While some politicians supported his position, others believed that a third term was legal,³¹ already indicating divisions within the party on the issue.

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A year later, in May 2013, the CNDD-FDD called an emergency extraordinary congress of the party. During the session the party's president, Pascal Nyabenda and Nkurunziza warned the 'Bagumyabanga,' as party members were known,³² against any attempt to challenge the party's leadership.

Despite the fact that no open discussion about the nomination of a presidential candidate for the 2015 elections had taken place within the CNDD-FDD, Nkurunziza accused unnamed party leaders of discreetly campaigning for a new candidate.³³ The accusation sent shivers through the party and muted any future open debate on the topic.

During secret discussions in very small groups, one of the names that had often surfaced as a potential alternative candidate was that of Gervais Rufyikiri, then second vice-president. His popularity with technocrats and international donors made him one of the top contenders, and one of the targets of Nkurunziza's suspicions. For this reason, according to party members who had attended the May 2013 congress, Nkurunziza's diatribe appeared to have implicitly targeted Rufyikiri, which raised suspicion and fears among high-ranking leaders of the party.³⁴

The president's intention became even clearer when he concluded the congress by unilaterally charging the party's Council of the wise, over which he presides, with the responsibility of dealing with important leadership questions, including the issue of nominations.

A few months later, in September 2013, during a ceremony celebrating the third anniversary of Nkurunziza's 2010 victory, Nyabenda said that Nkurunziza was in fact serving his first term and that there was therefore no need to amend the Constitution to facilitate an additional term.³⁵

Nyabenda's speech created an uproar among the opposition and some civil society groups and was quickly nuanced by Willy Nyamitwe, the deputy spokesperson for Nkurunziza, who explained that the president had not yet made any statement about the issue and that in the end the party would determine who would be the future candidate. But ultimately, Nyabenda's declaration would form the foundation of the CNDD-FDD's argument for a new term for Nkurunziza in 2015.

Despite the code of silence about the topic, there were already divisions within the party and several high-ranking members who were against the third-term bid started to emerge. Divisions in the party went beyond the third-term question, as they also reflected dissatisfaction with issues of governance, limited development initiatives, corruption, neo-patrimonialism, allegations of serious human rights violations and the consolidation of power by a small group of army generals.

Among those least enthusiastic about the third term were Rufyikiri, the National Assembly president Ntavyohanyuma and Onésime Nduwimana, the party's spokesperson. These men, in addition to being among the intellectual base of the party, were longstanding members who had fought for the party while they were in exile during the civil war but did not themselves participate in armed combat. The lack of military experience among civilian party members was frowned upon by the hard core of the military wing, who believed it made individuals like Rufyikiri ineligible for the presidency.³⁶

In addition to the civilian leadership there were also key military CNDD-FDD leaders who opposed the third term for similar reasons. They became 'people of interest' for the National Intelligence Services (SNR), then headed by the very powerful General Adolphe Nshimirimana. Nshimirimana was particularly zealous about promoting the third-term project and threatened anyone suspected of being opposed to it. A close associate of Nkurunziza's since the rebellion, Nshimirimana had benefited greatly from Nkurunziza's leadership, rising in power and increasing in wealth alongside the president; hence maintaining Nkurunziza in power also secured his future.

It was believed that the SNR monitored responses to the third-term project through spies who would report conversations with those who did not support it. Party insiders saw foreign assignments and the removal from functions as a tool to discipline and punish dissenters.³⁷

For example, at the end of 2013 General Silas Ntigurigwa was nominated as commander-in-chief of the African Union Mission to Somalia after the Burundian government submitted his name, partly, according to some, to get him away from domestic politics. Similarly, at the beginning of 2014 General Godefroid Niyombare, head of mission at the presidency and former chief of staff of the National Defence Forces, was sent to Nairobi as ambassador to Kenya. Lastly, at the end of February 2014 General Prime Ngwenubusa was removed from his post as permanent secretary of the National Security Council (CNS). All three men were known to oppose President Nkurunziza's third mandate.

When asked about his plans to run for an additional term, Nkurunziza would avoid responding directly

When asked about his plans to run for an additional term, Nkurunziza would avoid responding directly and say that the decision rested with the party and the existing legal framework, including the Constitution.³⁸ However, already a secret commission comprising legal and constitutional experts within the inner circle of the president had been established to assess and eliminate the various obstacles to Nkurunziza's candidacy.³⁹

Constitutional amendment and Uprona/CNDD-FDD split

The legislative control acquired by the CNDD-FDD following the 2010 elections enabled the party to pass important legislation with almost no consultation with other parties. Many of the laws passed by the end of 2013 were designed to restrict the political space of dissidents. However, it is the laws linked to the Arusha Agreement with regard to justice and reconciliation that created an irreversible rift between the CNDD-FDD and Uprona.⁴⁰

Among these were the law amending the National Land Commission (CTNB), which Uprona said showed a pro-Hutu bias, and the law relating to the Truth and Reconciliation Commission (CVR), which eliminated the need for criminal proceedings for serious crimes committed during the war as mandated by the Arusha Agreement.⁴¹

The Constitution guarantees a significant space for Tutsi in government by stating that one of the vice-presidents must be

Tutsi and 40% of ministerial positions and National Assembly seats must go to Tutsi. For these reasons, Uprona, as the main Tutsi party, was a key ally of the CNDD-FDD.⁴² Since the end of the transition in 2005 Uprona and the CNDD-FDD had managed not only to cohabit but also to collaborate in government through compromise, even on the most controversial of laws.

While the laws on the CTNB and the CVR created a rift between the ruling party and Uprona, it was the latter's vehement opposition to the CNDD-FDD's attempt to change the Constitution to allow Nkurunziza to run for an additional term that created a crisis. Nkurunziza had hoped to win the endorsement of the Uprona leadership in exchange for maintaining the spirit of Arusha in the 2005 Organic Law.

One of the amendments proposed by the executive was the removal of article 302, which stipulates that the National Assembly must elect the first post-transition president. The removal of the article would have left article 96, which stipulates that a president is to be elected by universal suffrage, renewable once.

This would have paved a clear constitutional path for Nkurunziza to run for a third term. Nkurunziza had been elected once by the National Assembly and once by popular vote. According to detractors, this would violate the Arusha Agreement's provision that 'no one may serve more than two presidential terms'.⁴³

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Another proposed amendment would have reduced current voting quorums from a two-thirds majority to a simple majority for ordinary laws. The proposed reduction of the voting quorum would allow any party with 50% of National Assembly seats to control the legislative agenda, without any need to consult with other political parties represented in Parliament. This drew the ire of the opposition, including Uprona, which accused the CNDD-FDD of attempting to weaken the power-sharing and consociational nature of the Constitution.



THE REMOVAL OF ARTICLES 302 AND 96 WOULD HAVE PAVED A CLEAR CONSTITUTIONAL PATH FOR NKURUNZIZA TO RUN FOR A THIRD TERM

Lastly, the constitutional amendment proposed changing the structure of the executive branch by replacing the two vice-presidents with a 'powerful'⁴⁴ prime minister, who could come from the same party as the president, and a mostly ceremonial vice-president. This was a direct assault on the constitutional guarantee that at least one Tutsi would be represented in the executive branch, a clause that Uprona had counted on since the end of the transition. Hence, Uprona refused to back the amendment.

Uprona disintegrates

While Uprona had never officially or legally split, in 2012 two movements had emerged within it – one pro-CNDD-FDD and one against it. The more popular movement, led by Evariste Ngayimpenda, felt that party members in government had been too conciliatory to the ruling party. Uprona's opposition to the constitutional change and its falling out of favour with the government pushed the two wings to explore the possibility of reunification.

At a congress in February 2014 Uprona voted in favour of reunification. Along with Uprona's increased criticism of the CNDD-FDD, its reunification prompted the ruling

party to harden its stance against Uprona and to destabilise the party's leadership.⁴⁵ Prior to the congress, as talks of reunification between the two wings concretised, on 29 January 2014 the CNDD-FDD Minister of the Interior, Edouard Nduwimana, a Tutsi from Kayanza Province, known for his aggression towards the opposition and civil society, wrote a letter summarily dismissing Uprona president Charles Nditije.

Nduwimana appointed former Uprona party president Bonaventure Niyoyankana, who had developed a reputation for his proximity to the ruling party. The first vice-president of the republic, Bernard Busokoza of Uprona, immediately moved to annul the appointment. On the same day, Nkurunziza dismissed Busokoza by decree.⁴⁶ Outraged by the decision, three Uprona Cabinet ministers resigned from their posts.

The government found itself short of one Tutsi vice-president and three Tutsi ministers. Article 128 of the Constitution stipulates that: 'In the case of resignation, death or of any other cause of definitive cessation of the functions of a Vice-President of the republic, a new Vice-President of the republic[,] originating from the same ethnicity and of the same political party as their predecessor[,] is appointed.'

The president attempted to persuade Niyoyankana to submit a list of Uprona nominees, which would be subject to government approval, to replace Busokoza and the three ministers. However, Niyoyankana, under pressure from Nditije and the Uprona base, refused to do so. Nkurunziza then turned to Concilie Nibigira, who had been minister of communication and vice-president of the party under Niyoyankana, to give him a list of potential Uprona candidates. Nditije had become a deputy in 2010 and president of Uprona in 2012.

Nibigira acquiesced, gaining her the leadership of the government-approved wing of Uprona, which was quickly disowned by the majority, once again splitting the party into pro- and anti-government factions and leaving Nditije's more popular wing with no legal recognition. Prosper Bazombanza, of Nibigira's wing of Uprona, was nominated by Nkurunziza and approved by Parliament as the new first vice-president of the republic.

The bid to change the Constitution fails

Despite the government's efforts to neutralise Nditije and Uprona in Parliament, the CNDD-FDD's 21 March 2014 effort to change the Constitution failed by one vote to reach the four-fifths required. Uprona members of Parliament still loyal to Nditije blocked the attempt, along with Frodebu-

Nyakuri. This created profound antipathy to Nditije among CNDD-FDD supporters.

Equally frustrating for the executive was the fact that despite strong pressure exerted on the president of the National Assembly, Ntavyohanyuma by generals Adolphe Nshimirimana and Alain-Guillaume Bunyoni, Ntavyohanyuma blocked any attempt to corrupt the process and change the final tally of the votes.⁴⁷ Ntavyohanyuma has claimed that he was ordered by influential members of the ruling party to 'round up' the final count in order to achieve sufficient votes to pass the amendment. As retribution for not doing so, he was later removed from the party's electoral list.⁴⁸

The CNDD-FDD's culture of silencing dissent, at times brutally, has prevented dialogue among its members

That same month a number of incidents sounded the alarm about potential security concerns in Burundi ahead of the elections. Firstly, a UN cable exposed clandestine military training by demobilised soldiers and members of the 'Imbonerakure.' This raised important questions about the ruling elite's long-term political plans and increased international scrutiny of Burundi.

Secondly, on 8 March a jogging rally held by young MSD supporters ended in a violent confrontation with security forces. Dozens of MSD party members were arrested. On 21 March, 21 party members were convicted and sentenced to life in prison for insurgency, rebellion, and assaulting law enforcement officers. Sinduhije, the leader of the MSD, fled the country only a year after returning from exile.⁴⁹

A house divided inside the CNDD-FDD

The CNDD-FDD's culture of silencing dissent, at times brutally, has prevented dialogue among its members. This culture is coupled with one of secrecy inherited from the war resulting in 'Bagumyamabanga,' the Kirundi word that the CNDD-FDD members chose to describe their duty of discretion with regard to the inner workings of the party.⁵⁰ For this reason it is often difficult to assess the internal mood of the party. However, in spite of this, by 2014 doubt and division were palpable, even in the military arm of the organisation.

The CNDD-FDD has always managed a number of important cleavages. During the war early recruits often aligned themselves against those who joined near the end of the struggle and graduates of the military academy aligned against

those trained in the bush, who often held different philosophies and approaches to combat and strategy.

Regional differences were accentuated by Nyangoma's favouritism towards people who come from his province. Moreover, there were important ideological differences between rebels from Frodebu and those who had come from the Palipehutu-FLN and/or those who had been refugees in Rwanda. The latter two groups held stronger anti-Tutsi ideologies. For a time this ideology had a very strong influence on the group and it was only towards the end of the war that the party softened its stance on ethnicity and even welcomed some Tutsi into the rank and file. Finally, Muslim recruits were often marginalised.

Following the 2010 elections, rifts started to be more visible between the CNDD-FDD generals and the civilian members of the party

While most of these differences were smoothed over with time, some of them, notably regional differences, have remained important sources of power struggles. Nkurunziza's third-term candidacy added to the regional tensions, as some party leaders suspected that he would not honour a secret agreement reached shortly after the beginning of his first term, which would ensure a regional rotation of the party's leadership.

Following the 2010 elections, rifts started to be more visible between the CNDD-FDD generals and the civilian members of the party. A small number of military veterans tightened their grip on Nkurunziza's inner circle and the direction of the party. The military portion of the party, which had always led the CNDD-FDD, had, until then, enjoyed strong support from the party's civilian members. But the state's behaviour during the 2010 elections demonstrated the continued militaristic tendencies of the president and his inner circle, prompting a growing number of CNDD-FDD intelligentsia to start looking beyond Nkurunziza for leadership and the future of the party.

Even among those who had fought in the war alongside Nkurunziza there were signs of frustration. In February 2011 a former colonel in the rebellion from Bubanza province, Manassé Nzobonimpa, who served as executive secretary of the CNDD-FDD's Council of the Wise, had made serious allegations against some members of the party while he was serving as a member of the Parliament of the East African Legislative Assembly (EALA).

After he accused key members of CNDD-FDD, such as Minister of Public Safety Bunyoni, and Jeremie Ngendakumana, then president of the CNDD-FDD, of corruption and human rights violations. Nzobonimpa was removed from the party and left the country.⁵¹

Corruption

Allegations of corruption have been rife throughout Nkurunziza's presidency. Despite an official statement declaring the government's firm anti-corruption policy and the establishment of an anti-corruption brigade and tribunal in 2006, the accession of the CNDD-FDD to power appears to have amplified prevalent corrupt practices. A



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small group of high-ranking political and security leaders of the ruling party engaged in the appropriation of the country's limited resources. This group also challenged the Tutsi primacy of the Burundian private sector in the hope of transferring economic opportunities to the Hutu elite.

As early as 2006 the illicit sale of the presidential plane, a Falcon 50, well below its assessed value, triggered a crisis with Burundi's main donor partners. The World Bank pressured the government to conduct an audit and to open a parliamentary investigation⁵² of the matter, which identified a clear intention to embezzle on the part of key members of the government, among them the Minister of Finance and the president's chief-of-staff.

While the first term of the CNDD-FDD's leadership was plagued with corruption scandals denounced by private media and the Organisation de Lutte Contre la Corruption et les Malversations Economiques (Olucome), Burundi's leading anti-corruption NGO, corruption showed no signs of abating during Nkurunziza's second term.

In 2010 Olucome⁵³ denounced the purchase of telecommunication material for the office of the president, the governates, the army, and the airport for the amount of US\$500 million, which was well above the state's annual revenue for that year.

The outrage provoked by Olucome's report led to the cancellation of the contract. Nevertheless, new allegations of embezzlement in the mining sector emerged shortly thereafter. Burundi's transparency rankings plummeted and its corrupt reputation challenged its relationship with development partners, including the International Monetary Fund.⁵⁴

Another source of frustration among the top brass of the party was the apparent omnipotence of Nshimirimana and Bunyoni, both of whom had, over the years, garnered considerable influence over the management of the state.

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Nshimirimana's power can be explained by a number of factors. First, he was among the early combatants who started the armed struggle out of the Kamenge neighbourhood of Bujumbura, and he became one of the first military leaders during the war. This enabled him to create a strong network among combatants. Second, he was feared for his ruthlessness when his interests were threatened. Bunyoni also rose through the military ranks during the rebellion before taking various leadership posts, thanks to his resilience, political acumen, and opportunism.

Over time, Nshimirimana and Bunyoni developed close ties with Nkurunziza and became an integral part of his inner circle. That proximity, in turn, gave them a great deal of influence in government, even at times enabling them to circumvent or contradict some of the president's decisions, notably with regard to some government nominations.⁵⁵ As they grew in power and influence, so did their reputation for corruption. They were also criticised within the party for the way they flaunted their wealth, which they were reported to have built by their interference in government tenders.



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While they often worked together to protect the party's interests, they also had their respective followers and financial interests to protect, which meant that they were not always on the same side and had to leverage their own social capital to push for their interests. The pair created many enemies among some of the seasoned and devoted high-ranking members of the military branch of the party. Members who had proved themselves time and again during the war, and later in government, but lived relatively modest lives, were those who were most frustrated with Nshimirimana and Bunyoni's power and excesses.

These frustrations reached their tipping point in 2014, when a group of 10 generals challenged Nshimirimana and Bunyoni's hold on power. While the personal motivations of their critics varied, they joined forces to pressure Nkurunziza to take action. Among them were the then Minister of Public Safety, Gabriel Nizigama; Evariste Ndayishimiye, chief of military cabinet at the presidency, and Guillaume Nabindika, chief of staff in charge of the police at the presidency,⁵⁶ as well as chief of staff of the intelligence services, Gervais Ndirakobuca, Silas Ntigurigwa, commander of the African Union Mission in Somalia and Godefroid Niyombare, Burundi's ambassador to Kenya supported the movement.

Under pressure, at the end of November 2014, the president reshuffled a number of key posts at the presidency and in the security sector

Under pressure, at the end of November 2014, the president reshuffled a number of key posts at the presidency and in the security sector. The strategic reshuffling allowed Nkurunziza to meet the demands of the generals while keeping Nshimirimana and Bunyoni close, but with fewer privileges. Nshimirimana was reassigned to charge d'affaires at the Presidency and Bunyoni as head of the largely defunct National Security Council.

A number of other individuals were also reassigned. Niyombare, who had also opposed the third term, was recalled to replace Nshimirimana as head of the intelligence services, while Anatole Manirakiza, a political unknown who had been general director of Société Burundaise de Gestion Aéroportuaire (Sobugea), the country's airport management company, replaced Bunyoni as Nkurunziza's chief of staff.

Other personalities who petitioned to have Nshimirimana and Bunyoni removed were also affected by the political reshuffle. Nabidinka and Ndayishimiye were reassigned from their posts at the presidency to head the National Institute of Public Safety (INSS) and Sobugea. Gervais Ndirakobuca, alias Ndakugarika, became the new Cabinet chief in charge of police at the Presidency and General Emmanuel Miburo became military Cabinet chief. General Leonard Ngendakumana, also known for his opposition to a third term, became Cabinet chief at the SNR, working alongside Niyombare.

While the reassignment of Nshimirimana and Bunyoni enabled Nkurunziza to respond to pressure while keeping his allies close, the other personnel changes were attempts to surround himself with key supporters while also buying the backing of senior party members known to be opposed to a third term.

2014

10 GENERALS CHALLENGED
NSHIMIRIMANA AND
BUNYONI'S HOLD ON POWER

Observers and the 'Bagumyabanga' welcomed the news of the leadership changes. While the move was not perceived as a governance change to move away from authoritarianism, some people saw in Nkurunziza's sidelining of Nshimirimana and Bunyoni a concrete step towards neutralising the most negative elements of his government. Moreover, Niyombare's appointment as head of the intelligence services suggested possible reforms to an institution that had, for a long time, been criticised for its abuses.

The reshuffle had an important geo-political dimension. Most of those newly promoted were individuals from the western part of the country – Bubanza, Cibitoke and Bujumbura rural provinces – the region from which the largest number of former combatants integrated into the defence and security forces come.⁵⁷ Many from this region believe they are under-represented, compared to people from the north and centre of the country.

Within a few weeks of the reshuffle, however, it became apparent that Nshimirimana and Bunyoni had retained their influence. Not only did their new posts keep them in close proximity to Nkurunziza, the president also recognised their continued influence among key high-ranking members of the old armed wing of the CNDD-FDD. Nshimirimana, for instance, still controlled the Imbonerakure. Moreover, his strong connections at the SNR allowed him to continue to influence the operations of the agency.⁵⁸ While Niyombare replaced Nshimirimana, he never had the time or the latitude to make significant leadership changes inside the organisation.

With Nshimirimana's influence at the executive branch and the many individuals in the SNR who owed him their careers, he was still able to give orders from outside the organisation. Bunyoni, for his part, deployed his political influence to discretely pave the way for Nkurunziza's third term.

Finally, sources suggest that the president moved from appeasement to strategically isolating those opposed to his third term, and who would be unlikely to change their position. These sources also suggest that Nkurunziza and his allies offered material and financial incentives to some of the generals who had initially called for the dismissal of Nshimirimana and Bunyoni in order to gain their support.⁵⁹

This strategy isolated Niyombare and Ngendakumana and they were dismissed from their roles at the SNR in February 2015. Their removal was linked to an internal memo addressed to Nkurunziza that made a clear case against his efforts to run for a third term. The memo, which was subsequently leaked, questioned the constitutionality of a third term and the impact it would have on the security of the country.⁶⁰ While the memo was signed by Niyombare, he had worked with others, notably

Ngendakumana, to draft the document. The isolation and dismissal of the pair would have important security implications for Burundi a few weeks later.

By this time, tensions were rising within the CNDD-FDD over the third term bid. Despite the fact that Nkurunziza had yet to make a public announcement on the matter, the pro-Nkurunziza political elite showed clear signs of their intentions, drawing the ire of the opposition and civil society.

Despite its attempts to keep its members in line, the CNDD-FDD remained concerned about possible defections and protests within its ranks. The concerns were well founded. In January 2015 a former senator of the ruling party, Senator Richard Nimbasha, publicly denounced the party's plan to nominate Nkurunziza for a third term. On 1 March 2015, Hussein Radjabu, one of the historic leaders and head of the CNDD-FDD from 2005 to 2007, escaped from Bujumbura's central prison.⁶¹ The timing and seamlessness of the escape suggested that it had been facilitated by government insiders, as Radjabu still had many supporters in the party.⁶²

Sources suggest that the president moved from appeasement to strategically isolating those opposed to his third term

Finally, if any doubts about divisions in the CNDD-FDD remained, it suffices to note that in March 2015, a group of high-ranking members of the party broke their silence and signed a petition protesting against the third-term project. The petition became a movement and a number of important members of the party added their names. Among them were party spokesperson Onésime Nduwimana and Léonidas Hatungimana, Nkurunziza's then spokesperson, Jérémie Ngendakumana, a former president of the CNDD-FDD and current Burundian deputy at the East African legislative assembly.

The CNDD-FDD moved quickly to suppress the movement within the party and most of the ranking members who had signed the petition were relieved of their functions, while some left the country amid rumours of assassination plots against them.⁶³

A divided opposition

Since the end of the transition, the opposition has struggled to find its footing in Burundi's political landscape. There are many factors, internal and external, behind the problems. The ruling party had deployed every available resource to cripple, divide,

and conquer the opposition. This was made easy by the fact that the opposition was a heterogeneous group with, at times, competing allegiances and interests, resulting in numerous cleavages.

The 2010 election boycott by a portion of the opposition had devastating consequences. While the opposition hoped the boycott would undermine the credibility of the ruling party and the electoral process, this strategy benefited the ruling party by giving it almost complete control of the legislature. The same can be said about the aborted rebellion initiated by the FNL, which not only gave the government the licence to use military means to defeat it but also gave the ruling party the opportunity to further crack down on the opposition with the silent acquiescence of the international community.

On 25 November 2013, members of the opposition group agreed to work towards a single electoral list for the 2015 legislative elections

In 2013 the opposition platform ADC-Ikibiri⁶⁴ tried to move beyond its usual divided politics and to adopt a common strategy ahead of the elections. The platform comprised 12 opposition parties, very few of which operate throughout the country. Only the MSD, which was mainly based in the capital, and the Frodebu of Léonce Ngendakumana, which had been losing ground, the FNL, and, to a certain extent, the predominantly Muslim Union for Progress and Democracy (UDP) had a national reach.

On 25 November 2013 members of the opposition group agreed to work towards a single electoral list for the 2015 legislative elections and a single presidential candidate.

For a while Frédéric Banvuginyumvira, Frodebu vice-president, was the front-runner for the position, but he was quickly ensnared in legal trouble believed to have been engineered by the government. Charges of adultery and debauchery were later dropped and replaced with attempted bribery of police officers. He was arrested in December 2013 and incarcerated for some months, dampening his prospects of being a viable candidate.⁶⁵

Another challenge for the ADC-Ikibiri was that it failed to maintain the support of Rwasas's FNL.⁶⁶ Despite the fact that both members of the ADC-Ikibiri and those of Rwasas's FNL had, since 2010, engaged in a similar political trajectory, by 2012 Rwasas was increasingly critical of the platform, some of whose members were accused of seeking to monopolise the political space of the organisation.⁶⁷ In the end, rapprochement attempts between the ADC-Ikibiri and Rwasas's FNL failed.

Tensions between Rwasas and other opposition parties had been part of the political landscape for a long time. Firstly, during the war Rwasas was the leader of a Hutu extremist armed group that fought against some of the other opposition groups. Secondly, Rwasas believed that he should lead the opposition, a problem in view of the personalities and egos of other party leaders. Thirdly, there had always been a great deal of distrust between Rwasas and other opposition leaders, who accused him of being inconsistent in his political positions.

Moreover, opposition groups, both inside and outside the ADC platform increasingly felt the negative impact of ongoing fractures within their parties. For this reason most



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of them attempted either to reunite diverging wings of their parties, joined forces with other political organisations or have attempted to win legal recognition of their political wings, with varying degrees of success.

At the beginning of October 2014 Uprona's two wings failed to reunify. Subsequently, Nditije's wing attempted to join the ADC. The attempt failed due to conflicts of interests, egos and, possibly, remaining rancour from the 2010 election cycle which Uprona had actively contested. The ADC had agreed to include Nditije's Uprona as an equal member of the coalition. However, Uprona made demands which included a new name for the organisation.

On 4 February 2015 the minister of interior accredited the ADC-Ikibiri as a coalition of political parties, but without the MSD, which was sidelined by the government. The MSD then fulfilled the last necessary requirements to be accredited and submitted its own electoral list, further weakening the electoral leverage of the ADC.

Dealing the ADC-Ikibiri a further blow, a group of smaller opposition parties that included Nditije's Uprona and Rwasa's FNL joined forces to create a new coalition, the Rassemblement national pour le changement (Ranac), led by Rwasa. Ranac was registered in April 2015, but it was short-lived. Its main political forces, notably Rwasa and Nditije, abandoned the platform amidst leadership conflicts and interference by the Minister of Interior, Edouard Nduwimana, who argued that independent candidates could not create a political coalition with registered political parties.

Despite attempts to show a common front, the opposition was in treacherous waters before the beginning of the crisis

In a last-ditch effort to remain politically relevant in the fast-approaching 2015 elections, a surprising marriage of convenience was forged between Rwasa and Nditije, who submitted a combined electoral list. The collaboration is notable and demonstrates the complexity of ethno-politics in Burundi. While Rwasa and Nditije are both Hutu, they represent two parties that stood at completely opposite ends of the ideological, political, and ethnic spectrums during the civil war. Yet a few weeks ahead of the polls the erstwhile enemies joined forces on purely strategic grounds, to gain political capital. Betting on the weight of their respective electorates – the Hutu vote for Rwasa and the Tutsi vote for Nditije – they forged an alliance. In the end the coalition did not survive the

electoral process. While Rwasa and his deputies joined the government after the legislative polls, Nditije refused to do so.

Despite promises and attempts to show a common front, the opposition was already in treacherous waters even before the beginning of the crisis. As electoral preparations went into full swing, the opposition was still weak, the result, to a significant degree, of the government's strategy of dividing parties and the legal framework it developed to restrict freedom of participation, speech and association. These tactics had a negative impact on the opposition's ability to operate in and outside of the capital and to gain the visibility required for a successful political campaign.

A predictable crisis

The protest begins

On 25 April 2015, during the congress of the CNDD-FDD, the party officially announced that Nkurunziza would be its presidential candidate. The news triggered protests in the streets of Bujumbura and some communes in other areas such as Mugongomanga and Mukike (Bujumbura rural) and Mugamba (Bururi).

The protests were organised by a group of opposition parties, notably the two wings of Frodebu, the MSD and the Union pour la paix et la démocratie (UDP), who adopted the umbrella name of The Arusha Movement. A coalition of civil society organisations headed by Pacifique Nininahazwe also played a key role in the daily mobilisation of protestors.

Rwasa's role in this movement was more nuanced. During the first months of the 2015 he was very vocal in his opposition to Nkurunziza. But instead of demanding the immediate withdrawal of the president's candidacy at the beginning of the crisis, he called for dialogue between the two sides of the political divide. While he endorsed the popular protests, he was careful not to call publicly for his supporters to take to the streets, although many of them did. He himself never joined the demonstrations. This new publicly passive response to the crisis raises questions about his commitment to the active opposition and whether he had possibly already brokered a deal with the ruling party.

As the protests gained ground, a group of pro-Nkurunziza senators approached the Constitutional Court to rule whether Nkurunziza's candidacy was unconstitutional. Even before it heard the case, many observers predicted that the court would side with the ruling party, given the lack of independence of the judiciary and the fact that many judges had been nominated expressly because of their support for the president.

While the court deliberated on the case its vice-president, Sylvere Nimpagaritse, fled to Rwanda and denounced the

threats and pressures members of the court had been under to rule in the president's favour.⁶⁸ In the end, the ruling party's pressure proved sufficient to sway the court. On 5 May the court issued its decision,⁶⁹ clearing the way for the head of state to seek an additional term. The decision was controversial and criticised by legal experts as riddled with contradictions.⁷⁰

With the legal hurdle overcome, CNDD-FDD members close to the president closed ranks and deployed all their efforts to rally prominent members of the party behind the third-term campaign. Some of the most active members in this initiative were Pascal Nyabenda, Victor Burikukiye, and Gélase Ndabirabe, who are, respectively, president, second vice-president and new spokesperson of the CNDD-FDD.⁷¹ Other key members who participated in the mobilisation were Makamba province MP, Révérien Ndikuriyo, Willy Nyamitwe the influential presidential spokesperson and the powerful Minister of Interior, Edouard Nduwimana.

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The security sector participated in the pro-third term campaign by engaging in the repression of party members who opposed it. Nshimirimana and Bunyoni, the president's main allies, were most active in the campaign, which consisted, among other things, of touring the country to mobilise former combatants to support Nkurunziza's candidacy. Nshimirimana also engaged in intimidation of party members who opposed the third-term bid.

Others who joined the mobilisation effort were Ndakugarika, chief of staff in charge of police issues at the presidency; Nizigama, Minister of Public Safety; Sobugea director Ndayishimiye; Godefroid Bizimana, assistant general director of the police, and Etienne Ntakirutimana, the newly appointed head of the SNR, who had replaced Niyombare several months earlier.

On the other side of the divide, the rebels were led by Nduwimana, Hatungimana and Jérémie Ngendakumana, all former heavyweights of the party. In addition, others close to the centre of power, such as CNDD-FDD deputies Moïse Bucumi and Oscar Ndayiziga and former CNDD-FDD deputy Evariste Nsabiyumva took a clear stand against a third term.

Other important political personalities also did not support the third term, although they did not actively join the popular movement against it. Among them was Ntavyohanyuma, the head of the National Assembly; Rufyikiri, the second vice-president of the republic and Mohammed Rukara, the state ombudsman.

Tension in government came to a critical point when, on 13 and 14 May 2015, there was a coup attempt which ultimately failed. The leaders of the coup were Godefroid Niyombare and Cyrille Ndayirukiye, a Tutsi and former minister of defence under former Burundian president Buyoya. Sources suggest that approximately 10 generals participated in the coup attempt, six of them former FDD combatants.⁷²

Following the coup attempt the ruling party reshuffled key posts. Minister of Defence Pontien Gacyubwenge, whose role in the coup attempt remains unclear, escaped a



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prison sentence, but was replaced by Emmanuel Ntahomvukiye, a Tutsi reputed to have close ties with the CNDD-FDD.⁷³ Alain-Aimé Nyamitwe, a career diplomat and brother of presidential spokesperson Willy, was nominated as the new Minister of Foreign Affairs.

The coup attempt was also followed by the systematic destruction and closure by the security forces of the main private radio stations. In addition, members of the opposition, civil society and the media were subjected to harassment and threats, leading many to leave the country.⁷⁴

The government developed a narrative linking peaceful protestors to coup plotters and terrorism and the state deployed its forces to crush the demonstrators. Under the guise of attempting to restore security after the coup, the CNDD-FDD and branches of the security sector such as the police, the intelligence services, the Burundi Appui pour la Protection des Institutions (API) and the newly created anti-riot brigade engaged in systematic repression of protestors and those who were perceived to support them. What had started as peaceful protests quickly turned into violent confrontations as police brutally cracked down on demonstrators in the capital.

In the countryside, attempts to join demonstrations were quickly suppressed as the ability to mobilise in rural areas was limited by the proximity of the population to local authorities. Provincial authorities associated with the ruling party also played their part in supporting Nkurunziza's candidacy.⁷⁵ The 'Imbonerakure' organised demonstrations in support of the president and were left unhindered to intimidate internal and external dissidents and people in rural areas suspected of not supporting the third-term bid.

A corollary of the coup attempt was the amplification of the existing divisions within the defence and security forces. The coup attempt and its aftermath also reignited cleavages between former FDD and former Burundi Armed Forces (FAB) soldiers in the army and increased tensions between former FDD combatants split between the anti-third term and pro-Nkurunziza camps.

What had started as peaceful protests quickly turned into violent confrontations as police brutally cracked down on demonstrators in the capital

Tensions between the army and the police were already palpable at the start of the protests as police officers disagreed with many Force de Defense National (FDN) elements on the rules of engagement with protestors. Police officers, reputed to be less well trained and more abusive towards the population, often shot live ammunition into crowds to disperse them. In contrast, when the army was deployed at the early stages of the demonstration, officers tended to protect civilians, which created tension between the two forces and resulted in the army being sidelined from managing protestors.

The coup also intensified tensions between those Tutsi and Hutu officers opposed to the third term and the predominantly Hutu pro-Nkurunziza officers in all branches of the security sector. A number of Tutsi officers suspected of participating in the coup attempt were arrested, while the government accused the ethnic minority of being at the root of the protests, the coup and the entire crisis.



POLICE OFFICERS OFTEN
SHOT LIVE AMMUNITION
INTO CROWDS TO
DISPERSE THEM

The CNDD-FDD also rapidly constructed a narrative of a regional and international conspiracy supported by foreign Tutsi against the democratic majority in Burundi. As the crisis intensified in April, May and June, the government remained unmoved by demands from the international community to create the conditions necessary for free and fair elections, scheduled for June and July.

The death of the free press and civil society

Following the departure into exile of many opposition leaders after the 2010 elections, Burundian civil society and media were the most important checks and balances on government action, thereby becoming a thorn in the side of the regime. As a result, the government routinely harassed, arrested and intimidated civil society leaders and journalists.

The coup attempt created the perfect opportunity for the CNDD-FDD to eliminate free and independent media houses and civil society organisations, many of which had exposed the excesses and questionable behaviour of some agents of the state.

Since its failed attempt to amend the Constitution in 2014, the government has consistently bullied the opposition, restricted the media, and intimidated civil society organisations

At the beginning of 2015 a group called 'Halt to the third term' has been created by almost 300 civil society organisations, many of them focused on human rights issues, justice and good governance. The group was headed by Vital Nshimirimana, president of the Forum pour le Renforcement de la Société Civile. Pacifique Nininahazwe, the president of the Forum pour la Conscience et le Développement, was among the main leaders of this group, along with Pierre-Claver Mbonimpa, president of the Association pour la Protection des Droits de l'Homme et des Personnes Détenues, an organisation that frequently exposed government's extra-judicial killings.

In April 2015, when the CNDD-FDD officially announced Nkurunziza's candidacy, that platform used the media to call protestors to the street to demonstrate against the president's attempt to win a third term. Many independent media outlets relayed the communiqués and messages of the opposition and civil society about the mobilisation against the third term and covered live the demonstrations throughout the neighbourhoods in Bujumbura.

RPA, a station critical of the government and accused of being extremely politicised, covered the demonstrations with considerable zeal and was eventually closed by the government. In an attempt to stop the movement from spreading to the countryside during the first days of the demonstrations, the government cut the relays of three local radio stations, restricting their coverage to the capital.

On 14 May, following the coup attempt, four private radio stations were destroyed by elements of the police and have been closed ever since. Soon after the coup many media personalities and journalists fled the country after being threatened by members of the security forces. The Iwacu press group is the only independent news media organisation critical of the government that continues to operate in Burundi.



ON 14 MAY 2015,
ELEMENTS OF THE POLICE
DESTROYED FOUR PRIVATE
RADIO STATIONS

At the time of publication of this report most independent media organisations remain closed. Other civil society organisations that participated in the mobilisation against the third term, such as the Ligue Iteka and Association pour la protection des droits de l'homme et des personnes détenues (APRODH), have been ordered to close as well and their accounts frozen.

Elections amid the ongoing crisis

Even before Nkurunziza's nomination and the ensuing protests, prospects of free and fair elections were slim. As in the 2010 electoral period the CNDD-FDD-led government closed the political space by using repression to hinder the opposition's ability to challenge the incumbent freely. This time around, however, the ruling party benefited from its majority at the National Assembly, which had resulted from the opposition boycott of the 2010 elections. Thus, ahead of the 2015 elections the CNDD-FDD was able to create an entire legal framework aimed at restricting the opposition's ability to operate.

Since its failed attempt to amend the Constitution in 2014, the government has consistently bullied the opposition, restricted the media, and intimidated civil society organisations. Political parties have been unable to hold meetings and the voter registration process was marred by irregularities.

The nomination of the members of the independent national electoral commission (CENI) created tensions. In light of the controversial 2010 elections, the return of Pierre-Claver Ndayicariye as head of the commission angered the opposition and the fact that nominated members at the provincial and local level were often characterised by their close ties to the ruling party created a great deal of mistrust.

Not surprisingly, the CNDD-FDD enjoyed an overwhelming victory, enabling the party to staff government institutions with strong third-term supporters

A number of irregularities continued to be observed, particularly during voter registration at the end of 2014. Some of these were so blatant that even the authorities recognised them, which contributed to discrediting the commission and heightening tensions between the CENI and the opposition, which, on numerous occasions, demanded the dismissal of some of its members. Faced with mounting pressure and criticism, the CENI was forced to partially reopen voter registration.

Having been unable to neutralise the demonstrations, the ruling party forced its way through the elections despite calls from

regional, continental, and international actors to delay the process. The paralysis of the East African Community (EAC) leadership, resulting from divergent domestic and foreign policy imperatives, made ignoring regional initiatives for a political solution an easy task.

The government continued with the entire electoral cycle while the opposition boycotted most of the process. With international partners withholding the last portion of their financial assistance for the elections and the European Union and the African Union refusing to observe the process, the elections lacked international credibility.

In addition, the UN electoral mission (MENUB), which did observe the process, issued a very critical report. Equally critical was the EAC monitoring report, which described the elections as falling short of 'the principles and standards for holding free, fair, peaceful, transparent and credible elections'.⁷⁶ The International Conference on the Great Lakes Region boycotted the legislative and local elections but observe the presidential one.

Not surprisingly, the CNDD-FDD and Nkurunziza enjoyed an overwhelming victory, enabling the party to staff government institutions with strong third-term supporters. Concile's Uprona, which had been willing to collaborate with the CNDD-FDD after Nditije's demise, ended as the real loser in the process, with only two seats, while Nditije and Rwasas's coalition, Amizero y'Abarundi, despite having boycotted the elections, won 11,16% of the legislative vote, as the names of the opposition parties were still on the ballot.

Rwasa returns to parliament

While Amizero y'Abarundi condemned the process and initially decided not to join the government, during the first parliamentary session, Rwasas and his members took their seats. At a press conference, he explained the necessity to respect the will of his supporters and those of the population. He continued to reject the electoral process and its results, he explained, but he believed that he would be more useful if he contested from within the government than from outside, as the opposition had done in 2010.

Although the Ministry of Interior had registered the coalition prior to the elections, neither Rwasas's nor Nditije's parties were, in fact, registered, putting their alliance on shaky legal grounds. Rwasas argued that, given the uncertain legal status of the coalition, had he refused to take the opportunity offered by the government he might not have been able to play any political role.⁷⁷ Many observers, however, believe that given the uncertainty of future political developments, Rwasas was largely influenced by material considerations.⁷⁸ Also, the fact that his

new status grants him immunity from criminal prosecution may have influenced his decision.⁷⁹ However, despite his position, his party remains weak, with no political representation in the upper house of the National Assembly.

Conclusion

President Pierre Nkurunziza's third-term bid triggered a violent crisis that is a symptom of serious governance shortcomings. While it was the third-term project that drove people to the streets, it would be a mistake to conclude that the violence can be explained by that alone.

Long before 25 April 2015 many members of the ruling elite were frustrated by the fact that power was concentrated in the hands of a small elite and by the use of draconian measures to eliminate dissent. Political opponents, some of whom laid down their weapons to engage in politics, suffered years of continued repression which made it impossible to freely, fairly and safely challenge the incumbent. Civil society and the media have, over the years, been punished for trying to keep the government accountable.

Long before 25 April 2015 many members of the ruling elite were frustrated by the fact that power was concentrated in the hands of a small group

Moreover, as corruption continued to be routine in Burundi, young people became dissatisfied with the limited employment and economic opportunities outside of agriculture. And Burundi struggled to catch up with some of its neighbours in terms of economic and development performance.

Even in parts of the country where politics is not the priority of ordinary citizens, political participation is usually measured in terms of voter turnout, and support for the ruling party has declined, illustrating a certain disillusion following years of post-transition governance. Had the state not succeeded in suppressing demonstrations in the countryside and had the press been able to continue to operate unhindered, it is possible that overt displays of dissent would have been more widespread.

It is also important to remember that the popular protests that took place in Bujumbura did not happen in a vacuum. They were organised in the wake of successful protests in many urban centres of Burkina Faso, surprising demonstrations in Kinshasa, Congo, and after celebrations following the release of Bob Rugurika, a prominent journalist controversially charged with the murder of three Italian nuns. In the end, the repression re-ignited the flames of violence that been used and re-used throughout the transition period.

The armed opposition is also a threat to peace and security in Bujumbura. The proliferation of armed groups has the potential to drag Burundi back into a civil war. Indeed, since the end of the transition, many opposition actors have also resorted to violence to achieve their political objectives. This, combined with the continued repressive governance style of the state, leaves little doubt that despite the strides and technical success of the transition achieved through the Arusha Agreement, the way of doing politics in Burundi has not been transformed.

Annex I

Key individuals in the electoral campaign for a 3rd mandate

Name	Political party and ethnic group	Current position
Godefroid Bizimana	CNDD-FDD/Hutu	Deputy Head, National Police
Alain-Guillaume Bunyoni	CNDD-FDD/Hutu	Minister of Public Safety
Pascal Nyabenda	CNDD-FDD/Hutu	President of the National Assembly and president of CNDD-FDD
Gélase Ndabirabe	CNDD-FDD/Hutu	MP and Spokesperson of CNDD-FDD
Edouard Nduwimana	CNDD-FDD/Tutsi	2 nd Vice-President of the National Assembly
Willy Nyamtiwe	CNDD-FDD/Hutu	Senior Advisor to the President for Communications
Gervais Ndirakubuca	CNDD-FDD/Hutu	Chief of staff of the President for Police Affairs
Evariste Ndayishimiye	CNDD-FDD/Hutu	Civilian Chief of staff of the President
Révérien Ndikuriyo	CNDD-FDD/Hutu	President of the Senate
Gabriel Nizigama	CNDD-FDD/Hutu	Civilian Deputy Chief of staff of the President
Victor Burikukiye	CNDD-FDD/Hutu	2 nd Vice-President of CNDD-FDD
Désiré Uwamahoro	CNDD-FDD/Hutu	Commander of the Riot Police
Alexandre Muyange	CNDD-FDD/Hutu	Head of the API
Etienne Ntakarutimana	CNDD-FDD/Hutu	Head of the National Intelligence Service (SNR)

Annex II

Main opposition leaders

Name	Political party and ethnic group	Previous position	Current position
Godefroid Niyombare	Ex-FDD/Hutu	Director of the National Intelligence Service until February 2015	Supposedly leads an armed opposition group. Exiled.
Alexis Sinduhije	MSD/Tutsi	Director of the RPA	President of the MSD. Is accused of being the leader of an armed opposition group. Exiled.
Jérémie Ngendakumana	Dissident CNDD-FDD/Hutu	MP and President of CNDD-FDD	EALA MP. Exiled.
Hussein Radjabu	Dissident CNDD-FDD/Hutu	President and MP of CNDD-FDD. Then was imprisoned	Exiled.
Léonard Nyangoma	CNDD/Hutu	President of CNARED	President of CNDD. Exiled.
Pie Ntavyohanyuma	Dissident CNDD-FDD/Hutu	President of the National Assembly	Exiled.
Gervais Rufyikiri	Dissident CNDD-FDD/Hutu	2nd Vice-Président	Exiled.
Jean Minani	Frodebu Nyakuri/Hutu	MP and President of Frodebu-Nyakuri	President of Frodebu Nyakuri. Exiled.
Pacifique Nininahawze	Civil Society(?)/Tutsi	President of FOCODE. Executive Secretary of CNARED	Exiled.
Charles Nditije	Uprona/Hutu	Uprona MP	Head of an unrecognised faction of Uprona
Léonce Ngendakumana	Frodebu/Hutu	President of Frodebu	President of Frodebu
François Nyamoya	MSD/Tutsi	Secretary General of MSD	Secretary General of MSD. Exiled.
Onésime Nduwimana	Dissident CNDD-FDD/ Hutu	Spokesperson of CNDD-FDD	Exiled.

Annex III

Generals arrested or exiled

Name	Army Corps of origin and ethnic group	Previous position	Current position
Godefroid Niyombare	FDN/Hutu	Director of the National Intelligence Service until February 2015	Exiled
Guillaume Nabindika	PNB/Hutu	Head of the INSS	Exiled
Léonard Ngendakumana	SNR/Hutu	SNR Chief of staff until February 2015	Exiled
Philbert Habarugira	FDN/Tutsi	Head of Procurement and Management, Ministry of National Defence	Exiled
Cyrille Ndayirukiye	FDN/Tutsi	Advisor to the Cabinet of the Minister of National Defence	Imprisoned
Jérémie Niyungeko	FDN/Hutu	Head of the Veterans Affairs Division, Ministry of National Defence	Imprisoned
Zénon Ndabaneze	PNB/Hutu	Head of Special Office, Directorate-general of the National Police	Imprisoned
Pontien Gacyubwenge	FDN/Tutsi	Minister of National Defence	Exiled
Prime Ngowenubusa	FDN/Hutu	Head of the Military Cooperation Bureau, Ministry of National Defence	Imprisoned
Edouard Nyibigira	PNB/Tutsi	Head of Civil Protection, Ministry of Public Safety	Exiled
Herménégilde Nimenya	PNB/Tutsi	Head of Planning and Strategic Studies, Ministry of Public Safety	Imprisoned

Annex IV

Individuals targeted by sanctions

Name and ethnic group	Current position	Previous position	Sanctions issued by
Gervais Ndirakobuca Hutu	Chief of staff of the President for Police Affairs	SNR Chief of staff	EU, Switzerland and USA
Godefroid Bizimana Hutu	Deputy Head of the PNB	Inspector General of Public Safety, Ministry of Public Safety	EU, Switzerland and USA
Joseph Mathias Niyonzima Hutu	SNR operative	FNL combatant	EU, Switzerland and USA
Alain-Guillaume Bunyoni Hutu	Minister of Public Safety	Civilian Chief of staff of the President	EU, Switzerland and USA
Leonard Ngendakumana Hutu	Exiled opponent	SNR Chief of staff	USA
Godefroid Niyombare Hutu	Exiled opponent	Head of the SNR	USA
Alexis Sinduhije Tutsi	President of MSD. Exiled opponent.	Director of the RPA	USA
Cyrille Ndayirukiye Tutsi	Imprisoned	Advisor to the Cabinet of the Minister of National Defence	USA
Ignace Sibomana	Chief of the Military intelligence		USA
Marius Ngendabanka	Commander of the 1 st military region	Commander of the 2 nd military region	USA
Edouard Nshimirimana	Chief of staff of the FOREBU	In charge of transmission and communication in the army	USA

Notes

- 1 Liisa Malkki. 1995. *Purity and Exile: Violence, Memory and Hutu Cosmology among Hutu Refugees in Tanzania*. University of Chicago Press, Chicago.
- 2 Rene Lemarchand, 1996. *Burundi: Ethnic Conflict and Genocide* (New York: Woodrow Wilson Center and Cambridge University Press).
- 3 For a detailed analysis of the origins of CNDD-FDD, see W Nindorera, *The CNDD-FDD in Burundi: The path from armed conflict to political struggle*, Berghof Transitions Series N.10.
- 4 Ibid, p 15.
- 5 Nyerere meeting intended to heal Frodebu split, IRIN, 22 June 1999, www.irinnews.org/report/7445/burundi-nyerere-meeting-intended-to-heal-frodebu-split.
- 6 International Crisis Group, Crisis Watch 9: 2, 2004, www.crisisgroup.org/~media/Files/CrisisWatch/2004/cw9.pdf.
- 7 W Nindorera, Struggle goes back as far as Congo war, *The CNDD-FDD in Burundi: The path from armed conflict to political struggle*, Berghof Transitions Series N.10, p15.
- 8 The dramatic return of Burundi's Rwasa, Al Jazeera, 13 August 2013, www.aljazeera.com/indepth/features/2013/08/201381172611527791.html.
- 9 Interview with former CNDD-FDD, Kigali, 12 November 2015.
- 10 Interview with Burundian in exile, Nairobi, 9 December 2015
- 11 W Nindorera, Struggle goes back as far as Congo war, *The CNDD-FDD in Burundi: The path from armed conflict to political struggle*, Berghof Transitions Series N.10, p17.
- 12 Interview with former CNDD-FDD, Kigali, 12 November 2015.
- 13 Ibid.
- 14 Nyakuri means authentic.
- 15 IRB – Immigration and Refugee Board of Canada: Burundi: Front for Democracy in Burundi (Frodebu), including treatment of its members and their families by government authorities, November 2004-February 2013, BDI104297.E, 8 February 2013, www.ecoi.net/local_link/267663/381915_en.html.
- 16 Agence France-Presse, 8 June 2008, Jean Minani crée un 'Frodebu Nyakuri' à la Solde du Parti au Pouvoir, www.arib.info/index.php?option=com_content&task=view&id=50.
- 17 Maître Isidore Rufyikiri, Former Head of the Burundi Bar Association, interview in Bujumbura, February 2014; US Department of State, Human Rights Report: Burundi, 2011, www.state.gov/j/drl/rls/hrrpt/2010/af/154334.htm.
- 18 International Crisis Group, 2010, Burundi: Ensuring Credible Elections, p 9.
- 19 European Union, Burundi: Rapport Final. Elections communales, présidentielle, législatives, sénatoriales et collinaires, 2010, p 3.
- 20 Interview, Nairobi, 9 December 2015.
- 21 UN, Lettre datée du 21 juin 2012, adressée au Président du Conseil de sécurité par le Président du Comité du Conseil créé par la résolution 1533 (2004) concernant la République démocratique du Congo, 21 June 2012, www.un.org/french/documents/view_doc.asp?symbol=S/2012/348.
- 22 Ibid.
- 23 UN, Lettre datée du 21 juin 2012, adressée au Président du Conseil de sécurité par le Président du Comité du Conseil créé par la résolution 1533 (2004) concernant la République démocratique du Congo, 21 June 2012, www.un.org/french/documents/view_doc.asp?symbol=S/2012/348.
- 24 International Crisis Group, Burundi: Bye-Bye Arusha, 2012, p 4; According to BINUB there was an increase in extrajudicial and/or politically motivated killings, from 27 cases in 2009 to approximately 30 cases in 2010, to 61 in 2011. Report of the Secretary-General on the United Nations Office in Burundi, S/2011/ 751, p 9.
- 25 Republique du Burundi, cabinet du President, Loi N.1/16 du 10 Septembre 2011, Portant Revision de la Loi N.1/006 du 26 juin 2003, Portant Organisation et Fonctionnement des Partis Politiques, Article 8.
- 26 Republique du Burundi, cabinet du President, Loi N.1/25 du 14 Novembre 2012, Portant Statut de l'Opposition Politique au Burundi, Articles 19-21.
- 27 Republique du Burundi, Loi N.1/28 du 5 Decembre 2013, Portant Reglementation des Manifestations sur la Voie Publique et Reunions Publiques, Article 5.
- 28 Republique du Burundi, cabinet du President, Loi N.1/11 du 4 Juin 2013, Portant Modifications de la Loi N.1/025 du 27 Novembre 2003, Regissant la Presse du Burundi, Article 18a.
- 29 RFI, Burundi: Polémique après l'annonce de consultations pour réviser la Constitution, 4 January 2012, fr.africafirst.com/stories/201201040298.html.
- 30 D Bukuru, Le Président Pierre Nkurunziza peut-il solliciter un autre mandat présidentiel en 2015? Journal *Iwacu*, 6 January 2012.
- 31 S Vandeginste, L'éligibilité du l'actuel Président de la République du Burundi aux élections présidentielles de 2015: une analyse juridique, 2012, buja.mondoblog.org/files/2014/11/Eligibilite-President-Burundi.pdf, note 2.
- 32 "Those who keep secrets", the official appellation of the members of the CNDD-FDD.
- 33 Interviews with CNDD-FDD members who attended a congress in Bujumbura, November and December 2015.
- 34 Ibid.
- 35 United Nations, Rapport Du Secrétaire general sur le Bureau des Nations Unies au Burundi, 2014, p 3, www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=52f220854.
- 36 Nkurunziza himself mocked the lack of legitimacy and the ambitions of these individuals as people who 'ate fries in Europe while others were sacrificing their blood'. Interviews with CNDD-FDD members who attended a congress in Bujumbura, November and December 2015.
- 37 Interviews with former leaders of the CNDD-FDD, Bujumbura, December 2015.
- 38 In June 2014, during a visit to France, Nkurunziza spoke to the press, explaining that his candidacy was the decision of the party and was dependent on the existing laws and the Constitution.
- 39 Interview with former CNDD-FDD members of parliament, Bujumbura, November 2015.
- 40 Ibid. For more information on the dispute and these laws refer to Y Bouka, Status and dynamics of the political situation in Burundi, 2014, www.issafrica.org/central-africa-report/status-and-dynamics-of-the-political-situation-in-burundi.
- 41 Ibid. For more information on the dispute and these laws please refer to Yolande Bouka, 2014, Status and dynamics of the political situation in Burundi. <https://www.issafrica.org/central-africa-report/status-and-dynamics-of-the-political-situation-in-burundi>.
- 42 Interview, Nditije Charles, former president of Uprona, Bujumbura, 6 November 2015.
- 43 Arusha Agreement, Protocol II, Democracy and Governance, Article 7.3
- 44 Alarm over Burundi's planned Constitution changes, IRIN, 2013, www.irinnews.org/report/99355/alarm-over-burundi-s-planned-Constitution-changes.
- 45 Ibid.
- 46 Decret N° 100/ 25 du 01 Fevrier 2014 Portant Destitution du Premier Vice-President de la Republique, www.presidence.bi/spip.php?article4451.

- 47 Interview with former CNDD-FDD deputies, Bujumbura, November 2015.
- 48 Interview with Pie Ntavyohanyuma, 18 October 2015.
- 49 BBC, Burundi MSD opposition 'joggers' get life sentences, 21 March 2014. <http://www.bbc.com/news/world-africa-26681586>.
- 50 Interview with former CNDD-FDD deputies. Bujumbura, November 2015.
- 51 International Crisis Group, Burundi: Ensuring Credible Elections, 2010, p 10.
- 52 République du Burundi, Assemblée nationale, Commission d'enquête parlementaire sur la vente de l'avion présidentiel 'falcon 50', Bujumbura, juillet 2008, www.arib.info/AN_RAPPORT_VENTE_FALCON50.pdf.
- 53 Burundi : une ONG dénonce un scandale politico-financier, www.rfi.fr/afrique/20101224-burundi-une-ong-denonce-nouveau-scandale-politico-financier.
- 54 Burundi : annulation d'un contrat controversé avec une société américaine. AFP 11 janvier 2011. http://www.arib.info/index.php?option=com_content&task=view&id=2957.
- 55 Interviews with former deputies of the CNDD-FDD, Bujumbura, 2015.
- 56 Guillaume Nabindika, who comes from the Bubanza province, is popular with some of the former CNDD-FDD combatants and is often seen as a possible alternative to Nkurunziza.
- 57 The Bubanza province has the largest number of former FDD in the defence and security sectors according to reports from the Commission d'enquête du Sénat sur l'état du respect des équilibres exigés par la constitution, which is by the Constitution. See reports from July 2008 and November 2009.
- 58 Interviews with former SNR members, Bujumbura, December 2015.
- 59 Ibid.
- 60 Note de renseignement. L'éventuelle candidature du président Nkurunziza au troisième mandat est-elle Constitutionnelle? Positions des différents partenaires et orientations du SNR, 13 February 2015.
- 61 BBC, Burundi dissident Hussein Radjabu escapes from jail, 2 March 2015, www.bbc.com/news/world-africa-31702739.
- 62 Ignatius Ssuuna. What Dissident's jailbreak means for a tense Burundi. IRIN 9 March 2019. <http://www.irinnews.org/report/101208/what-dissident%E2%80%99s-jailbreak-means-tense-burundi>.
- 63 Interviews with former deputies of the CNDD-FDD, Bujumbura, November 2015.
- 64 The opposition platform ADC-Ikibiri consisted of ADR-Imvugakuri, CDP, CNDD, Feds-Sangira, FNL, MSD, Parena, PIT, PPDRR Abavandimwe, Radebu, , Sahwanya-Frodebu and UPD-Zigamiganga.
- 65 *Le Monde*, Un des leaders de l'opposition condamné pour corruption active, 16 janvier 2015. www.lemonde.fr/afrique/article/2015/01/16/burundi-un-des-leaders-de-l-opposition-condamne-pour-corruption-active_4557921_3212.html
- 66 Nuages sur le couple ADC-Rwasa, *Iwacu*, 28 septembre 2012.
- 67 International Crisis group, Bye Bye Arusha?, Africa Report No 192, 2012, p 2, www.crisisgroup.org/~media/Files/afrika/central-afrika/burundi/192-burundi-bye-bye-arusha.ashx.
- 68 RFI, Burundi: le vice-président de la cour Constitutionnelle en fuite, 4 May 2015, www.rfi.fr/afrique/20150504-burundi-bujumbura-vice-president-cour-Constitutionnelle-fuite.
- 69 "La cour constitutionnelle du Burundi siégeant à Bujumbura en matière d'interprétation de la constitution a rendu l'arrêt suivant:" RCCB 303, 5 May 2015 www.uantwerpen.be/images/uantwerpen/container2143/files/DPP%20Burundi/Constitution/Cour%20Constitutionnelle/CC%202005/RCCB303.pdf.
- 70 Stef Vangesginst, Droit et Pouvoir au Burundi: Un commentaire sur l'arrêt du 4 mai 2015 de la cour Constitutionnelle dans l'affaire RCCB 303, 2015, www.uantwerpen.be/images/uantwerpen/container2143/files/DPP%20Burundi/Constitution/Cour%20Constitutionnelle/CC%202005/RCCB303%20commentaire%20ds%20Annuaire.pdf.
- 71 Interviews with former deputies and leaders of the CNDD-FDD, Bujumbura, November 2015.
- 72 See annexure III. Generals arrested or exiled.
- 73 He is the second civilian to hold this post since Burundi's independence. He owes his nomination more to his willingness to work with the regime than to his leadership skills. According to article 130 of the Constitution, the minister of defence must come from a different ethnic group from the minister in charge of police. However, ex-FAB are now a concern for President Nkurunziza, hence his nomination fulfils the letter of the Constitution while propping up someone who will not threaten the regime.
- 74 According to the president of the Union burundaise des journalistes, Alexandre Niyungeko, more than 80 journalists currently live in exile.
- 75 See annexure I. Key individuals in the electoral campaign for a 3rd mandate.
- 76 *The East Africa*, EAC Observer team says Burundi presidential poll not free or fair, 24 July 2015, www.theeastafrican.co.ke/news/EAC-observer-team-says-Burundi-poll-not-free-or-fair/-/2558/2806544/-/ub16bi/-/index.html.
- 77 Interview, Agathon Rwasa, vice-president of the National Assembly, Bujumbura, October 2015.
- 78 Interview with diplomats, Bujumbura, November 2015.
- 79 Ibid.

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