

## POSITION PAPER

### ***Burundi three months to go until the elections: vigilance by the EU has never been so needed!***

Three months from the holding of legislative and local elections in Burundi (on 26 May 2015)<sup>1</sup>, which will be followed by presidential elections (26 June) amongst others, and numerous concerns persist about the democratic nature of the entire electoral process. On this occasion, EurAc would like to reiterate that "only the organisation of an inclusive, transparent and peaceful electoral process would enable the country, which is still in a post-conflict situation, to overcome the political deadlock caused by the 2010 electoral process"<sup>2</sup>. This is why, taking into account certain developments that have taken place in the last few weeks, the European Union and its Member States must continue to closely monitor the pre-election, election and post-election situation, if necessary strengthening their political dialogue with the Burundian authorities.

EurAc and its members welcome the adoption of two resolutions by the European Parliament on 18 September 2014 and 12 February 2015 regarding Burundi. In particular, these resolutions have helped establish a strengthened dialogue between the European Union and the Burundian government (on the basis of Article 8 of the Cotonou Agreement<sup>3</sup>), and they have contributed to the provisional release of Pierre Claver Mbonimpa, President of the *Association pour la Promotion des Droits de l'Homme* (APRODH) on 29 September 2014 and the Director of *Radio Publique Africaine* (RPA), Bob Rugurika, on 19 February 2015. Bob Rugurika was arrested on 19 January 2015 for having made public the result of his investigations into the murder of three Italian nuns that took place on 7-8 September 2014. No independent investigation has yet been conducted into these murders, and Burundian civil society is calling for an independent international investigation into it. These two Resolutions show a strong commitment by the European Parliament towards Burundi and fully support the Burundian people's desire to put the conflict behind them and set up an independent judiciary in their country<sup>4</sup>. The spontaneous and massive protests that filled Bujumbura's streets when Bob Rugurika returned to the city after his release from prison demonstrate this desire and send an important message to the Government and Presidency of Burundi.

At the current stage, several developments are concerning Burundian civil society in particular.

- There is a risk that pressure from the authorities on civil society will increase as the elections approach. EurAc would like to reiterate that civil society must be able to fully play its role in the respect for fundamental freedoms and its integrity.
- In January 2015, the Bubanza provincial representation of the governing party, the CNDD-FDD, released a political document in which it described the media, civil society and coalitions of opposition political parties as the country's enemies. In particular, the document criticises civil society organisations and private media that are not part of the presidential movement of being involved in the clashes that occurred in Cibitoke province (29-30 December 2014) between a group of armed combatants and the national security forces. For their part, NGOs such as APRODH and Human Rights Watch report the summary executions of combatants that occurred during these clashes attributable to the security forces and young IMBONERAKURE affiliated with the party in power<sup>5</sup>. A national commission of inquiry

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<sup>1</sup> For the complete electoral calendar please see <http://www.ceniburundi.bi/>

<sup>2</sup> EurAc's Position: [Burundi: six months to the election - there must be dialogue and a strong commitment by the EU!](#) 25 November 2014

<sup>3</sup> This makes it possible to hold monthly meetings between the Burundian government and the EU and focuses on the electoral process and Human Rights.

<sup>4</sup> <http://www.iwacu-burundi.org/liberation-de-bob-rugurika/>

<sup>5</sup> <http://www.hrw.org/node/132815>

was set up, as called for by the international community and civil society. It is yet to function fully independently and in accordance with international standards.

- The opposition political parties that abandoned the electoral process in 2010 seem determined to participate in the 2015 process. In order to do this, they are in the process of setting up multi-party coalitions<sup>6</sup>. Nevertheless, nothing guarantees that they will have the freedom and sufficient means to formalise these coalitions and to participate in the electoral process on an equal footing with the party in power. For their part, it is vital that the opposition parties act in a responsible way that does not involve a new boycott or the use of violence.
- 52 people were arrested following the violent clashes between the police and youth from the MSD party that occurred on 8 March 2014. 48 were sentenced for rebellion and participation in an insurrection movement (amongst other things)<sup>7</sup>, without receiving a fair trial as required by Burundian law and international treaties ratified by Burundi. The four other arrested people are still in pre-trial detention. Among the 48 people charged, 21 of them have been given a life sentence without having had access to a lawyer. In addition, the public prosecutor hurriedly filed an appeal against acquittals or lighter sentencing.
- If President Nkurunziza decides to stand for a third term, thus contravening the Arusha Agreement, this could have negative consequences with regard to security and respect for human rights. This concern was also at the root of the dismissal, on 18 February 2015, of the Head of the National Intelligence Service (the SNR), General Godefroid Niyombare, who had drafted a document highlighting the probable dangers linked to such a decision.
- Serious doubts remain about the trustworthiness and transparency of the registration process established by the Independent National Electoral Commission (CENI). This enabled the registration of 3,964,944 voters (1,897,213 women and 1,797,731 men) out of an expected 4,200,000. Civil society organisations, and particularly the APRODH and the Catholic Church, have denounced several irregularities in the registration process held between 24 November and 12 December 2014<sup>8</sup>. Faced with these criticisms, the CENI decided on the partial reopening of the registration process and the cancellation of voting by proxy to limit cases of fraud<sup>9</sup>.

Following the recommendations made in the Position Paper dated 25 November 2014, EurAc and its members call upon the **European External Action Service**, the **European Council**, the **European Commission** and the EU's **Member States** to:

- Capitalise on the establishment of the Article 8 strengthened political dialogue to put pressure on the government of Burundi, so that the electoral process can keep the country on democratic tracks. EurAc would like to reiterate the need to urge the Burundian Government to respect the various texts relating to the electoral process: the Road Map and the Code of Good Conduct, the Burundian Constitution, the Arusha Agreement and the Electoral Code. This dialogue should focus on the inclusive nature of the elections, the independence of bodies responsible for organising the electoral process and the security services, as well as President Nkurunziza's possible candidacy for a third term. The EU should also: enter into dialogue with the opposition to guarantee their peaceful and constructive contribution to the process, in accordance with the aforementioned texts.
- Demand that the Burundian Government allow the opposition political parties to participate in the electoral process and leaders who are currently in exile to return to the country; insist that the authorities do not interfere in the internal affairs of political parties and refrain from using the judicial system to exclude political opponents.
- Make a special commitment so that representatives of the MSD who have been given life sentences or other sentences without fair trial can have access to lawyers and can be judged in appeal proceedings in accordance with national and international law.

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<sup>6</sup> The ADC-Ikibiri parties - Leonce Ngendakumana's Frodebu, Alexis Sinduije's MSD, Zezi Feruzi's UPD (since Radjabu is in prison) and Nyangoma's CNDD. The RANAC (Rassemblement National pour le Changement - the National Assembly for Change) parties – Agathon Rwasa's FNL, Nditije's UPRONA and Minani's FRODEBU.

<sup>7</sup> <http://www.hrw.org/news/2014/07/16/burundi-halt-crackdown-opponents-critics>

<sup>8</sup> [http://www.rtf.be/info/monde/detail\\_elections-au-burundi-eglise-et-opposition-denoncent-des-irregularites?id=8539163](http://www.rtf.be/info/monde/detail_elections-au-burundi-eglise-et-opposition-denoncent-des-irregularites?id=8539163)

<sup>9</sup> <http://www.iwacu-burundi.org/enrolement-electoral-une-ceni-plus-attentive-que-defensive/>

- Demand an independent international inquiry into the murder of three Italian nuns in Kamenge, a crime which still remains unpunished with regard to a lack of independence in the preparation of the case conducted by the Prosecutor General's Office.
- Demand an international inquiry into the summary executions of combatants that occurred during the Cibitoke clashes in December 2014, executions that may constitute war crimes according to the Geneva Conventions if the police and security forces prove to have been involved. If appropriate, the EU should demand the suspension of members of the security services involved in these executions.
- List the individuals who might be targeted by sanctions in the event that the situation in Burundi deteriorates further, during or after the elections. Insist on the importance of quashing any charges against Pierre-Claver Mbonimpa and Bob Rugurika so that their release is made definitive and unconditional.
- Demand that civil society and the press be able to act freely and the security and judicial services are not used to muzzle voices that are critical of the powers that be.
- Decide to send an election observation mission to Burundi for the legislative and presidential elections, with human rights and securities constituents involved in the monitoring of elections, and with an Observation Mission Head who has a real desire to fully play the political role involved in his or her task. The Mission must have the necessary flexibility to reconsider its deployment if the basic conditions for free and transparent elections are not fulfilled.
- Provide clear support in the involvement of Burundian civil society organisations in the electoral observation.

EurAc and its members call upon the **European Parliament** to:

- Continue to engage in the monitoring of the situation in Burundi and establish a bilateral political dialogue with Burundian counterparts.