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A forced march to a Constitutional Referendum

The regime intends to maintain and concentrate power by perpetuating its repressive logic

May 2018



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Introduction

On 17 May 2018 a referendum is held in Burundi on revising the [2005 National Constitution](#). If it is adopted as it stands, the new Constitution Bill, supported by the presidential camp, would enable Pierre Nkurunziza, Head of State since 2005, to extend his presidency until 2034 and to concentrate power in his hands even more. Its adoption would also contribute to challenge the achievements and principles guaranteed by the [Arusha Peace and Reconciliation Agreement](#), signed in 2000 following more than ten years of civil war.

Pierre Nkurunziza was re-elected after a contested election in July 2015 for a third term in office, considered by many Burundians as contrary to the 2005 Constitution. The announcement of his candidacy in April 2015 prompted strong popular protest, bloodily repressed by the security forces. Since then, Burundi has been plunged into an extremely serious political and security crisis. Over the past three years, the authorities have continued to consolidate their power by terrorising the population and by resorting to violence and repression. Presumed opponents to the regime have been subjected to multiple abuses, including murder, forced disappearance, torture, forced displacement and other serious crimes that may constitute international crimes. Between April 2015 and 6 May 2018, the ITEKA League recorded 1,710 murders, 486 cases of forced disappearances, 558 victims of torture and 8,561 arbitrary arrests, the majority linked to the political crisis and repression by the regime. The entire political, administrative, judicial and security system of the country is under the complete control of the presidential faction.

Fresh elections, including a presidential election, are due to take place in 2020. The referendum of 17 May 2018 appears to be a stratagem aimed at legalising and legitimising Nkurunziza's continuation in power for a further two terms and at strengthening his grip on the country. As this paper details, the new bill, which is being submitted to popular vote against a background of repression, contains extremely worrying provisions intended solely to legalise the prerogatives that the president and the regime have assumed since the crisis erupted in 2015. In addition to provisions relating to concentrating power in the hands of the president, the new bill also states in Article 4 that "*The status and re-establishment of the monarchy must be the object of the referendum*", shedding light on the dictatorial ambitions of Pierre Nkurunziza. This Article could be used to restore a monarchical system, abolished when the Republic was proclaimed in 1966. The reform nullifies the legal framework intended to govern the activities of the National Intelligence Service (Service national de renseignement (SNR)), whose appalling crimes have resulted in hundreds of victims since 2015. The Constitution Bill also protects the Burundian leaders, who are presumed to be responsible for serious crimes, from being extradited. It could guarantee their impunity at a time when the International Criminal Court is conducting an investigation, launched October 2017, into crimes committed in the context of the current crisis.

It was only ten days prior to polling day that [the Electoral Commission](#), CENI, published the Constitution Bill increasing the likelihood that many voters are not informed of the changes to the text and of their consequences. Instead of raising awareness of the reform bill, the authorities have made every effort to ensure a favourable outcome to the voting, including the use of repression, intimidation and threats. They have prevented a democratic debate on the content of the new bill from taking place and have tried to legitimise a process of constitutional reform whose outcome is known in advance.

The authorities, security forces and the *Imbonerakure* militia – the youth wing of the presidential party, the CNDD-FDD – have been conducting a campaign of terror since the end of 2017 to compel the Burundian people to vote 'yes' in the referendum. Many human rights violations and a brutal crackdown are being directed against suspected opponents of the referendum. This deliberate tactic is directly prompted by those at the highest levels of the State. Since December 2017, they have explicitly stated that those opposing the referendum would be exposing themselves to serious consequences. Threats and acts of intimidation – some of them extremely violent – have been taken up throughout the country by the provincial and local authorities, local leaders of the CNDD-FDD and the *Imbonerakure*, cultivating a heightened climate of fear. One month prior to the referendum, the Criminal Procedure Code was tightened to legalise and increase

large-scale repressive operations conducted by the security forces against those men and women seen as opposing the ballot.

Supposed opponents of the referendum have been killed, kidnapped, beaten and illegally arrested and detained by agents of the State and the *Imbonerakure*. Dozens of opponents of the referendum have been arbitrarily arrested since January. The spokesperson for the National Liberation Forces (Forces Nationales de Libération (FNL)), Aimé Magera, indicated to FIDH that more than one hundred party activists were arrested between mid-April and the beginning of May. A significant proportion of the Burundi population has been compelled to register on the electoral rolls for the referendum and individuals have been beaten to death for having refused to proceed with or present proof of registration.

The authorities are seeking to conceal all these abuses. For example, they have issued false information to cover up the death of a man who did not wish to take part in the referendum (see below) and who was beaten and tortured to death by SNR agents. Press organisations were suspended or cautioned in the first days of the political campaign on the referendum, notably because they had circulated content that was critical of President Nkurunziza's bill and of the conditions under which the ballot was being organised. The human rights defender, Germain Rukuki, was condemned on 26 April to 32 years in prison, barely three weeks before the referendum. This unprecedented sentence sends a strong message to whoever might seek to document the violations committed by those in power prior to the vote.

These attempted cover-ups go hand in hand with other manoeuvres by the authorities to render the process to amend the Constitution credible. In a situation that is unprecedented since the start of the crisis, several large meetings of the opposition have been tolerated following the start of political campaigning on 2 May. These gatherings, which have been held in different provinces of the country, have brought together thousands of committed 'no' campaigners. Agathon Rwasa, leader of the FNL and of the opposition coalition Amizero y'Abarundi, addressed his activists in public, something he had been unable to do for three years. Burundi Radio and Television (RTNB) has also broadcast information about the 'no' campaign conducted by the opposition.



Burundi National Radio and Television tweets published 2 May 2018.

Our organisations see this as a strategy by the authorities to give this process, which does not comply with any acceptable norms, a semblance of inclusiveness. The political campaign remains largely unfair and the

process tightly in the grip of the government. Campaigners have been prevented from attending certain meetings or have been victims of reprisals for having taken part in rallies. Arbitrary arrests have multiplied since the start of the political campaign. The public media grant more coverage to ‘yes’ supporters. CENI and the electoral machine are wholly controlled by the Burundi authorities and the results of the voting could, in any case, be manipulated by the government.

No genuine democratic debate between all Burundi society stakeholders has been conducted on the issue of revising the constitution. Members of the independent opposition parties and civil society, with whom our organisations have spoken, unanimously declare that they are opposed to the bill to amend the Constitution and that their voices have not been considered by the government. The Catholic Church has also [declared](#) that it views the process as inappropriate and contrary to the Burundian Constitution, in that it risks exacerbating divisions between the people of Burundi. In addition, 430,000 refugees – equivalent to more than 4% of the population – have been banned from taking part in the vote by CENI. The clear majority of the refugees have fled political violence since April 2015.

For FIDH and the ITEKA League, the legitimacy of this referendum is wholly undermined by the conditions in which it is being organised and the objectives it is pursuing. The violent repression of any form of opposition to the bill, with the sole aim of keeping in power a president whose regime has implemented a policy of terror since at least April 2015, must be rejected by the entire international community. The scheduled adoption of this new Constitution represents a threat to peace in the country and risks further fragmenting Burundi society.

If the bill is adopted, the international community, and primarily the signatories of the Arusha Agreement, will have failed to check the radicalisation of Pierre Nkurunziza’s regime. Nkurunziza will have succeeded in fundamentally reshaping the Burundian legal and institutional framework, already widely corrupted in practice, to make it fit with his autocratic project.

The ongoing process goes against the efforts made by the East African Community (EAC) and the African Union to prompt an inclusive political dialogue between the authorities, opposition and civil society. The last inter-Burundi session of talks, due to take place in April 2018, has not in the end happened. A negotiated political solution is, however, essential to break the deadlock in the country. The Member States of the EAC, African Union and United Nations Security Council must unanimously and resolutely condemn the revision of the Constitution; must step up their pressure to force the holding of inclusive political dialogue as a matter of urgency and to bring about an immediate end to serious daily human rights violations; must support the criminal investigations and proceedings against those held to be responsible for crimes; and must defend the achievements of the Arusha Peace and Reconciliation Agreement.

This paper is the result of an analysis of information gathered by the ITEKA League via its vast network of observers deployed across the territory of Burundi and of complementary investigations conducted by FIDH and its member organisation. Interviews were held during April and May 2018 with witnesses and victims, opposition leaders, members of Burundi civil society and human rights organisations and a CENI official. It is also based on an examination of documents – photographs, videos, copies of institutional documents, etc. – submitted to our organisations by information sources whose anonymity is being preserved for reasons of security.

1. Revising the Constitution to retain and concentrate power

“No revision procedure may be adopted if it undermines national unity, the cohesion of the Burundi people, the secularism of the State, reconciliation, democracy or the integrity of the territory of Burundi”, Article 299 of the Constitution of Burundi (2005).

The Constitution Reform Bill submitted for the approval of the Burundian people was adopted on 24 October 2017 by the Council of Ministers and, in December, the Burundian authorities announced the organisation of a referendum. Since then, they have made every effort to avoid a debate among Burundians on the content of the bill. They have even tried to conceal the bill, which was not officially published by CENI until 8 May 2018 after the government had been [challenged](#) by the opposition and NGOs, including [FIDH](#).

Our organisations have conducted a detailed analysis of this new bill, which provides for significant amendments to the current Constitution. This constitutional reform is extremely worrying from the point of view of the context in which it is being carried out, the use which could be made of it by those figures who initiated it – suspected of having committed numerous crimes – and the despotic goals which they are pursuing.

30 years in power for Pierre Nkurunziza ?

Burundi's current Constitution (Article 96) states that *“The President of the Republic is elected by direct universal suffrage for a term of five years, renewable for a maximum of one further term.”* The 2000 Arusha Peace and Reconciliation Agreement specifies: *“No one may serve more than two presidential terms”*. One of the main objectives of the 17 May referendum is to revisit these two provisions guaranteeing the regular transfer of power and representing the foundation of democracy in Burundi. The new Constitution Bill in effect extends the term of office to seven years and de facto authorises President Nkurunziza to run for two further terms (Article 97). The constitutional referendum would therefore allow Pierre Nkurunziza to remain in power for thirty consecutive years and seems to have the primary aim of acquiring a semblance of legality for his retention of power in the 2020 presidential elections.

The new Constitution Bill also tightens up the eligibility criteria for the presidential election. The age at which a candidate may run for presidential office is raised by five years from 35 to 40 years of age. In addition, the office of President of the Republic (Article 98) and those of President of the National Assembly, President of the Senate and Prime Minister are reserved *“solely for Burundian nationals”*. While the 2005 Constitution requires every candidate to be a Burundian national, it nevertheless does not exclude those who are also nationals of one or several other countries (Article 97). The new provisions could be used to eliminate certain potential rivals to Pierre Nkurunziza in the 2020 presidential election and thus to promote his re-election.

A messianic vision of power

The reform of the Constitution also introduces references to divine power, which calls into question the secularity of the State of Burundi. The opening sentence of the new bill explicitly states: *“We, the Burundian people, Aware of our duties before God”*. The Head of State, Vice-president and Prime Minister must also be sworn in with the initial words: *“In the name of Almighty God”*. These revisions are consistent with Pierre Nkurunziza's messianic vision of his own power: on several occasions he has publicly [declared](#) that he sees himself as one of God's elect.

An all-powerful president

As well as enabling Pierre Nkurunziza to run for fourteen more years as Head of State, the new Constitution Bill concentrates more power in the hands of the President. The 2005 Constitution and the Arusha Peace and Reconciliation Agreement in effect provide for executive power-sharing between the President of the Republic, two Vice-presidents and the members of the government. By removing the office of second Vice-president and by assigning the exercising of executive power to the President assisted by a single Vice-president with a reduced role (Article 122), the new bill increases the prerogatives of the Head of State and his hold on power. While the current Constitution specifies that “*the Government determines and conducts national policy*” (Article 131), the new Constitution Bill makes it the responsibility of the Head of State to define this policy (Article 136), with the government only being responsible for its implementation. The government would thus lose some of its current competencies in favour of the President, notably its obligation to deliberate on “*the general policy of the State, draft international treaties and agreements, bills, draft presidential decrees [...]*” (Article 132 of the 2005 Constitution).

A move to enshrine the one-party system and destroy opposition forces

Constitutional reform also risks removing the provisions of the Constitution that guarantee different political parties are represented within centres of power. For example, the 2005 Constitution stipulates that “*The members [of the government] come from different political parties which are willing, and which have secured more than one twentieth of the votes cast*”. The decision to replace a minister must also be taken in consultation with the political party of the minister whose mandate has been rescinded. All these provisions are removed from the new Constitution Bill, which strips away any mechanism to regulate the appointment of ministers and to ensure the inclusive nature of the government. The new Constitution would enable the President of the Republic to appoint as many ministers from his family as he chooses. It would also allow the Prime Minister, a newly created post, to be from the same political party and of the same ethnicity as the President.

All the ministries and strategic posts in the State and the administration are already in the hands of those figures who are loyal to President Nkurunziza and who are from the CNDD-FDD or parties belonging to factions of those in power, often ethnic Hutu. The constitutional reform is simply seeking to legalise the instigation of a one-party state in Burundi.

Furthermore, the new Constitution Bill reduces the quorums needed for the adoption of laws by the National Assembly and the Senate. While a two-thirds majority is currently required, a simple majority would suffice for the adoption of ordinary laws and three-fifths of the votes cast for organic laws to be adopted if the new bill is approved. This change to the quorums seems set to concentrate decision-making in the hands of deputies and senators from the party in power, which holds the majority of seats in Parliament. In addition, any law not approved by the President of the Republic in thirty days of it being adopted by Parliament would become null and void under the terms of the new bill. In short, this would transfer legislative power to the Head of State, who is reserved the right to approve, or not, laws adopted by the deputies. The quorums required for the Constitution to be revised have not, in contrast, themselves been amended.

Controlling CENI and the electoral machine

Under the terms of the new bill, members of CENI would be elected by a simple majority in the National Assembly and Senate, a move which currently requires three-quarters of the votes cast. This drop in the quorum required for the election of CENI members is clearly aimed at ensuring CNDD-FDD can choose how the Commission is made up without having to consider the views of minority or opposition parties. The [National Assembly](#) comprises 72% of deputies from CNDD-FDD (85 out of 118) and the [Senate](#) has more

than 78% (33 out of 42). This enables the presidential party to control the institution responsible for organising elections at all national levels and to guarantee its grip on power.

According to our analyses, this amendment is also aimed at circumventing the obstacles encountered by President Nkurunziza in the past when appointing some of those closest to him to the highest positions within the Commission. For example, he worked hard to secure the renewal of the mandate of two highly disputed figures – Pierre-Claver Ndayicariye and Prosper Ntahorwamiye – currently president and spokesperson of the Commission. He encountered opposition from one party in the Burundi Parliament, which initially refused to approve the composition of CENI put forward by the presidential camp. Following political wrangling and a [vote conducted on the quiet](#), Pierre-Claver Ndayicariye and Prosper Ntahorwamiye were finally re-elected to their respective posts. Both are viewed by the opposition and independent civil society as being loyal to President Nkurunziza and are accused of having facilitated his re-election in a context that did not allow for credible elections. In June 2015, [two members of CENI](#) resigned, as, in their judgement, the political and security climate did not allow them to fulfil the mission entrusted to them.

The issue of ethnic quotas

The new Constitution Bill could also provide an opportunity to revisit one of the central questions of the Arusha Agreement and the 2005 Constitution, namely the ethnic balance. Both these texts make provision for ethnic quotas to be applied within the executive and legislature and the judicial system, which must not include more than 60% Hutu and 40% Tutsi. These quotas were introduced following the civil war to guarantee power-sharing between the Burundi communities with a view to reconciliation and national unity.

While the new bill does not directly alter the articles relating to ethnic quotas, it provides for the Senate to examine them, which could open the way for their amendment and even removal. Article 289 of the new bill indicates that *“the Senate is granted a period of five years to end or extend the system of ethnic quotas within the Executive, Legislature and Judiciary following the establishment of institutions arising from this Constitution”*. Even though the ethnic balance has already been widely challenged since April 2015 and executive, legislative and judicial powers are in large part controlled by the party in power, the fact that the Senate is being offered the opportunity to end ethnic quotas is extremely alarming in the current context in which [ethnic tensions are being exacerbated](#) by the regime in place.

There is no change to the provisions governing ethnic balance within the police and the army, and Article 263 of the bill, which remains unchanged in relation to the current Constitution, indicates that *“For a period to be determined by the Senate, the Defence and Security Corps will not comprise more than 50% of members belonging to a particular ethnic group”*. The SNR in contrast is no longer subject to ethnic quotas (see below).

The ousting – in the proposed reformed Constitution – of former heads of state in the Senate, some of whom are fiercely opposed to Pierre Nkurunziza, is a negative sign and poses the likely risk of the ruling party strengthening its hold over the Senate, already presided over by a regime ‘hardliner’ Révérien Ndikuriyo. Since 2015, he [has openly flaunted his position in incendiary statements](#) and through his instrumentalisation of the ethnic question.

The authorities have already brought the quotas into question since 2015. They have favoured former Hutu combatants within CNDD-FDD and placed them in strategic posts. They have also killed, imprisoned, transferred or demobilised many Tutsi soldiers from the former Burundian Armed Forces (Forces armées burundaises (FAB)) and have done so with impunity. The ethnic balance is observed to prevent potential violence and coups being committed by the security services, where these comprise a majority ethnic group, against an authority or population of a different ethnicity who are perceived as an enemy. In October 1993, the overthrow of Hutu President-elect Melchior Ndadaye by an army composed primarily of Tutsi triggered massacres which led to the deaths of hundreds of thousands of people.

Exceptional status for the National Intelligence Service (SNR)

The National Intelligence Service (SNR) is excluded from the defence and security corps and enjoys exceptional status. All 21 articles governing the defence and security corps no longer apply to the SNR, which is governed by a single provision focused on a section devoted to it alone. This article (Article 289) limits itself to describing SNR's mission in vague terms: "*The National Intelligence Service is a body designed, organised and trained to seek out, centralise and exploit any intelligence which, by its nature, contributes to the security of the State, its institutions and its international relations as well as the prosperity of its economy*". Unlike the police and the army, no provision within the Constitution is henceforth made that guarantees an ethnic balance within SNR, parliamentary oversight or respect for the principles of political neutrality, professionalism and impartiality. The new Constitution Bill therefore virtually nullifies the legal framework intended to govern the activities of SNR.

Since April 2015, SNR has revealed itself to be the security service most involved in serious human rights violations committed against alleged opponents of Nkurunziza's authority. Our organisations have recorded hundreds of cases of execution, torture, forced disappearance, arrest and illegal detention attributable to SNR agents. This proposed amendment to the Constitution reveals the authorities' desire to strengthen their already comprehensive arsenal of repressive and non-transparent measures from which SNR benefits, as it is placed under the direct command of the presidency.

Impunity for senior officials in Pierre Nkurunziza's regime

Adoption of the new bill would also enable those responsible for serious crimes to avoid being tried via mechanisms in the international criminal justice system such as the International Criminal Court. Article 59 b) of the 2005 Constitution, under which "*A foreign national pursued for the crime of genocide, a crime against humanity, a war crime or an act of terrorism may be extradited*" is therefore deleted and in its place is an article specifying that "*no Burundian may be extradited*". This revision provides the authorities with an additional mechanism to shield their leaders from international justice, while the [ICC is conducting an investigation](#) into crimes committed in the context of the crisis on the eve of [Burundi's withdrawal](#) from the Court on 27 October 2017. Should the ICC decide at the end of its investigations to put those responsible for international crimes on trial, the new Constitution, if adopted, would prevent their extradition to The Hague, their appearance in court and their potential imprisonment.

Other measures to revise the Constitution risk being used to ensure the impunity of the regime's leaders. For example, the President can no longer be dismissed from his post by the National Assembly and the Senate in the event of "*serious misconduct, serious abuse or corruption*" (Article 116 of the 2005 Constitution). Similarly, members of the government are no longer "*criminally responsible for offences committed in the conduct of their duties [and] [...] subject to the jurisdiction of the Supreme Court*" (deleted Article 136).

2. Repression, abuse and a one-sided referendum campaign

The amendments cited have not been the subject of any debate within Burundian society. Instead of encouraging democratic debate, the authorities have resorted to violent strategies involving intimidation and repression to ensure the result of the vote is in favour of constitutional reform. Multiple abuses aimed at pressurising the Burundi people have been documented by our organisations over six months, including murders, beatings, arrests and illegal detentions, threats and intimidation. By far the majority of these violations have been committed without any investigation being launched to pursue and punish the perpetrators among the leaders of the ruling party, government and administration, members of the security forces and the *Imbonerakure*.

An unfair political campaign

Political campaigning on the Constitution Reform Bill began on 2 May 2018. The Burundi authorities had in fact been illegally conducting a pro-yes campaign of intimidation since December 2017, following the announcement that a referendum was being organised. Twenty-six political parties registered between 2 and 16 May to conduct activities on the referendum. Most of these parties constitute factions of the party in power. The main opposition force working against the reform of the Constitution is the Amizero y'Abarundi coalition, led by Agathon Rwaso. The Movement for Solidarity and Development (Le Mouvement pour la solidarité et le développement (MSD)) is for its part boycotting the process. Since 2 May, the Amizero y'Abarundi coalition has organised major rallies which have brought together thousands of activists opposed to the referendum, an unprecedented occurrence since April 2015. Reliable sources have, moreover, confirmed to FIDH that, while the authorities have tolerated the opposition rallies, it is in part because they had not been prepared for mobilisation on such a huge scale. Burundi National Radio and Television have also broadcast images of and information about the opposition meetings.

CAMPAGNE POUR LE REFERENDUM CONSTITUTIONNEL 2018.					
DIFFERENTES ENDROITS DE RASSEMBLEMENT					
N°	PROVINCE	COMMUNE	LIEU	DATE	HEURE
1	Ngozi	Ngozi	Muremera	2/5/2018	10 h 00'
2	Kirundo	Kirundo	Bushaza	3/5/2018	10 h 00'
	Muyinga	Muyinga	Mukoni		14 h 00'
3	Kayanza	Kayanza	Kabute	4/5/2018	10 h 00'
	Muramvya	Bukeye	Bukeye		14 h 00'
4	Cibitoke	Rugombo	Rugombo	6/5/2018	10 h 00'
	Bubanza	Bubanza	Bubanza		14 h 00'
5	Cankuzo	Cankuzo	Cankuzo	7/5/2018	10 h 00'
	Ruyigi	Ruyigi	Ruyigi		14 h 00'
6	Makamba	Makamba	Makamba	9/5/2018	10 h 00'
	Rutana	Rutana	Rutana		14 h 00'
7	Bururi	Bururi	Bururi	10/5/2018	10 h 00'
	Rumonge	Bugarama	Magara		14 h 00'
8	Bujumbura	Kabezi	Kabezi	11/5/2018	10 h 00'
	Bujumbura Mairie	Mukaza	Mukaza		14 h 00'
9	Karuzi	Buhiga	Buhiga	13/5/2018	10 h 00'
	Mwaro	Nyabihanga	Nyabihanga		14 h 00'
10	Gitega			14/5/2018	10 h 00'

Document collating the dates and locations of the rallies of the opposition coalition Amizero y'Abarundi

But throughout the campaign, the crackdown on opponents has continued and restrictions have been imposed on the camp opposing the referendum. For example, the *Imbonerakure* erected barricades to prevent activists from attending the meetings. Law enforcement officers and the authorities have sought to curtail certain rallies. On 6 May, the police in the province of Mwaro prevented some of the Amizero y'Abarundi coalition

leaders from speaking during a rally planned at the Rusaka Stadium. The municipal administrator, Bernadine Nduwinana, member of CNDD-FDD, ordered police to block access to the stadium. An FNL leader confirmed to FIDH that he received a telephone call from the governor of the province of Kirundo on 3 May to inform him that the meeting due to be held that day in the province had been banned. The opposition coalition went ahead and held the rally anyway.

Lists bearing the names of people suspected of attending the opposition rallies were drawn up. On 3 May, for example, the *Imbonerakure* and members of the administration took up position along many routes leading to Bushaza Stadium in Kirundo Province, where a meeting of the Amizero y'Abarundi coalition had been organised. They then identified and recorded the names of individuals suspected of attending the rally. These lists could have been used or may yet be used to carry out reprisals against those opposed to the referendum. The opposition leaders reported to FIDH that, during certain meetings, police officers were observed filming activists. They fear that these videos may be used to conduct reprisals against opponents of the referendum.

People have also been forced to participate in CNDD-FDD meetings, as on 4 May when inhabitants of Muhuta in the province of Rumonge, particularly travelling traders, were forced by police officers to take part in a 'yes' rally.

Abuses have also been committed against activists who took part in these meetings. On 2 May 2018, four members of FNL loyal to Agathon Rwaswa, for example, were [beaten](#) in the settlement of Rango in Kayanza Province by the *Imbonerakure*, while returning from the initial meeting held by the Amizero y'Abarundi coalition in Ngozi. Our organisation recorded numerous arrests targeting individuals who had reportedly campaigned for or supported a 'no' vote in the referendum (see below).

Our organisations have not recorded any abuse directed at supporters of the 'yes' vote in the referendum, which seems to indicate that such attacks have been rarer or non-existent. In general, the campaign conducted by CNDD-FDD has continued unhindered and has been more visible in the public media, which shows the unfairness of the process.

A wave of arbitrary arrests and beatings directed at opponents during the campaign

Since the launch of the campaign, opposition activists and individuals of no affirmed political affiliation but perceived as anti-referendum have been arbitrarily arrested, sometimes thrown into prison and beaten. Members of the *Imbonerakure* and the security services – especially the police and intelligence agencies – sometimes in collaboration with officials in the administration and the CNDD-FDD party, have been the main perpetrators of these violations.

The wave of arrests is part of a much wider trend. Since January 2018, our organisations have recorded dozens of instances of arbitrary arrests, beatings and even torture directed at alleged opponents of the referendum. Most of the political opponents targeted are from the FNL of Agathon Rwaswa, the MSD, the Union for National Progress (L'Union pour le Progrès National (UPRONA)) of Charles Nditije and the Union for Peace and Democracy-Zigamibanga (L'Union pour la paix et la démocratie (UPD-Zigamibanga)). The FNL spokesperson, Aimé Magera, has indicated to FIDH that more than one hundred party activists were arrested between mid-April and the beginning of May. He also reported that the pace of arrests of FNL activists has increased as the referendum approaches.

For example, on 4 May, FNL members – Claude Niyonzima, André Hafashimana, Bosco Ngendakumana, Bosco Nindangira and Fabien Nzobonimpa – were arrested by the *Imbonerakure* in the commune of Murwi in Cibitoke Province for having taken part in the meeting organised in Ngozi on 2 May by the Amizero y'Abarundi coalition. At the time of writing this paper, they are still being held in a cell in the commune. The day before, in the commune of Rugombo, seven members of Amizero y'Abarundi were arrested for the same

reason by a group of *Imbonerakure* militia. On 4 May, two FNL members were arbitrarily arrested for having torn up a CNDD-FDD campaign brochure in the commune of Bubanza in Bubanza Province by the *Imbonerakure* with the cooperation of police officers and local elected officials. They are still being held at Bubanza provincial police station.

Before the political referendum campaign was launched on 2 May, our organisations had [already condemned](#) the violations suffered by those suspected of being against the Constitution Reform Bill. These violations have multiplied since mid-December 2017 and the announcement by President Nkurunziza of the organisation of the referendum. On 29 April, [Jean-Jacques Nduwayo](#), a former FNL activist, was arrested by the commune police chief and detained at the police station in the district of Buhiga, in the commune of the same name in Karuzi Province. Sources on the ground indicated to our organisations that he had been targeted because he was suspected of encouraging people in his neighbourhood to vote against amending the Constitution.

On 26 April 2018, [Lucien Nkurunziza and Japhet Ntigacika](#), FNL activists, were arrested at home in the commune of Rumonge by the *Imbonerakure* who took them to a cemetery in the commune, situated close to Lake Tanganyika. There the two activists were beaten and accused of being opposed to the constitutional referendum. The *Imbonerakure* threatened to kill them and bury them in the cemetery. The police finally intervened to stop this abuse having been alerted by the wife of one of the men.

On 6 April, two FNL leaders in Kirundo Province, [Michel Macumi and Dismas Uwitonze](#) were arbitrarily arrested by the *Imbonerakure* in the commune of Bwambarangwe and accused of raising the awareness of the Burundi people to encourage them to vote 'no' in the referendum. Four *Imbonerakure* stole their personal belongings, notably a large sum of money, before tying their hands behind their backs and taking them to the Kimeza neighbourhood leader. Instead of ordering their release, this member of the administration helped place them in detention. They were handed over to Kirundi criminal police in mid-April and are still being held illegally. This case illustrates the support for committing human rights violations received by the *Imbonerakure* from the local authorities.

Numerous other cases have been reported to our organisations and the actual number of abuses committed in the context of the referendum is probably much higher. Various sources confirm that these violations occur extremely frequently and have even become commonplace. The scale of the abuses committed, their reoccurrence in different provinces of the country, often at considerable distances from each other, the host of actors involved (representatives of the State, party, administration, police, SNR and *Imbonerakure*) and the impetus given by the highest authority in the State to commit these violations, as reflected in the campaign of intimidation, constitute the pursuit and implementation of a carefully planned policy.

Referendum 'opponents' murdered

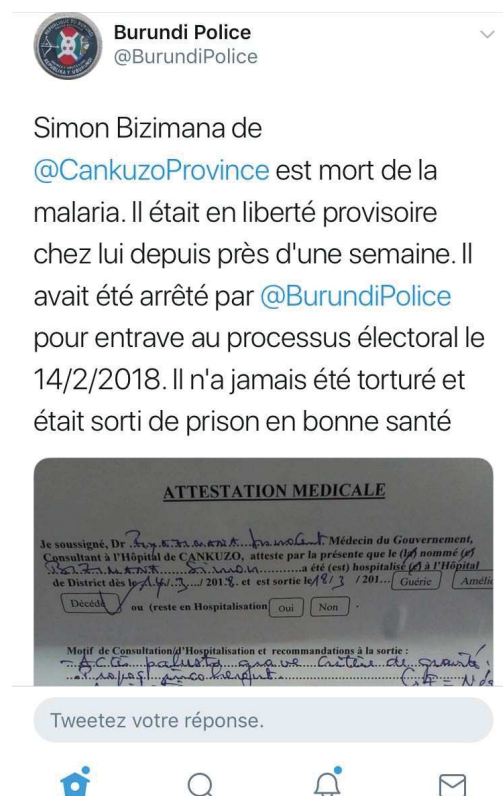
People have also lost their lives following physical violence suffered because of their suspected unwillingness to take part in the referendum.

On 24 February, a group of *Imbonerakure* militia made their way to the commune of Butaganzwa in Kayanza Province around 10 pm and to the home of Dismas Sinzinkayo, a 36-year-old FNL member. They demanded that he produce his voter registration receipt. He was beaten to death by four of the *Imbonerakure* for having refused to show them the document. The identity of the suspected murderers has been [established](#) by the ITEKA League. Some inhabitants confirmed that the *Imbonerakure* militia members were then arrested and held for three days before being subsequently released.

On 14 February, the local authorities in the commune of Cendajuru, in Cankuzo Province, turned up at the home of 35-year-old Simon Bizimana because he had refused to register to vote in the referendum. He was taken to a meeting of the local administration where he was filmed explaining why he could not vote because

of his religious convictions. The [video](#) has been widely shared on social media networks. According to our [sources](#), he was then arrested and placed in solitary confinement in Cankuzo provincial police station, which was controlled by elements of the SNR and by the provincial police commissioner, Mr Donatien Barandereka. Neither the prosecutor and his deputies or the criminal police had access to him. He was reportedly tortured by intelligence service agents. On 14 March, Simon Bizimana was taken to the local hospital in a critical condition. He died in hospital on 18 March. The following day, the Burundi police [stated in a tweet](#) that Simon Bizimana had been released in good health on 14 March and published a medical certificate confirming that he had died of malaria.

An official at the hospital reportedly [confirmed that](#) Simon Bizimana had indeed undergone a malaria test but that it had proved negative and that he was already near death when the police brought him to hospital. Simon Bizimana was not a political opponent but a man whose religious beliefs prevented him from taking part in any political activity of whatever sort. His refusal to take part in the referendum cost him his life.



Tweet issued by the Burundi police on 15 March 2018.

Terrorising the Burundi people to ensure victory for ‘yes’

The instances of human rights violations described above were prompted by those in the highest echelons of the State. Violent messages conveyed by the authorities relating to the referendum have contributed significantly to abuses being committed against those seen as opposing the reform of the Constitution.

Opponents of the referendum: enemies of the state

Since December 2017, top officials in the government have subjected the Burundian people to violent intimidation to compel them to support the Constitutional Reform Bill. They have threatened those likely to vote ‘no’ or to boycott the referendum.

Pierre Nkurunziza has revealed himself as a trailblazing propagandist, who is trying to make out that those who are against the referendum are enemies of Burundi. He was the first to set the tone when he declared in Cibitoke Province on 18 November, commemorating the ‘Day of the Fighter’, that whoever opposed the referendum would be “*despatched to heaven*”. On 12 December, in his [speech](#) announcing the organisation of the referendum, he signalled that “*he who dares to oppose the bill to revise the Constitution will suffer the consequences*”. He has repeated these threats during the campaign and on 2 May in Gitega is reported as having [declared](#) in front of thousands of Burundians that “*whoever stands against this ballot, be they Burundian or foreigner, [...] they will answer to God*”.

Other leading officials quickly adopted the president’s discourse. On 13 February 2018, the spokesperson of the Ministry of Public Security, Pierre Nkurikiye, [publicly](#) “*issued a warning [...] to anyone who, by their actions or words, might attempt to hinder this [referendum] process*”. He spelled out that the penalty for opposing the referendum would be “*immediate arrest and appearance in court*”. According to our sources, the Ministry of Justice and the governors of the provinces of Cankuzo and Makamba have notably [spoken out in similar vein](#). Gaston Sindimwo, first Vice-president of Burundi, [declared to Agence France Presse](#) on 18 January that “*opponents who campaign for a no vote must be arrested because for us they are rebels, as instructed by the Head of State*”, adding that “*If a member of the government has campaigned for ‘yes’ [outside the context of the official campaign], it is a mistake that will be corrected*”, something which has still not been done.

These threats have been intensified by the local authorities since the start of 2018, with some representatives going as far as to explicitly call for opponents of the referendum to be killed or beaten. Videos showing the authorities encouraging a ‘yes’ vote and threatening those who might oppose the Constitution Reform Bill circulate regularly on social networks. On 15 April, a CNDD-FDD party executive, Melchiade Nzopfabarushe, [declared during a public meeting](#) that anyone opposing the referendum would be “*put on a boat*” and “*carted off to Lake Tanganyika*”, implying that they would be drowned and “*would serve as food for the fish in the lake*” or would be forced to leave for the Democratic Republic of Congo. He [added](#) that this was a message being conveyed by the party “*throughout the country in every commune*” and that “*anyone who has the backing of the leader [Pierre Nkurunziza] can do anything*”. This video was leaked on Twitter on 28 April. The CNDD-FDD rushed to [disavow](#) the words of its representative that same day. FORSC, a [Burundi NGO](#), has indicated that CNDD-FDD members had copies of this video before it circulated on social networks. The official was [sentenced](#) to three years in prison just three days after the event for “*endangering homeland security and threatening individuals*”. Given the unusual speed with which justice dealt with this case, the conviction is possibly designed to give the appearance that the authorities do not support this type of discourse, while they are in fact in charge of the campaign of terror conducted in all four corners of the country.



This is the first conviction, which our organisations have been aware of, against a State or CNDD-FDD official for this type of abuse committed in the context of the referendum. Many people have, however, relayed the threats and intimidation expressed by those at the highest levels of the State and have never been troubled by justice. On 13 February, a [video](#) circulated on social networks showed Désiré Bigirimana, administrator in the commune of Gashoho, in Muyinga Province, declaring in front of several dozen people: “Whoever says anything against the ‘yes’ or against Peter [Pierre Nkurunziza], hit them over the head. And call me when you’ve trussed them up”. On 27 January 2018, Revocat Ruberandinzi, CNDD-FDD party representative in the commune of Butihinda, in Muyinga Province, organised a [public meeting](#) during which he instructed the population to vote ‘yes’ for the amendment to the Constitution and declared: “anyone caught in the process of instructing the population to vote ‘no’, bring them to us! [...] We’ll take care of them even before the criminal investigator arrives on the scene. I promise you, we’ll take them on.”

The *Imbonerakure* are also playing a part in this campaign of intimidation to ensure that the ‘yes’ camp secures victory in the referendum. Witnesses have confirmed to our organisations that groups of sometimes several hundred *Imbonerakure* have patrolled the streets or gathered in certain locations, occasionally armed with clubs, and have chanted threats at opponents of the referendum. On 3 May, more than 300 *Imbonerakure* from Karuzi Province roamed the streets in the centre of Buhiga chanting slogans to intimidate opponents of the referendum. They shouted a CNDD-FDD chant which goes: “all opponents will be savaged by the eagle in power [the party symbol]. Nkurunziza has taken power and will never let it go. Those who are against the referendum for the new constitution must die or take the road to exile [...]”. The use of the *Imbonerakure*, a locally numerous and powerful force, as a vehicle for this campaign of terror increases the feeling of menace.

Forcible registration of the electorate

Threats and acts of intimidation have also been used by the local authorities, law enforcement officers and the *Imbonerakure* to compel the people of Burundi to register on the electoral roll, with the clear intention that they should vote ‘yes’ in the referendum. During the period of voter registration from 8 to 17 February 2018, large-scale checks were carried out on voter-registration receipts. Those who were unable to present this receipt were intimidated and forced to go and register. Barricades were set up by the *Imbonerakure* in collaboration with the local authorities to facilitate such checks. In this way, access to markets, schools and health centres was restricted or blocked in several of the country’s provinces.

A witness recounted to FIDH having seen a group of *Imbonerakure* on 14 February in the town of Bubanza “*stopping people in the area around the market to ask them to show their receipt*”, including “*pupils in uniform*”. According to his testimony, “*a motorbike rider who did not have a receipt was obliged to go and register*”. A member of the *Imbonerakure* militia declared that Bubanza market was going to close to allow the traders to go and register. Police officers were present at the time but did not intervene to put a stop to these illegal activities. No legal instrument obliges the people of Burundi to register on the electoral roll or to vote.

According to our [sources](#), administration and CNDD-FDD officials as well as law enforcement officers and members of the *Imbonerakure* have intimidated directors of educational establishments, teachers and pupils to ensure they register to vote. Dozens of pupils and students reaching voting age by the elections in 2020 have been forced to sign up to vote during the period for registering on the electoral roll. Such threats and acts of intimidation have been confirmed by our organisations in at least seven of the eighteen provinces of the country. In Gahosha secondary school in the commune of Makamba, a neighbourhood leader and a police officer entered classrooms to identify students who had not registered to vote and to force them to do so. The neighbourhood leader reportedly stated that pupils who did not proceed to register were no longer Burundian but were “Belgian”, implying they were enemies of Burundi. On 14 February, the pupils at Ruhombo Technical College in Cibitoke Province, who had not registered on the electoral roll, were forced to kneel for thirty minutes in the playground of their school before being made to go and register and to return to show their receipt. In Ruyigi Province, classes were suspended so that pupils could go and register to vote.

Unprecedented toughening of the criminal procedure code

Changes to the criminal procedure code introduced a month before the referendum may have made it easier to commit these violations. On 18 April 2018, the deputies in the Burundi parliament approved the reform of the criminal procedure code, which allowed the security forces to conduct multiple searches day or night without a search warrant and to increase the prerogatives of the State regarding surveillance and cyber-surveillance. The police, army and national intelligence service can now carry out large-scale crackdowns in any neighbourhood and can seize electronic data about Burundian suspects without requiring a warrant. According to the Ministry of Justice, this reform responds to the need to tackle a rising tide of crime in Burundi in recent years, linked to the crisis that has been rocking the country for the past three years.

The principal purveyors of violence in Burundi are government forces. This reform legalises arbitrary practices that are prejudicial to personal freedoms and that have already been widely deployed by the Burundi security services since the start of the crisis with the aim of suppressing voices raised in opposition to the regime. Its adoption just one month prior to the date of the referendum vote sends out a negative signal. The reform could increase State control of the Burundian population and especially heighten fear among and pressure on those suspected of opposing the referendum. Amending the criminal procedure code prior to reforming the Constitution also indicates that the authorities are determined to radically reshape the Burundian legal framework to retain power.

3. Excluding a section of the Burundi population from voting on the Constitution

Refugees

The climate maintained by the authorities in Burundi does not allow the people of the country to vote freely on 17 May 2018. In addition, those people who have sought refuge abroad will not be permitted to take part in the vote. In February 2018, the spokesperson of CENI, Prosper Ntahorwamiye, therefore [declared](#) that

“anyone with the status of refugee immediately loses their nationality” and thus cannot vote. More than [430,000 Burundian nationals](#), equivalent to more than 4% of the country’s population, therefore find themselves deprived of their right to vote, a right which is nonetheless enshrined in the Constitution (Article 86). Contacted by telephone by FIDH, Mr Prosper Ntahorwamiye confirmed this declaration and indicated that the ban on voting and the removal of refugees’ nationality were *“in line with the Geneva Conventions”*. Our organisations would like to point out that no international instrument provides for individuals with the status of refugee, which is moreover granted on a confidential basis, to be deprived of their nationality or to be denied their right to vote. In contrast, several African States have in recent years sought to facilitate participation in elections by their nationals who are refugees in neighbouring countries. In July 2015, in the [Central African Republic](#), the Constitutional Court [authorised](#) the right of refugees to vote in the presidential election in October 2015. In [Mali](#), the State also facilitated voting by Malian refugees abroad for the 2013 presidential election. Tens of thousands of people have thus been able to take part in ballots through collaboration with UNHCR, with the aim of national reconciliation. Nothing in the Burundi electoral or criminal code limits the right of Burundians with refugee status to vote.

Diaspora

It is also unlikely that the Burundian diaspora, a proportion of whom are opposed to Pierre Nkurunziza remaining in power and to the referendum, will be able to participate effectively in the ballot. FIDH has contacted several Burundian embassies situated in European countries and they have confirmed that those Burundians living abroad could vote on 17 May. Nevertheless, several Burundians from the diaspora have stated to FIDH that they are convinced their vote will not be taken into account by the authorities who perceive them as opponents of constitutional reform.

Exiled opposition and civil society leaders

In addition, most leaders of the opposition – now part of CNARED (Conseil national pour le respect de l’Accord d’Arusha pour la paix et la reconciliation au Burundi et la restauration de l’Etat de Droit) – and of independent civil society live in exile and probably will not be able to express their view of the constitutional reform. They have clearly stated their opposition to this bill. A group of them have decided to boycott the referendum because of a lack of transparency and inclusiveness in the process and multiple human rights violations committed by the authorities to ensure a favourable outcome for President Nkurunziza’s bill.

Many elements point out that the referendum risks being an electoral sham and deepening divisions between Burundians, a significant proportion of whom have been deliberately excluded from the vote on revising the fundamental law of their country.

4. Hushing up crimes: tougher reprisals against human rights defenders and journalists

Heavy penalties for human rights defenders

On 26 April 2018, the Regional Court of Ntahangwa sentenced the human rights defender [Germain Rukuki](#) to 32 years in prison for “participation in an insurrection”, “undermining State security” and “rebellion”. The sentence is one of the stiffest ever handed down to a human rights defender in Burundi.

Germain Rukuki has been detained since July 2017 for having worked with an organisation to abolish torture in Burundi (Action des chrétiens pour l’abolition de la torture au Burundi (ACAT-Burundi)). The organisation documents acts of torture and other crimes committed in the country, principally by President Nkurunziza’s regime. Numerous irregularities marred the entire proceedings against him: he was firstly

arrested and held illegally in SNR premises before being transferred to Ngozi prison where he was tried in camera; charges against him were added at the last minute without due process; his lawyers were unable to access case documents; no concrete or convincing proof was submitted against him.

This manifestly political judgement clearly illustrates the desire on the part of the authorities to silence at all costs those human rights defenders in Burundi who are documenting and denouncing the regime's crimes. This unprecedented sentence just three weeks before the referendum is a resounding message directed at all Burundian human rights defenders and people: those who dare to oppose the regime will pay the consequences. The sentence of 32 years handed down to Germain Rukuki is also a show of force by the Burundi authorities, who wanted to demonstrate that the international support enjoyed by this defender was in vain and would not cause the regime to waver from its radical policy line.

Germain Rukuki is an iconic symbol of the judicial repression and harassment that has crushed the Burundi community of human rights defenders since the beginning of the crisis in April 2015. On 8 March 2018, three other human rights defenders from the organisation Parole et Actions pour le Réveil des Consciences et l'Évolution des Mentalités (Parcem) were convicted for "undermining State security" and sentenced to ten years in prison by the Court in Muramvya. [Aimé Constant Gatore, Marius Nizigama et Emmanuel Nshimirimana](#), like Germain Rukuki, are victims of reprisals for having peacefully conducted their activities to defend human rights.

Furthermore, it will likely not be possible to conduct any free and independent observation of the electoral process and the ballots. The principal human rights organisations, including the ITKEA League, [continue to be de-registered](#), their activities suspended and/or their bank accounts frozen. International human rights NGOs such as FIDH are forbidden from entering Burundi to document the situation. The activities of the Office of the United Nations High Commissioner for Human Rights in Burundi are still suspended. And African human rights observers deployed in the country following a [decision](#) by the African Union at the end of January 2016 cannot fully exercise their mandate, as the Memorandum of Understanding between the AU and the Burundi authorities still has not been signed.

Together these measures are clearly intended to prevent documentation and condemnation of the crimes committed by the authorities and demonstrate that any voice criticising the government is considered and presented as an enemy of the state. The stiff sentences handed down by the Burundi justice system, especially that given to defender Germain Rukuki a few weeks before the referendum, testify to a toughening of repressive measures against human rights defenders as the referendum approaches.

New retaliatory measures against journalists and the media

Over the last few months, the media and journalists have been targeted by retaliatory measures which are further restricting the space for media and expression in the run-up to the referendum. The Burundi National Council for Communication (Le Conseil national de la Communication (CNC)) has sanctioned several national and international press bodies, including the only two radio stations still offering debates in Kirundi. Journalists have been the victims of judicial harassment, threats and intimidation for having disseminated information viewed as critical of the authorities, particularly relating to the attempted constitutional amendment. Furthermore, since the beginning of the political campaign on the referendum and at the time of writing this paper, access by the opposition to the public media has been and is extremely if not wholly limited.

Since 1 May and the launch of the political campaign, the public media have simply echoed the voice of a single party, that of CNDD-FDD and its allies, who are mobilising on a massive scale in support of a 'yes' vote in the referendum. Burundi National Radio and Television (RTNB) is daily and relentlessly broadcasting chants calling for a '*ego*' (yes) vote in the referendum, along with speeches and images of meetings and rallies of the presidential camp. In contrast, the opposition coalition Amizero y'Abarundi led by

Agathon Rwasa, which has also organised daily meetings across the country to promote ‘no’, has been entitled to just a short report of barely a few minutes on the first day of campaigning. Since then, RTNB has not covered any opposition rally or given its representatives the opportunity to speak. This unfair campaign coverage is contrary to the electoral code and should be sanctioned by CENI.

In addition, on 4 May 2018, mid-campaign, CNC imposed a 6-month suspension on the right to broadcast of the British Broadcasting Corporation (BBC) and the Voice of America (VOA), the last two radio broadcasters to offer critical debates in Kirundi. It accused BBC Africa of having published an [article](#) on Burundi on 12 March 2018 that was damaging to “*national cohesion*” and in which President Nkurunziza was described as “eternal supreme guide”. [Judith Basutama](#), the BBC correspondent in Burundi who wrote the article, was the subject of a complaint filed by the government and appeared on 21 March before the Regional Court of Mukaza for showing contempt to the Head of State. The BBC was also sanctioned for having broadcast on 24 April the words of a “*Burundi national*”, which were considered “*inappropriate, exaggerated, unverified, defamatory and even damaging to the reputation of the Head of State and inciting ethnic hatred, political conflict and civil disobedience.*” The broadcast concerned an interview with the Burundi human rights defender Pierre-Claver Mbonimpa, during which he adopted an unequivocal stance against the attempt to amend the Constitution and condemned the multiple human rights violations committed by the authorities.

The Voice of America for its part was banned from broadcasting for having transmitted programmes from the Burundi radio station Bonesha FM, blocked by the authorities in 2017 and now only available on the Internet. VOA is also criticised for having recruited the Burundi journalist Patrick Nduwimana, former director of Bonesha FM and the subject of an international arrest warrant issued by the Burundi courts in October 2015. In its ruling of 4 May, the CNC also issued a warning to Radio France Internationale (RFI) for the “tendentious and mendacious” treatment of certain content broadcast. The warning related specifically to a ‘topical phone-in’ broadcast on [21 March](#) which gave RFI listeners the chance to respond openly about Burundian and Chadian constitutional reform and to the interview with a Belgian university academic broadcast on the [25 April](#) condemning the holding of the referendum. Three other warnings were also directed at Radio Isanganiro, [which was shut down then re-opened by the authorities](#), at CCIB-FM, a community radio station, and at Renouveau, a newspaper viewed as pro-government.

On 11 April, the virtual space granted to IWACU’s readership to comment on articles published online by the newspaper was definitively shut down by the CNC. [According to IWACU](#), it was a “forum which enabled our fellow citizens and all those interested in Burundi [...] to voice and exchange their opinions quite freely”. According to the newspaper, “criticism that was on occasion quite strong was expressed on the country’s progress, the action of the government, the opposition, civil society and the media.” The CNC thus arbitrarily shut down a space where criticism of the authorities could be expressed.



Suite à la décision du CNC, vous ne pouvez ni réagir ni commenter cet article.

> Lire le communiqué

Screenshot of the IWACU web page that reads: “Following the decision of the CNC, you can no longer respond to or comment on this article.”

These retaliatory measures seem clearly destined to restrict media space, particularly relating to voicing criticism of the referendum, and to limit democratic debate on the Constitution Reform Bill. The campaign on the new Constitution Bill should, however, be a key moment for expression and inclusive debate between all elements that make up the nation of Burundi.

5. Redefining a concerted strategy to end the crisis

On 10 May 2018, the President of the African Union Commission (AU), Moussa Faki Mahamat, condemned the current referendum process in a letter addressed to Yoweri Museveni, mediator in the Burundi crisis and President of Uganda. He indicated that there was a risk the referendum would “aggravate the crisis and seriously compromise the search for a sustainable, peaceful solution” and that it “could have a significant negative impact on Burundi and the region.” Moussa Faki Mahamat affirmed that the constitutional revision was a measure that went against the efforts put in over almost three years by the Member States of the East African Community (EAC) to stimulate inclusive political dialogue with the support of the AU. He renewed the mandate of mediator Yoweri Museveni and invited him to take all measures necessary to resolve the Burundian crisis. Our organisations praise the stance adopted by the African Union as well as the [European Union](#) and the [United States](#), which had also condemned the referendum process in the preceding weeks.

The holding of the referendum will further complicate and drag down the negotiations, which have already resulted in repeated failures and led to no agreement. The opposition coalition, CNARED, and independent civil society, now combined as part of the Citizen Front (Front citoyen), do not intend to fall into line with the new Constitution Bill. If constitutional reform becomes a reality, it will make a return to positive dialogue and power-sharing an even more distant prospect.

A session of inter-Burundi talks was due to take place at the end of April 2018, but the Burundian authorities indicated to the facilitator, former Tanzanian president Benjamin Mkapa, that it was necessary “*to establish agreed timing that did not disrupt the already scheduled programme of national activities*”, namely the activities associated with the referendum. The negotiations once again did not take place.

And yet political dialogue alone can guarantee a resolution to the Burundi conflict. The bodies of the African Union must increase the pressure to bring about imperative political dialogue between all components of Burundian politics, including civil society. The international community, particularly the African Union and the United Nations Security Council, must now prepare for that fact that Pierre Nkurunziza will stand again in the 2020 presidential elections. It must redefine a concerted strategy given the prospect of an election that

could potentially unleash large-scale violence, if Pierre Nkurunziza does, as seems more than likely, seek a further term in office.

The widespread mobilisation of the FNL and other opposition forces during the referendum campaign has demonstrated the high levels of popular support they have retained. It is possible that thousands of opposition activists will mobilise in 2020 to block Pierre Nkurunziza and that this could lead to a fresh wave of bloody repression. Our organisations are equally concerned that the post-referendum period will be marked by an increase in human rights violations, targeting those who have mobilised to oppose President Nkurunziza's bill, and by the wholesale subduing of society in anticipation of the Head of State's re-election.

The African Union and the United Nations – and especially the States who are signatories to the Arusha Peace and Reconciliation Agreement, which has made it possible to build a peaceful, democratic society after ten years of civil war – have a responsibility to take more decisive steps to avoid the crisis worsening still further and undermining a region already suffering from an increasingly unstable political and security situation.