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# Burundi's Truth and Reconciliation Commission: How to Shed Light on the Past while Standing in the Dark Shadow of Politics?

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## Abstract

More than a decade after the signature of the 2000 Arusha Peace and Reconciliation Agreement, which announced the establishment of transitional justice mechanisms in Burundi, a Truth and Reconciliation Commission (TRC) is about to be launched. This note highlights how political factors and dynamics related to the peace process and to the 2010 general elections explain the timing as well as elements of the proposed mandate and composition of the forthcoming TRC. There is reason to fear that the dominant party's attempts at controlling the TRC process, in addition to the context of increased insecurity, or possibly even of renewed armed insurgency, may undermine the Commission's ability to shed light on the past.

**Keywords:** Burundi, truth and reconciliation commission, peace, power-sharing, elections

## Introduction

In his address to the nation on 1 January, Burundian President Pierre Nkurunziza announced that 2012 would be marked by the creation of a Truth and Reconciliation Commission (TRC). This announcement came shortly after a Technical Committee in charge of preparing the establishment of transitional justice mechanisms submitted its report,<sup>1</sup> with recommendations on the mandate, composition, powers and functioning of the TRC. At the time of writing, a bill was about to be tabled for debate in parliament and the government had announced its intention to launch the TRC before the country celebrates the 50th anniversary of independence on 1 July 2012.

It may seem remarkable that the government has taken nearly 12 years after the signature of the Arusha Peace and Reconciliation Agreement in August 2000 to set

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<sup>1</sup> Comité Technique Chargé de la Préparation de la Mise en Place de la Commission Vérité et Réconciliation, *Rapport final* (October 2011) (unpublished manuscript on file with the author).

up a TRC. Yet, although second postconflict elections were held in 2010, the forthcoming TRC is likely to face a number of challenges and risks that remain strongly linked to Burundi's troubled transition from civil war and centering on the interests and strategies of political actors. This note places the TRC – its timing, its relation to a possible special tribunal, its mandate and its composition – in the context of Burundi's peace process, the power-sharing modality of the Burundian transition and the 2010 elections.

## Why Now? Sequencing and Integrating Ingredients of Burundi's Transition

The establishment of transitional justice mechanisms in Burundi is rooted in peace agreements signed between 2000 and 2006, which put to an end roughly 15 years of civil war that began after a failed transition to democracy in 1993. The Arusha Agreement provided for the establishment of a TRC composed of Burundian nationals appointed by a transitional government. It also stipulated that this government would request that the UN Security Council set up an international judicial commission of inquiry on genocide, crimes against humanity and war crimes in Burundi. This was to be followed by a request to the UN to establish an international criminal tribunal for Burundi, should the commission of inquiry conclude that acts of genocide, crimes against humanity or war crimes had been committed (which seemed most likely).

Implementation of the transitional justice provisions in the Arusha Agreement has been slow. Legislation on the establishment of the national, nonjudicial TRC was adopted in December 2004 but never implemented. In response to the transitional government's request to establish an international judicial body, the UN sent an assessment mission on the establishment of an international judicial commission of inquiry for Burundi. On the basis of the mission's report<sup>2</sup> and in accordance with UN Security Council Resolution 1606 of 20 June 2005, the UN engaged in a process of negotiations with the government of Burundi on the establishment of twin judicial and nonjudicial mechanisms, both of mixed national–international composition. Negotiations held in 2006 and 2007 failed, except for an agreement on the organization of national consultations on transitional justice, the findings of which were released in 2010.<sup>3</sup> The main reason the negotiations failed was the UN's requirement that the proposed special tribunal and its prosecutor act independently of both government and the TRC. The government insisted that only cases referred by the TRC should be investigated and prosecuted by the tribunal. Furthermore, the dominant party, *Conseil National pour la Défense de la Démocratie – Forces de Défense de la Démocratie*

<sup>2</sup> 'Letter Dated 11 March 2005 from the Secretary-General Addressed to the President of the Security Council,' UN Doc. S/2005/158 (11 March 2005).

<sup>3</sup> On the negotiations process, see, Stef Vandeginste, *Stones Left Unturned: Law and Transitional Justice in Burundi* (Antwerp: Intersentia, 2010).

(CNDD-FDD),<sup>4</sup> also formerly the main rebel movement, argued that the tribunal should be established only on the TRC's recommendation.<sup>5</sup>

An explanation of the TRC's timing requires an understanding of Burundi's political transition context, in particular the peace process, the power-sharing modality of the transition and the involvement of international actors in Burundi's transitional justice process. Dynamics in these areas, particularly as they relate to political elite interests and strategies, clarify the reasons for the delay as well as why President Nkurunziza has repeatedly insisted on the need for a TRC since the start of his second term in August 2010. These three factors also offer insights into certain constraints the TRC may face and certain risks it may induce.

### Peace First, Truth and Justice Later

President Nkurunziza has several times referred to the establishment of the TRC as 'the final phase of the country's peace process.'<sup>6</sup> The Arusha Agreement was indeed no more than the first – though, with the benefit of hindsight, decisive – step toward the cessation of hostilities in Burundi. It was signed by the government of President Pierre Buyoya (defeated by President Melchior Ndadaye in 1993 but placed back in power by a military coup during the civil war that followed Ndadaye's assassination), the national assembly (which included a large number of representatives of Ndadaye's political party, *Front pour la Démocratie au Burundi*, or Frodebu) and two coalitions of political parties, divided along ethnic lines. No armed rebel group signed the Arusha Agreement. After continued South African mediation, the government signed additional peace accords with the two major, predominantly Hutu rebel movements in 2003 (CNDD-FDD) and in 2006 (*Parti pour la Libération du Peuple Hutu – Forces Nationales de Libération*, or Palipehutu-FNL).<sup>7</sup> Although the intrastate war with Palipehutu-FNL gradually transformed into a rather low-intensity conflict, it was not until December 2008 that the last implementation protocol of the agreement with the rebel group was signed. Transitional justice issues, including temporary immunity for the rebel movements' leadership, the release of combatants and prisoners of war, (vetting and) integration of combatants into the national security forces and the rebel movements' preference for a 'Truth, Forgiveness and Reconciliation Commission'<sup>8</sup> over criminal trials were important matters throughout the

<sup>4</sup> CNDD-FDD was established in 1994, initially as a military breakaway faction of former President Melchior Ndadaye's party, Frodebu, which won the multiparty democratic elections in 1993. After signing a peace agreement in 2003, CNDD-FDD won the 2005 general elections, defeating both Frodebu and the former ruling party, Uprona.

<sup>5</sup> CNDD-FDD, 'Mémorandum du Parti CNDD-FDD sur la Commission Vérité et Réconciliation et le Tribunal Spécial pour le Burundi' (5 May 2007).

<sup>6</sup> See, *inter alia*, Republic of Burundi, 'Remarks by H.E. Pierre Nkurunziza, President of the Republic of Burundi during a High Level Meeting on Post-Conflict Peace Building: The Experience of Rwanda' (8 November 2011), <http://www.presidence.bi/spip.php?article2073> (accessed 28 February 2012).

<sup>7</sup> Palipehutu-FNL was established among Hutu refugees in Tanzania, most of whom had fled Burundi after the 1972 massacres.

<sup>8</sup> This was the name used in the peace agreement between the government and Palipehutu-FNL.

peace negotiations. In fact, the rebels' need for assurances that they would not be arrested and prosecuted upon laying down their weapons was probably one of the reasons for Palipehutu-FNL leader Agathon Rwasa and his followers delaying the peace process. Although the Burundian government discussed transitional justice mechanisms with the UN in 2006 and 2007, the government's peace negotiations with Palipehutu-FNL and its desire to put an end to the armed conflict before dealing with the past help explain why it took so long for a transitional justice process to be launched. The government seemed to believe that the TRC would not stand any chance of success until a final peace deal was signed and the last rebel movement agreed to disarm.

This begs the question of whether peace has now been secured in Burundi. In addition to temporary immunity legislation and some modest power sharing (see below), the prospect of an electoral victory in 2010 ultimately convinced the Palipehutu-FNL leadership to lay down arms and to register as a political party, FNL, in early 2009. Notwithstanding reports by national and international observers that, despite some irregularities, Burundi's local elections in May 2010 were sufficiently free and fair, most opposition parties, including FNL, rejected the results and boycotted the presidential and legislative elections of June and July 2010. FNL took this step upon obtaining 14.15 percent of the vote, which clearly was far below its expectations. Since the electorally legitimized quasi-return to single-party rule occasioned by CNDD-FDD obtaining a three-quarters majority in the National Assembly, Burundi has been the scene of mounting political tensions and increasingly numerous incidents of criminal as well as politically inspired violence.<sup>9</sup> Some opposition leaders, including Rwasa, have left the country and gone into hiding. Scores of FNL and other opposition party leaders and supporters have been arrested, forcibly disappeared or assassinated. Independent media and civil society groups have increasingly been subject to intimidation.<sup>10</sup> Although, at the time of writing, no clashes had occurred between government forces and FNL or other new, self-proclaimed insurgency movements like *Front National Pour la Révolution au Burundi* (FRONABU-Tabara) or *Front de Restauration de la Démocratie* (FRD), there is an undeniable risk of increased instability and insecurity. The context in which the TRC will operate is therefore likely to be marked by serious political tension, targeted killings, revenge attacks and other human rights violations. The government alleges that the violence is due to civilians settling scores, land disputes and armed banditry related to insufficient disarmament after the end of the civil war. It denies that there is a nascent armed insurgency.<sup>11</sup>

<sup>9</sup> See also, International Crisis Group, *Burundi: From Electoral Boycott to Political Impasse* (February 2011).

<sup>10</sup> International Federation for Human Rights, *Note sur la situation des droits de l'homme au Burundi* (October 2011).

<sup>11</sup> Republic of Burundi, 'Déclaration du gouvernement sur la sécurité au Burundi au 31 octobre 2011' (November 2011), <http://www.presidence.bi/spip.php?article2103> (accessed 28 February 2012).

In summary, while the time was likely not ripe for a successful TRC until the end of peace negotiations in December 2008, the current context of electoral authoritarianism and increased insecurity also may discourage Burundians from actively participating in the TRC process.

## Power Sharing

Burundi's transition from conflict to (at least short-term) peace and stability has been based mainly on a combination of two types of political settlement: a largely consociational power-sharing arrangement between ethnopolitical groups and an elite bargain between politicomilitary leaders. A cornerstone of Burundi's peace process was the government's recognition of the political relevance of the country's ethnic segmentation. The constitution adopted on 18 March 2005, based on the Arusha Agreement, has transformed Burundi's institutional design, incorporating sophisticated grand coalition, (corrected) proportionality, qualified majority and (indirect) Tutsi minority veto arrangements. For instance, ethnic quotas have been imposed on the composition of parliament, the government, the army, the judiciary and the police. More than anywhere else on the African continent, Arend Lijphart's power-sharing model for divided societies has been introduced and applied in Burundi since 2000.<sup>12</sup> It is generally recognized that this process of engineering of ethnicity has, so far, been highly successful and has strongly reduced ethnopolitical tension. Today's main political divide is no longer ethnic.

At the same time, the Arusha Agreement and the subsequent peace agreements were elite bargains, offering incentives to the leadership of opponent groups to lay down arms in return for senior political, military or economic positions. The twofold power-sharing character of Burundi's transition helps to explain why no transitional justice process was launched for more than a decade, despite formal commitments taken largely under mimetic peer pressure. In fact, as long as the power equilibrium between ethnopolitical and politicomilitary groups was maintained, none of the former opponents had an interest in transitional justice. As many of them have blood-stained hands, their interests converge in having as little truth and accountability as possible.

As noted above, one foundation of this power-sharing equilibrium has now been broken. Instead of consolidating the elite bargain deal that concluded with FNL, the 2010 elections distorted the balance. For the FNL leadership – as well as some other opposition politicians joining it in an *ad hoc* extra-parliamentary opposition coalition – the establishment of a transitional justice process constitutes a potential threat. If CNDD-FDD manages to control the TRC process, FNL may rightly fear one-sided truth telling. In a way, Burundi's TRC might turn out to be an instance of victor's justice, not because of a CNDD-FDD

<sup>12</sup> René Lemarchand, 'Consociationalism and Power-Sharing in Africa: Rwanda, Burundi and the Democratic Republic of the Congo,' *African Affairs* 106(422) (2006): 1–20; Stef Vandeginste, 'Power-Sharing, Conflict and Transition in Burundi: Twenty Years of Trial and Error,' *Africa Spectrum* 44(3) (2009): 63–86.

military victory in the civil war (which it did not obtain) but because of its victory in the 2010 elections.

As regards the consociational foundations of Burundi's power-sharing system, the predominantly Tutsi former ruling party, *Parti de l'Unité pour le Progrès National* (Uprona), which is still operating under the informal leadership of former President Buyoya, remains represented in government, in parliament and in the army. The first vice president of the republic is a Tutsi of the Uprona party. However, part of the Uprona leadership has very good reason to be concerned about the prospect of a CNDD-FDD-dominated transitional justice process. For one, the assassination of President Ndadaye in October 1993 was in all likelihood orchestrated by senior Uprona members.<sup>13</sup> A crucial question therefore is whether the current Hutu CNDD-FDD leadership prefers the ethno-political status quo even if this means that no light is shed on the assassination of Ndadaye and on the massacres committed by the former (Uprona-controlled) government forces. Will the TRC be an atomic bomb that CNDD-FDD may decide to use without exploding it<sup>14</sup> in order to shift the power-sharing equilibrium in its own favor? Or will CNDD-FDD use the TRC process (and possibly subsequent criminal trials) to eliminate its coalition partner, Uprona, and 'finally' take revenge for the overthrow of President Ndadaye in 1993? Another relevant question, for policy as well as research purposes, is whether, at local community level, ethnic tensions will increase, or be reignited, as a result of the TRC process.

### Limited Pressure from International Partners and Burundians Alike

During most of its peace process, Burundi lived under *de facto* international tutelage.<sup>15</sup> For several years, most strategic political decisions were taken under the auspices of an international conglomerate made up of the Regional Peace Initiative, led by South Africa, the UN representative in Burundi and a small number of diplomatic representatives of Burundi's main donor countries. This political weight was backed by a significant military presence, initially the African Union's African Mission in Burundi (AMIB) and later the UN. After the 2005 elections, Burundi gradually regained its sovereignty and international involvement in the daily management of the country decreased. In 2006, the

<sup>13</sup> See, *inter alia*, 'Letter Dated 25 July 1996 from the Secretary-General Addressed to the President of the Security Council,' UN Doc. S/1996/682 (22 August 1996).

<sup>14</sup> This scenario is not unlikely considering that, since coming to power, CNDD-FDD has never publicly insisted on the identification and accountability of those responsible for Ndadaye's assassination. Upon asking a question on the party's position to two senior CNDD-FDD officials during a mission in early October 2011, I received an (understandably but also tellingly) evasive reply.

<sup>15</sup> For well-informed accounts of international involvement in Burundi's peace process, see, Howard Wolpe, *Making Peace after Genocide: Anatomy of the Burundi Process* (Washington, DC: US Institute of Peace, 2011); Kristina A. Bentley and Roger Southall, *An African Peace Process: Mandela, South Africa and Burundi* (Cape Town: Human Sciences Research Council Press, 2005).

peacekeeping UN Operation in Burundi (ONUB) was replaced by a purely civilian UN Integrated Office in Burundi (BINUB). In January 2011, the UN Office in Burundi (BNUB), a political bureau with a reduced mandate and a scaled-down presence on the ground, took over. The UN Security Council resolutions defining the mandate of the UN bodies in Burundi have systematically included provisions on transitional justice.

Although the fact may seem like a paradox, the international community's involvement in Burundi helps to explain why no transitional justice process was launched and also why the Burundian government has recently requested international support for the TRC process.

As highlighted above, the top short- and medium-term priorities for Burundi's international partners were the cessation of hostilities through a negotiated power-sharing settlement and the return of institutional and political stability, including through elections. They did not consider the transitional justice process – which, given the particular circumstances, inevitably carried the risk of derailing the fragile transition toward peace, security and stability – as an urgent need. The decision to send the assessment mission on the establishment of an international judicial commission of inquiry was not taken until January 2004, shortly after South African Vice President Jacob Zuma, leader of the Regional Peace Initiative, declared before the UN Security Council that 'we can now say without fear of contradiction that the Burundi peace process has entered a decisive and irreversible stage.'<sup>16</sup> Burundi's international partners never explicitly called the twin transitional justice mechanisms into question, but they deliberately delayed their establishment until they deemed conditions more conducive. The country's political elite soon realized that the UN had no intention of pushing for the mechanisms with the same sense of urgency it displayed in the case of the Lebanon in 2006–2007.

In combination with the outcome of the 2010 elections, the downsizing of international involvement in Burundi's domestic affairs has rendered the launching of a TRC more attractive for the government, which can now comfortably claim the driver's seat. The 'renationalization' of the TRC process (see below) reflects the wider trend of regained sovereignty. Also, the launch of the TRC process will increase the government's international legitimacy, which is important for a country that depends on foreign aid for more than half of its budget. Burundi has internationally committed itself to a transitional justice process in its 'Poverty Reduction Strategy Paper' and in the Strategic Framework for Peacebuilding. In addition, the prospect of full TRC funding through a donor basket fund is surely an important carrot. The government also has come to realize that it may be able to meet the UN requirements without taking many risks. Indeed, even if the TRC is not allowed to grant or recommend amnesty for crimes under international law, practice has shown that this does not necessarily

<sup>16</sup> 'Report of the Meeting of 4 December 2003,' UN Doc. S/PV.4876 (2003), 3.

lead to prosecution of those crimes.<sup>17</sup> Furthermore, the UN's request that the prosecutor of a special tribunal must be fully independent does not mean much if, as a result of the agreement on the TRC, the establishment of a tribunal is again delayed for a number of years. In other words, the expected (financial and legitimacy) benefits of establishing the TRC clearly exceed the (limited) costs or risks involved for the government.

Societal pressure from below has not been very significant. Even though, according to the 2010 report on the national consultations,<sup>18</sup> the population generally seems to favor truth telling through a TRC as well as, albeit with some reservations, criminal prosecution of those most responsible, political decision making in the field of transitional justice has not been strongly affected by popular expectations. A network of civil society organizations is fairly active around the TRC and the tribunal but, in the eyes of the government, it lacks legitimacy because it is made up of an urban and opposition-friendly elite based in the capital city without many links to the predominantly rural population.

## TRC Mandate

The functioning of the TRC will, of course, not depend solely on the political context in which the Commission is created. It will also be determined by the TRC's mandate and composition. However, the political context may have a major impact on how the mandate is implemented on the ground, for example, through the selection of TRC commissioners.

The Technical Committee report proposes a rather 'classical' TRC mandate with a strong focus on truth telling: investigating and establishing the truth regarding gross human rights violations and serious violations of international humanitarian law committed between the time of independence and the signature of the final implementation protocol of the peace agreement with Palipehutu-FNL. Special reference is made to the need to elucidate the overthrow of democratically elected institutions, which in practice refers to the assassination and ousting of President Ndadaye and, probably, the military coup and overthrow of the monarchy in 1966. The TRC is expected to shed light on the historical, institutional and structural factors that led to massive human rights violations in Burundi. It is also expected to map mass grave sites, take measures to protect them and allow for exhumations and reburials. At the end of its activities, the TRC will likely publish the names of individual victims of killings and

<sup>17</sup> Stef Vandeginste, 'Bypassing the Prohibition of Amnesty for Human Rights Crimes under International Law: Lessons Learned from the Burundi Peace Process,' *Netherlands Quarterly of Human Rights* 29(2) (2010): 189–211.

<sup>18</sup> Les Consultations Nationales sur la Mise en Place des Mécanismes de Justice de Transition au Burundi, *Rapport* (20 April 2010). Other field research reveals a preference for transitional justice centered around social cohesion and traditional values (Bert Ingelaere and Dominik Kohlhagen, 'Situating Social Imaginaries in Transitional Justice: The *Bushingantahe* in Burundi,' *International Journal of Transitional Justice* 6(1) (2012): 40–59), and even for silence and forgetting (Peter Uvin, *Life after Violence: A People's Story of Burundi* (London: Zed Books, 2009)).

enforced disappearances and of heroes who saved lives during the various cycles of violence. Its work is expected to contribute to the (re-)writing of history in a way that is generally acceptable to most Burundians. A major challenge for the Commission will be that the past for which truth is to be told spans almost five decades and has been extremely violent. Both the quantity and the gravity of the violations are daunting. While the number of victims of ethnopolitical violence in Burundi's postcolonial history is unknown, there is no doubt that hundreds of thousands have been killed, tortured, displaced or forced to leave the country. The way in which this truth-telling mandate is put into practice will be left to a large extent to the discretion of the TRC itself. Under the proposed procedure, the TRC is to select, from among a vast amount of violations, those cases it will subject to further analysis and hearings. This enhances the importance of the profile and selection of the TRC commissioners (see below).

At the time of writing, the relationship between the TRC and the special tribunal, a crucial matter for the accountability of those responsible for past human rights violations, remains up in the air, in particular in talks between the government and the UN. The Technical Committee report suggests that the TRC, as a nonjudicial body, cannot prejudice the work of the tribunal. The report announces that the tribunal will be established when the Commission has completed its activities. As the government has consistently shown great reluctance to establish the tribunal, it remains to be seen whether this announcement is more than cosmetic. Nonetheless, the Commission's mandate is, in several ways, relevant for the (future) identification of and imposing sanctions on those responsible for violations. First of all, it is proposed that the TRC be mandated to establish the responsibility both of individuals and of state institutions and other 'collective entities,' including rebel movements. The report suggests that the names of suspected perpetrators be published, but specifies that this should be done in a way that respects the presumption of innocence, which suggests that the TRC may opt for implied naming rather than express naming. Facts investigated by the Commission would be legally qualified, though the qualification would not bind the tribunal. The TRC would also be charged with making recommendations on how to prosecute suspected perpetrators and with suggesting vetting strategies aimed at removing those found responsible from the security forces, the judiciary and the public administration. The proposal encourages the TRC to establish a procedure through which victims can pardon those perpetrators who have shown remorse and asked for forgiveness. The names of the victims who grant forgiveness and of the perpetrators who are pardoned would be listed in the TRC report. This somewhat enigmatic provision leaves quite some room for interpretation. In a section recommending the methodological orientations of the TRC, the Technical Committee report suggests that alternative ways of sanctioning those responsible for human rights violations will be necessary given the weak capacity of Burundi's national criminal justice system. It suggests that the TRC could recommend alternative sentences or lenient sentencing schemes for perpetrators who confess in public, show remorse and contribute to the establishment of the

truth. Clearly seeking to assuage the possible concerns of the UN and donors, the report adds that this ‘confession and pardon’ procedure must respect international norms regarding amnesty and statutory limitations for crimes of genocide, crimes against humanity and war crimes.

## TRC Composition

While the UN has suggested including foreign commissioners in order to enhance the TRC’s perceived independence, shortly after the 2010 elections the Burundian government announced the establishment of a strictly national TRC, clearly finding inspiration in the Arusha Agreement. The Technical Committee report proposes a Commission composed of 11 Burundian members. In order to make up for the absence of international commissioners, it suggests an international consultative council composed of five eminent personalities of high moral standing. In what seems to be little more than an attempt at securing external legitimacy for the TRC, the consultative council would be endowed with a minor advisory and largely ceremonial role, without any substantive responsibilities.

Commissioners are to be appointed by the president after a broad consultation process and subject to approval by the National Assembly. Proposals by civil society groups to involve the UN in the staged selection and appointment procedure have so far been ignored. The Technical Committee report requires only that candidates be known for their integrity, competence and independence, including *vis-à-vis* positions adopted by political parties. An initial provision requiring that the Commission include representatives of religious groups, civil society organizations and various professional categories was taken out of the final proposal. Despite a general requirement that the TRC reflect Burundi’s ethnic, regional, political and gender diversity, this raises serious concerns about the independence, impartiality and credibility of the Commission in particular because since the overwhelming electoral victory of CNDD-FDD in 2010, both the legislature and the executive are largely controlled by the dominant party. Although it is obviously hard to predict to what extent the possibly government-friendly composition of the TRC may discourage victims and witnesses from reporting and testifying, there is little doubt that political control over its composition is likely to affect the kind of cases brought to its attention and selected for further hearings and investigations. Under these circumstances, will truth be told and accountability established for at least some of the crimes committed by former CNDD-FDD rebels? More fundamentally, in this politicized context, can we expect Burundi’s TRC to have any social or political transformation potential and to contribute to more accountable governance in Burundi?

## Conclusion

Given the particular context of Burundi’s troubled transition, the timing and modalities of the TRC do not come as a surprise. The lengthy preparatory process was primarily determined by the strategic considerations of political elites and

their clever interaction with Burundi's international partners. The proposed truth-telling mandate of the TRC is fairly ambitious and robust, which may lead to some victim recognition and to a more shared understanding of Burundi's history. However, much less is to be expected in terms of accountability of those most responsible for past abuses.

More fundamentally, in line with the limited effects generated by the mushrooming of other formal institutions in Burundi – a Constitutional Court with strong human rights powers, an ombudsperson, electoral processes, a national human rights commission, anti-corruption mechanisms and so on – it remains to be seen whether the TRC will be able to alter the fundamentals of how political authority is exercised. The case could even be made that, with insecurity on the rise, conditions are not ripe and that the TRC itself might generate new threats, including to Burundi's rightly applauded ethnic reconciliation process. Illustrating the risks of 'hijacking'<sup>19</sup> faced in transitional justice processes, the Burundian case is relevant for truth commissions more generally. In particular, in transitions with an uncertain destination, the appropriation of the internationally advocated TRC model inevitably faces considerable constraints that are related to strategic (ab)use by domestic political elites.

<sup>19</sup> Jelena Subotić, *Hijacked Justice: Dealing with the Past in the Balkans* (Ithaca, NY: Cornell University Press, 2009).