

Memorandum of Burundi civil society to the African Union and partners including the UN, the EU and the USA regarding Burundi participation to AMISOM¹

Burundian troops in peacekeeping mission must be brought back home to protect citizens

1. More than 5300 members of Burundi National Defense force participate in peacekeeping mission in Somalia. Additional important numbers have been deployed in Central African Republic, Côte d'Ivoire and Sudan. Political crisis in Burundi, a clear outcome of the illegal third term of Pierre Nkurunziza has provoked serious deterioration of human and humanitarian rights. Burundi citizens suffer from various human rights violation, starting from the basic ones, including right to life.
2. Yet they are unprotected since significant numbers of members of the National Defense Forces are deployed in peacekeeping missions, leaving the country controlled by Imbonerakure militiamen who kill, kidnap, and rape and torture defenseless citizens and are assigned to several checkpoints to prevent people from fleeing. Civil Society Organizations (henceforth CSO), which advocated for civilian protection by defense and security services as well as application of the right to protect principal by international community, explain and call hereby repatriation of Burundi troops in peacekeeping missions, particularly those deployed in Somalia and Central African Republic.

1. Violent and bloodily repression of peaceful protests

3. Since the peaceful protests against Pierre Nkurunziza's third term on 26 April 2015, numerous acts of indiscriminate and savage repression were meticulously organized by the ruling regime through the instrumentality of selected defense and security forces. This resulted in a serious institutional and humanitarian crisis; and mass violation of human rights has become the daily reality of Burundian citizens.
4. The protest movement against the third term was the result of a mass citizens' mobilization for the defense of the Arusha Agreement for Peace and Reconciliation in Burundi and the constitution of Burundi. The Arusha Peace Agreement signed in 2000 that ended a decade of deadly civil war that has killed more than 300 000 Burundian has the merit of defining the Burundi conflict as a political conflict with a strong ethnic dimension, a conflict arising

¹ This Memorandum was written by the Citizen Movement *Halte au troisième mandat*(www.htmburundi.org)

from a struggle of the political class to gain power or extend indefinitely their mandate. To prevent the cyclical crises, the Arusha Agreement provides among others that no Burundian can lead the Burundi for more than two consecutive terms of 5 years each. Burundian citizens who have spontaneously mobilized to block the way to Pierre Nkurunziza illegal third term, threatened seriously the Arusha Agreement that sealed the consensus of the Burundi people.

5. It is not superfluous to point out that the protection of human rights lies within the state mandate. To date, the Burundi Government has completely failed to its mission to protect citizens against abuses committed by state agents or non-state actors. Rather, it has continued to trample all the foundations of the rule of law, establishing effectively the law of the jungle.
6. Following the bloody suppression of peaceful demonstrations and the manhunt targeting anyone opposed to the third term that followed, at least 1087 people were killed as of Day/Month/ 2016, according to reports from local organizations defending human rights such as APRODH, while hundreds of people suffered from torture, kidnapping, rape and extrajudicial executions. UNHCR reported now more than 278,000 Burundians who fled to neighboring countries including Tanzania, Rwanda, DRC, Uganda, Kenya and Zambia, among others.
7. The presence of Burundian troops in peacekeeping missions allows Pierre Nkurunziza's regime to hide the reality of internal problems and present Burundi as a stable country that contributes to the stabilization of others in crisis while Burundi is experiencing an unprecedented crisis characterized by mass killings, torture, rape, terror, hundreds of thousands of refugees, arbitrary imprisonment, a moribund economy and increased deterioration of diplomatic relations between Burundi and its partners.
8. In such a state bankruptcy situation, nothing can reasonably justify why Burundi sends troops to peacekeeping missions, depriving the country of significant military and police troops whose first and sacred task is to protect the citizens and the country.

2. Financing an illegal and criminal government

9. In his attempt to impose by force his unlawful third term, Nkurunziza met a peaceful resistance of a people determined to defend the Arusha Peace Agreement that ended a decade of civil war. By violating deliberately this Agreement, Nkurunziza has dropped the country in danger, bringing it back straight to the situation before the Arusha Agreement, and paving the way for a likely new civil war. In such circumstances, the elections that were planned between May and September turned into pure farce whereby only the ruling party, in violation of the Constitution and laws of Burundi, with strong foundations from the Arusha Agreement, has forced the polls despite the call of the United Nations, the African Union, the East African community States (EAC) and the entire international community for a consensus on elections timetable and peaceful conditions enabling citizens to choose

their representatives in a free and fair manner. The few EAC and UN observers reported that elections took place in conditions of deliberate exclusion, repression and generalized tension, and were therefore non-credible. To date, several groups are challenging the legality of the Burundian government, which is also guilty of mass crimes and genocide.

10. Having declared himself elected following this illegal and controversial electoral process, Nkurunziza faced the suspension of international aid which accounts for substantive share in the national budget. He therefore decided to finance his criminal and genocidal policy of his secret police and militia Imbonerakure with the substantial funds from peacekeeping missions. Indeed, with AMISOM, the Government of Burundi provides mission with major equipment (items of equipment directly related to the objectives of AMISOM such as heavy weapons) and minor equipment (individual equipment safety and security, such as clothing, that is to say the camouflage uniform, boots, hand towels, wallets, campaign bed, etc.)
11. The Burundian contingent in AMISOM deploys up to 5300 militaries. The African Union reimburse the Government one thousand and twenty-eight US dollars (\$ 1,028) per military per month of which eight hundred and twenty to eight dollars (\$ 828) are paid to each military and two hundred dollars (\$ 200) return to Burundi, as a country contributor to troop (as per the memorandum of understanding between the Government of Burundi and the African Union signed on 15 July 2011). Therefore, for 5300 militaries in 12 months (one year), the Burundian government receives \$ 12.72 million (\$ 200 X 12 X 5,300), only for the militaries, besides the costs of equipment rental. The AU also reimburses the government expenditures for the deployment of ammunition in the mission area.
12. Burundi therefore earns huge amounts of money from sending troops to Somalia and leasing its equipment. The amounts are mismanaged and used for corruption and enslavement of Burundi people. In return, the government utilizes this money to finance its intelligence service and militiamen that commit mass atrocities targeting among others, residents of opposition strong holds, human rights defenders and journalist to name but a few.

2. Refuge and reward for criminals

13. There is evidence that these missions are a form of refuge for criminals. Their presence in these missions, far from justice, guarantees impunity. Indeed, Pierre Nkurunziza considers AMISOM as a form of remuneration to militaries who distinguished themselves in the violation of human rights. In fact, while addressing the defense and security forces in meetings and speeches, Nkurunziza describes peacekeeping missions as a form of income generating activity, a kind of retribution according to the relief that the members of these bodies owe him. This impacts severely the ethics and professional conduct of these members with meager incomes. The peacekeeping missions have become a form of political corruption for members of the defense and security forces, so that they do not dare to stop the violence on civilians by Imbonerakure militias when they are accomplices or co-authors of the atrocities.

14. For the time being, the Burundian military and police who have distinguished themselves in the repression of the people who oppose the third-term of Pierre Nkurunziza are regularly sent to peacekeeping missions to both escape prosecution and to be rewarded.
15. In February 2016 for instance, three army officers, namely Major Pierre Niyonzima, Major Jimmy Rusheshe and Major Jean Bosco Mushimantwari have been sent back from peacekeeping mission in Central African Republic while Colonel Gaspard Baratuza was banned to participate in MINUSCA, accused of having obscured the truth about the massive massacre of 12th December 2015.
16. Imbonerakure militiamen also participate in peacekeeping missions since the deployment of the 19th battalion (2012) to the 33rd Battalion (2015). Imbonerakure were systematically sent to peacekeeping missions to date, labelled regular militaries.
17. The most emblematic case is that of Juvent Nduwimana, a demobilized CNDD-FDD who integrated intelligence services and participated in the mission of peacekeeping in Somalia, in recognition of the triple murder of Italian sisters, September 9, 2014, as he confessed later. When joining AMISOM troops, Juvent Nduwimana was dressed in military uniforms while he is not part of the National Defense Forces.

4. Internal divisions exported in peacekeeping missions

18. It is regularly reported that divisions well-maintained by Nkurunziza regime in the defense and security forces have already reached Burundian troops in peacekeeping missions abroad, with revealed risks to degenerate into the worst scenario. The current contingent commander, Col. Venant Bibonimana alias Gatovyti maintains divisions within the Burundian troops at the point whereby he selects those to whom he entrusts suicidal mission, exposing them deliberately to the maximum risks. This exposes enormously the troops. They are often attacked and forced to withdraw from their location. Otherwise, they are killed for lack of combat gear, weapons and suitable ammunition.
19. The contingent misses serious opportunities to support the Somali people because of sectarian speculation. This is particularly the case in terms of the building needs in the area protected by Burundian troops. Although the Burundian army is full of dozens of civil engineers, the Chief of Staff does not accept to send these engineers in peacekeeping missions, most of them being former Burundi Army Forces (mainly Tutsi) while there is any single former rebel engineer (mostly Hutu).

20. The tension is often high within the members of the Burundian AMISOM contingent; so that in January 2016, a group of militaries refused to eat their lunch, suspecting the food to have been poisoned. The conditions of life and work are extremely hard because of embezzlement of funds, which has resulted in the lack of essential equipment including tents, campaign beds, blankets and water supply. The military campaign fear scorpions bite, since they sleep on the ground and they often get sick because of exposure to the blazing sun. Large queue of soldiers collecting water expose them to daily surprise attacks. In such conditions, it is impossible to be performing on the ground.

5. Burundi troops becoming subject of blackmail

21. The presence of Burundian troops to peacekeeping missions became a subject of blackmail. Nkurunziza continues to threaten the international community with the withdrawal of these troops in case he is asked for any accountability of the continuing crimes in Burundi.

22. This blackmail approach applies not only to the neighboring countries of Somalia and Uganda but also against the countries of the European Union and the United States of America who all have an obvious interest in the security of the Mogadishu road maritime against sea pirates.

23. To justify that Burundi is in peace, Nkurunziza often repeats in his speeches that Burundi supports efforts to maintain peace in the world, which participation is stemming from internal stability, discipline and cohesion of the Burundi army.

6. Corruption et embezzlement of AMISOM funds

24. Nkurunziza regime diverts funds allocated to the purchase of equipment and ammunition as well as the cost of their rent. For example, the former commander of the 4th contingent, Col Oscar Nzohabonayo alias Gisabo, embezzled AMISOM funds without being worried. In addition to the human and material damage under his command, he even dared to sell with the Somalis, two generators with the following engines number: VEBO415 (110KA) and FGWPP6 LGTS06969 (80 KVA), as it is indicated in the handover note of the 4th and 5th contingents (Engineering Service). No action has been initiated to date following this embezzlement where the Colonel is clearly guilty of selling goods of common use of the military mission in fully impunity.

25. Impunity has always characterized the CNDD FDD regime from the bottom to the top, and accordingly the Colonel Nzohabonayo Oscar, nickname Gisabo will never be disturbed in any way whatsoever. Since then, several other equipment were sold to Somalis including heavy weapons.

26. According to a reliable source, money intended to buy sophisticated military combat vehicle was hijacked and the National Defense Forces bought one instead of three, which circulates

from one location to another during inspection missions to make believe that they are different vehicles. It would take a surprise inspection to find that the equipment presented in the reports exist only on paper.

27. It is no longer a secret that the Burundian military in peacekeeping mission spend more than six months without pay. It's also a real crime that goes unpunished. The money is regularly diverted and used for other particular criminal purposes.

7. EU decision; a half-measure.

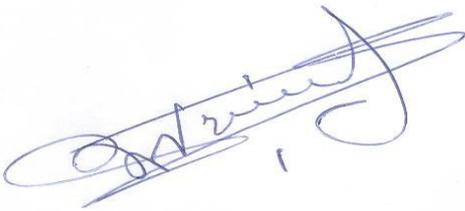
28. The EU has decided to revisit the issue of AMISOM financing, in particular regarding Burundian troops. It was so decided pursuant to Article 96 of the Cotonou Agreement, which allows the EU to take sanctions against a government that does not respect human rights and democratic principles.
29. The measure partially fulfills the funds' embezzlement challenge of the Bujumbura regime, but will encounter the already announced strategy aimed to overtaxing wage of peacekeeping militaries, which will aggravate the discomfort felt within the army.
30. In December, the Peace and Security Council has, after objective assessment of the situation in Burundi, especially stressing that the African Union will not allow another genocide in Africa, decided to send a peacekeeping mission (the MAPROBU) in Burundi to protect civilians and stop the violence.
31. From December 2015 up to now, the situation has seriously deteriorated with proven indicators of genocide, the discovery of mass graves, forced disappearances, the permanent threat on IDPs (survivors of ethnic massacres of 1993) and division within the army. Despite the seriousness of the situation, the UN Security Council voted to send a symbolic UN police (dozen of people), which can only observe the forces of Nkurunziza killing its citizens and establishing statistics gruesome deaths. Objectively, the Burundi situation requires a robust peacekeeping mission of at least 3000 troops with a strong mandate of and not limited to, protecting civilians and capable to put an end to mass atrocities committed by security forces or militiamen.
32. A number of Burundi soldiers in AMISOM peacekeeping mission have lost their relatives and their families are permanently exposed to a death threat. It is an outcome of this paradoxical situation where thousands of Burundian soldiers are sent to peacekeeping tasks while their positions are occupied by Imbonerakure militiamen. Contrary to these facts, the international community imposes sending a minor and non-armed police force to Burundi to play the role of "spectators". It is worth to emphasis again that Burundian troops serving in peacekeeping missions should be repatriated to contribute to the protection of their citizens. This applies not only simple logic, but also to the obligation of the African Union

and the entire international community to fight against an additional genocide and /or other crimes in Burundi.

33. Ultimately, the civil society organizations strongly demand the African Union to decide immediate and urgent repatriation of Burundian troops from AMISOM. Otherwise, they warn governments, regional and international organizations for possible heavy responsibility by depriving Burundi people from their legitimate protection in case of maintaining these Burundian troops outside their homeland , since it is now proved that the people of Burundi is in serious danger .

Done at Bujumbura on 23 May 2016

On behalf of the Citizen Movement Halte au troisième mandat,
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President of FORSC