



Legislative and Communal Elections – 29 June 2015

PRELIMINARY STATEMENT Bujumbura, 2 July 2015

Summary

The United Nations Electoral Observation Mission (MENU), pursuant to Security Council Resolution 2137 of 2014 to observe and report on the Burundian electoral process before, during and after the elections, began its observation activities on 1 January 2015. Based on its findings to date, MENU presents the following preliminary conclusions:

The legislative and communal electoral process took place in a tense political crisis, and a climate of widespread fear and intimidation in parts of the country. Fundamental freedoms of participation, assembly, expression, opinion and information have suffered increasing restrictions during the campaign period and as Election Day drew nearer.

The *Commission Electorale Nationale Indépendante* (CENI) conducted adequate voter registration and candidate nomination processes. However, the opposition parties repeatedly accused CENI of lack of credibility and independence. On 1 June, two commissioners resigned from the CENI claiming that conditions were not in place for credible elections and alleging external pressure.

The CENI preparations and arrangements for Election Day were largely sufficient, and polling activities took place regularly in the observed polling places. Nationwide, many Burundians went to the polls to cast their ballots for candidates of their choice.

Episodes of violence and explosions preceded, and in some cases accompanied Election Day activities, mostly in Bujumbura.

From its deployment to date, MENU observed media freedom restrictions, violations of human rights and other fundamental freedoms. MENU concerns include those related to private media reinstatement, protection of human rights and fundamental freedoms, including ensuring the right of the political opposition to campaign freely, respect for the rule of law and release of arbitrary detainees, and the disarmament of armed youth groups aligned with political parties.

MENU regrets that the parties did not reach agreement, through dialogue, to improve these conditions in the pre-electoral period. Regrettably, opposition parties decided to boycott the polls.

In view of the above findings, MENU concludes that the environment was not conducive for free, credible and inclusive elections. MENU notes similar concerns expressed by the African Union, the Eastern African Community, and the International Conference on Great Lakes Region.

Pursuant to the United Nations Security Council Resolution that established it, MENUB will continue to observe the remaining stages of the legislative and communal elections, as well as all the other elections planned for 2015. It calls for immediate cessation of all violence, including that perpetrated for political objectives, and for the basic human rights and fundamental freedoms of all Burundians to be respected.

Preliminary Findings

Overall Context

The contested candidature of the outgoing President for a third presidential term dominated the political discussions throughout the campaign. The attempted coup of 13 May, condemned by UN Security Council, the African Union and Eastern African Community, and the Secretary-General of the United Nations, provoked a further restriction of the fundamental freedoms of opinion and information with the closure of all private radio and television stations.

Attempts at finding a political solution to the contested candidature of the outgoing President and other issues identified at the various inter-Burundian meetings initiated since 5 May 2015 were not successful. Most of the recommendations of the East African Community Summits held on 13 and 31 May and those of the 13 June African Union Peace and Security Council, including on the resumption of dialogue, setting of a consensual electoral calendar, deployment of AU human rights observers and military experts, establishment of conditions for free, fair, transparent and credible elections, disarmament of armed youth groups aligned with political parties and the end of violence, were not met.

The 23 to 26 June dialogue held under the leadership of the Joint International Facilitation Team composed of representatives of the African Union, the East African Community, the International Conference for the Great Lakes Region and the United Nations was not able to reach an agreement on a consensual electoral calendar.

In a letter dated 23 June, 15 political parties addressed a letter to the CENI President in which they explained that given that the new electoral dates were not established on a consensual basis and due to the lack of propitious conditions for elections, they would not participate in the electoral process and that votes casted in their favour should be considered void.

According to the United Nations Office of the High Commissioner for Human Rights (OHCHR), 58 people have been killed during this electoral period with reports of torture and inhumane and degrading treatment by security officers and members of the CNDD-FDD youth wing, the *Imbonerakure*. Civilians and demonstrators have in turn been responsible for few cases of killing and injuries sustained by police and perceived *Imbonerakure* members and obstruction of movement and campaigns.

The UN Refugee Agency (UNHCR) also reports that as of 28 June around 144,000 Burundians have fled violence to seek refuge in neighbouring countries and therefore disenfranchising some voters.

Countries, international organizations and groups that had previously announced the deployment of electoral observation mission for the legislative and communal elections, such as the African Union, European Union, Eastern African Community, the International Conference for the Great Lakes Region and the Carter Centre did either withdraw or not deploy their observation missions, with many noting that the overall conditions were not conducive for credible elections.

Legal Framework

The electoral process is governed by the Constitution and the electoral code adopted unanimously by the Parliament on 3 June 2014, as well as the communal law. Burundi has ratified key international and regional instruments including the International Covenant on Civil and Political Rights, the Convention on Elimination of All Forms Discrimination against Women and the African Charter on Democracy, Elections and Governance.

Burundi has a mixed electoral system in which all office bearers serve 5-year terms: the 100 members of the National Assembly are elected through a closed-list proportional representation system. The 36 members of the Senate are indirectly elected by members of the Communal Council. At both legislative and communal levels the system takes into account, gender, ethnicity and minorities.

In its current form, the legal framework meets international and regional obligations and commitments and if applied in accordance with its spirit could be a good basis for human rights protections and holding free, fair, inclusive and peaceful elections.

Election Administration

The *Commission Electorale Nationale Indépendante* (CENI) is the body legally responsible for the organization of elections in Burundi. The CENI is comprised of five members, three men and two women. According to the law, the current CENI was originally appointed by the President of the Republic via a Presidential decree No 76 of 12 March 2012 for a non-renewable five-year fixed term. The Commission is represented at each provincial and communal levels by one *Commission Electorale Provinciale Indépendante* (CEPI) and the *Commission Electorale Communale Indépendante* (CECI) respectively. Beside the CENI and its local representations, other institutions that play a role in the overall management of the electoral process are the Ministry of Territorial Administration, the National Council for Communication and the Ministry of Public Security.

The composition of the current CENI members has been the subject of recurrent criticism from opposition parties and civil society organizations (CSOs), which accuse it of lack of credibility and independence. The Minister of Interior and the President of CENI have on several occasions disputed these claims and accused opposition parties of lacking a

genuine interest in the electoral process, claiming that opposition parties are attempting to discredit CENI to justify their non-participation in the electoral process. In response to the above, CENI organized several assessment workshops to make the electoral process more inclusive and allow contentious issues to be examined by all stakeholders. It showed a degree of flexibility in accommodating certain demands from political actors, especially during the registration of voters and nomination of candidates. However, the continued accusations of partisanship from the opposition parties affected negatively the perception of CENI's work, and tension with opposition persisted throughout the process.

On 1 June, the CENI's Vice-president and the Commissioner in charge of Administration and Finance resigned and fled the country. In their respective resignation letters, they stated that the prevailing political and security situation was not conducive to achieve the mandate entrusted to them. The resignation affected the Commission's ability to make decisions as article 11 of presidential decree 76 dated 12 March 2012 stipulates that it requires a consensus or the vote of the four out of five of its members to take a decision while also enshrining the ethnic and gender balance of the electoral body as prescribed in the Arusha Agreements. On 9 June, ten days after the resignation of the two commissioners, presidential decree 100/107 of 30 May amended paragraph 11 of decree 76 of March 2012 and allowed the CENI to reach decisions with a quorum of three out of five members. On 12 June, the Parliament approved the appointments of two new female members, thereby re-establishing the full composition of the body, and the ethnic and gender balance as prescribed by the Arusha Agreement. However, the opposition rejected the appointment process, perceived to be not consensual. The Minister of Interior had requested opposition parties to nominate candidates for the two positions, which they declined.

Voter Education

Voter education and awareness activities have been limited. The CENI produced billboards and voter information material and sponsored voters information and civic education ads that have been broadcasted daily by the state-owned media mainly in the last weeks of the campaign. The closing of private media impacted negatively voter information activities. In some districts, Catholic and Muslim leaders played a limited role in the civic education of their believers, inviting to behave responsibly and to exercise restraint.

Voter Registration

The process began on 24 November 2014, later than originally scheduled. In light of the low turn-out, the CENI extended the voter registration period, originally planned for two weeks, to 12 December. Opposition parties and CSOs reported to the media that their members and supporters had not been afforded identity documents for registration. The allegation was never substantiated, as no concrete cases had been produced. The CENI agreed to partially reopen the voter registration for a three-day period, from 20 to 23 March 2015.

MENUB observers followed the process of the re-opening of the electoral calendar as well as the display of the voters list across the country, covering 16 of the then 17 provinces.

MENUB Observers visited 68 out of 129 communes (52 %) and no incidents were reported. The observers noted that national identification cards, passports, driving licenses, student cards and Baptism certificates were forms of identification accepted by the electoral authorities. The presence of the police was discreet at exhibition centers. The presence of political party agents, especially of opposition parties and “joint” committees’ set-up to oversee the process, was extremely low. A total of 164,352 voters registered during this process. The presence of party agents was more noticeable during the re-opening process than it was during the display of the provisional voters’ lists; however, it remained low. Observers also noted the presence of adequate equipment for the re-enrollment process in the centers.

The exhibition and claims period was initially planned for seven days, but lasted only five. Potential voters may not have had enough time to check their names on the provisional lists. Further, the voters’ lists were not exhibited in all centers on the first day of the exhibition, thus only giving four full days for voters to verify their names. Moreover, the voters’ lists contained some mistakes mostly on the spelling of names and in the replacement of identification numbers with four zeros. The CENI explained to stakeholders that these mistakes would not prevent registrants from voting.

The CENI posted the provisional lists of voters from 7 to 9 April. According to CENI data published in May 2015, the total number of registered voters s 3,840,920 out of 4 million potential registrants. As of 23 June, a total of 3,292, 848 voter cards (84% of the total number of registrants) had been distributed by the CEPis and CECIs. The voter’s list as it currently stands has not been disputed by the electoral stakeholders.

Registration of Candidates

The nomination period for communal elections was from 30 March to 8 April, and 30 March to 13 April for the legislative elections. Opposition political parties and candidates, particularly candidates for the communal elections, complained about challenges they faced including delay of issuance of identification cards by local authorities, high fees for obtaining nomination forms and absence of administrators to timely provide the required documents. In response to some of the above concerns, the CENI extended the communal and the legislative nomination periods by three more days. On 15 April, the first approved lists of communal candidates were released at the provincial level. CENI granted candidates for the communal polls two days after notification, to file appeals against a CEPI rejection. The appeals, at the CENI level, initially planned to begin on 18 April and last four days, were extended through 23 April. For the communal elections out of 1,177 applications from 11 political parties, three coalitions and one independent entity 1,019 had been approved by CENI. For the legislative elections, 196 applications were presented by 10 political parties, three coalitions, and three independent entities, all approved by CENI. Overall, the process of nomination of candidates for the legislative and communal elections was inclusive.

Campaign Environment

The campaign period was extended twice, for technical reasons and in compliance with the EAC summit recommendations of 31 May. During the campaign period, several opposition parties and independent candidates publicly complained about security risks and intimidation by the ruling party and the *Imbonerakure*. Candidates from MSD and the independent coalition *Abibenga Mizero y'Abarundi* were targets of intimidation and harassment. On 23 May, ten *Abibenga Mizero y'Abarundi* members, including candidates, were arrested in Ngozi Province. On 27 April, in Kirundo province, *Abibenga Mizero y'Abarundi* members were detained on charges of intending to organize public protests. From 25 April to 8 May, OHCHR reported that 16 members of the MSD and *Abibenga Mizero y'Abarundi* supporters had been arrested and detained on charge of insurrection. Political campaigns were also negatively affected by the demonstrations in Bujumbura with the protestors blocking the roads in several neighborhoods and thus, hindering the free movement of individuals and vehicles. The 13 May failed coup further complicated the security environment and resulted into political campaigns being suspended for several days in Bujumbura. The campaign was further stained on 22 May by the assassination of UPD-Zigamibanga's leader Zedi Feruzi.

While the Government stated that campaign could be freely conducted in "99 per cent of the country" considered to be peaceful, MENEUB observers noted that only CNDD-FDD and allied parties FNL, COPA and UPRONA were able to campaign throughout the country. Opposition parties such as MRC and FRODEBU and independent candidates of *Abibenga Mizero y'Abarundi* coalition, were much less visible in the conduct of their campaigns. Most opposition parties and independent candidates conducted door-to-door campaigns, reportedly due to lack of funds and also due to fear of violence from CNDD-FDD supporters.

The spike in political tensions, the violent repression of popular demonstrations, the 13 May attempted coup, the flee of around 140,000 Burundians to neighbouring countries and the stalemate in the political dialogue impacted negatively the atmosphere of the electoral campaign. The campaigns were conducted in an environment of political crisis, mistrust and fear. The security concerns, the closure of private media contributed to narrowing of campaign space for political parties.

Media

For the majority of Burundians, radio remains the primary source of information. While the state-owned *Radio and Television Nationale du Burundi* (RTNB) dominates the media landscape with its nationwide coverage, Burundi also has several influential private radio stations such as *Radio Publique Africaine* (RPA), *Bonesha FM*, and *Isanganiro*. There are also four private television stations, namely *TV Héritage*, *TV Salama*, *TeleRenaissance* and *TV Rema*, but their viewership is largely limited to the capital. In addition to only daily newspaper, the state-owned *Le Renouveau*, there are also private weekly newspapers, such as *Iwacu* and *Ijambo*. The access to Internet is largely confined to urban areas.

The media in Burundi was previously known for enjoying a healthy degree of freedom of expression, despite the overly restrictive press law promulgated in June 2013. An amended media law is pending promulgation. However, since the beginning of 2015, Burundian media outlets and journalists, particularly from private media, have been subjected to restrictions and have often been accused by the Government of colluding with opposition political parties, fueling tensions through their live broadcasts, and instigating civil unrest and armed rebellion. Journalists have been victims of assault, detentions and attacks, as well as been expelled and harassed while on duty.

On 11 May, police stormed and occupied RPA's offices in Bujumbura. During a press conference held on the next day, the Director of *Bonesha FM* and ABR President expressed concern about such violent and unlawful acts and called for the immediate and unconditional end to the closure of RPA radio and the partial closure of *Isanganiro* and *Bonesha FM*.

Media oversight organizations including the National Communication Council (CNC), the Press Observatory in Burundi (OPB) and the Burundian Association of Radiobroadcasters (ABR) often expressed serious concerns about the violation of the journalist's code of ethics and the militant editorial line adopted by several media organizations. The CNC, OPB, and ABR informed MENUB of several media outlets, namely *Rema FM*, *Ngozi's Umuco FM*, and *Gitega's Star FM*, alleged to have been using violent and inflammatory language during their prime-time programs. The CNC urged all private and state media to operate in accordance with professional standards and code of ethics.

On 13 May, demonstrators against the third mandate burned down the pro-government *Rema FM* radio station. On the same night, armed soldiers responding to the then ongoing coup d'état, attacked with grenades and mortars the four independent radio and television stations, including RPA, *Radio Isanganiro*, *Radio Bonesha FM* and *Tele and Radio Renaissance*. Since then, the only radio station that operates in Burundi is the state-owned *RTNB*. The Government accuses the independent media of allowing itself to be used by the coup plotters to announce the 13 May aborted unconstitutional change of power and for inciting Burundians to use violence during the protests.

As a consequence of the atmosphere of fear and violence, the serious damages suffered by the media outlets, and the government's unwillingness to reopen private media and start dialogue with media practitioners, numerous Burundian journalists are in hiding and fearing retaliation while others have left the country. With the closure and the burning of the main private media outlets, MENUB only monitored state-owned broadcaster *RTNB*, both radio and television channels. The bulk of its electoral coverage has been devoted to the ruling party's activities and rallies, as well as the Presidents' statement activities as both incumbent and candidate. MENUB recorded recurrent airing of libelous statements opposition political figures. The overall coverage however did not appear to be along ethnic lines. Overall, *RTNB* outlets did not provide a pluralistic and impartial picture of the entire political spectrum.

Participation of Women

MENUB noted that the principle of gender equality was broadly observed during the electoral process. As stipulated in the electoral code, 30 % of the candidates on the lists for legislative and communal elections are women. In addition, 50% of the women in the registration centers were women. However, there is no female candidate nominated for the presidential elections.

Participation of National Minorities and Refugees

According to the electoral code, the National Assembly has to be composed of 60% of members from the Hutu group and 40% for the Tutsi group, and the Senate of 50% of Hutus and 50% of Tutsis. There was compliance to this provision. The electoral code provides a procedure for allowing the Batwa minority group to be represented in the Parliament.

The electoral period was characterized by the fleeing of about 144,000 Burundians to neighbouring countries as reported by the UNHCR to date. It is not clear how many of these were registered voters.

Other Electoral Observation Groups

On 28 May, following an assessment of the electoral environment, the EU announced that would suspend its observation mission as conditions for credible observation were not in place. The mission was then totally withdrawn on the eve of elections. On 28 June, the AU Commission Chairperson stated that conditions for free, regular, transparent and credible elections were not met and consequently the AUC would not observe the elections on 29 June. Regional organizations such the EAC, International Conference for Great Lakes Region (ICGLR), the Economic Community for Central African States (ECCAS), and the Common Market for Eastern and Southern Africa (COMESA) did not deploy observers. The Carter Center did not deploy its observation mission after seeking an accreditation.

Initially, several local NGOs had expressed readiness to observe the elections. However, following the deterioration of the political and security environment, some organizations announced that they would not participate as the conditions were not propitious for conducting free and fair elections. Representatives of the following organizations, namely *Action Burundaise pour l'Afrique* (ABA), AJAP League, IZERE, *Collectif Des Organisations Pour Le Développement Intégré* (CODIP), CCC, AJVD, *Observatoire National des Elections et des Organisations pour le Progrès* (ONELOP), *Ministère Africain pour la Compassion au Burundi* (MAC), *Ministère Paix et Réconciliation sous la Croix* (MIPARC), and *Union des Eglises Chrétiennes du Burundi* were observed by MENUB on Elections Day.

Polling and Counting

The eve of elections was characterised by a climate of fear, and on Election Day isolated episodes of violence were observed. MENUB observers were present in all 18 provinces, covering 50 municipalities out of 119. Overall, MENUB carried out observation in 145 polling sites. The presence of security forces, while significant throughout the country, was evaluated as discrete in the polling centers' observed. MENUB observers did not report the presence of the opposition political parties' agents that boycotted the elections, while local observers were reported to be present in the majority of the polling sites. In the polling stations observed, MENUB observers reported that polling procedures were not respected in all cases, and voters' understanding of the process was rather limited. MENUB observers continue their analysis and observation of results tabulation and post-elections complaints.

The United Nations Electoral Observation Mission in Burundi (MENUB) was inaugurated on 1 January 2015 following the Security Council Resolution 2137 (2014) in which the Security Council took note of the request of the Government of Burundi and mandated MENUB to observe and report before, during and after the 2015 elections. Since January 2015, MENUB officials have met with government officials, political party leaders, religious groups and leaders, media and civil society representatives to collect information on all aspects of the electoral process. MENUB follows the Declaration of Principles for International Election Observation endorsed at the United Nations in October 2005. Pursuant to its Security Council mandate, MENUB will continue to observe post election developments and results aggregation for legislative and communal elections, as well as all other elections scheduled for 2015. MENUB wishes to express its appreciation to the Government of Burundi, the CENI and all other Burundian authorities, political parties and civil society as well as the people of Burundi for their cooperation and assistance in the course of the observation.

An electronic version of this Preliminary Statement is available <http://menub.unmissions.org>.

For further information, please contact:

Vladimir Monteiro, MENUB Press Officer, Tel. 257 76115744 / 71236118, email: monteiro6@un.org

**United Nations Electoral Observation Mission in Burundi
MENUB – Chaussée d'Uvira PO 6899, Bujumbura Burundi**
