



# Security Council

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## Report of the Secretary-General on the United Nations Electoral Observation Mission in Burundi

### I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2137 (2014), in which the Council requested me to follow and report on the electoral process in Burundi. The report provides an overview of the conduct of the electoral process and the political and security situations following the parliamentary elections held on 29 June 2015. It also provides details about the closing and liquidation of the United Nations Electoral Observation Mission in Burundi (MENUM) following the cessation of its substantive activities. The report covers the major developments that occurred between 29 June and 18 November, the date of the official closing of MENUM.

### II. Major developments

#### A. Political developments

2. Since the issuance of my previous report, of 7 July 2015 (S/2015/510), the political situation in Burundi has remained volatile and dominated by sustained political violence, including a continued confrontation between supporters of the ruling party, the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD), and supporters of opposition parties and civil society organizations over the legality of the candidacy of the incumbent President, Pierre Nkurunziza. This confrontation continued after the holding of presidential polls on 21 July, which President Nkurunziza won by a substantial margin, and laid bare deep political divisions in Burundi that increasingly took on a violent dimension. Efforts to relaunch an inclusive political dialogue proved to be largely unsuccessful.

3. On 15 July, against the backdrop of the highly charged presidential polls, Alexis Sinduhije, the President of the Movement for Solidarity and Democracy (MSD), announced the creation of the National Council for Respect for the Arusha Agreement and the Rule of Law coalition. On 1 August in Addis Ababa, Léonard Nyangoma, the President of the Conseil national pour la défense de la démocratie (CNDD), was elected as the leader of the coalition, which also included former Heads of State and a number of dissidents from the ruling party.



4. Late July also saw a fracturing of the main opposition platform in Burundi, Amizero y'Abarundi, which, despite an earlier-announced boycott, had remained on the ballots during the elections. A faction loyal to Charles Nditije, former President of the Union pour le progrès national (UPRONA), refused to accept the election results, while the other prominent member of the coalition, Agathon Rwasa, the leader of his wing of the Forces nationales de libération (FNL-Rwasa), chose to take up his seat in the National Assembly on 30 July, along with 18 of his loyalists. He was subsequently elected as Deputy Speaker of the legislature.

5. On 20 August, Pierre Nkurunziza was inaugurated for a new term as President of Burundi. In his acceptance speech, he pledged to pursue political dialogue and restore peace in Burundi and promised a two-month period of amnesty for the surrender of illegal weapons to national authorities, while also indicating that the Government would provide training to civilians to enable them to participate in so-called mixed security committees with members of the armed forces to conduct law enforcement operations. President Nkurunziza also announced an amendment to the law on religious groups and civil society organizations to limit the involvement of such groups and organizations in political matters. On 24 August, a new Government was announced, in which Agathon Rwasa's party received five ministerial posts. On 26 August, the National Council for Respect for the Arusha Agreement and the Rule of Law stated that it no longer recognized Pierre Nkurunziza as President of Burundi.

6. On 17 September, while briefing the media on the report of the Commission of Inquiry established in May to investigate the anti-third-term demonstrations, the Attorney General disclosed a list of 25 individuals who allegedly had organized or supported an "insurrectional movement", including two former Heads of State, several prominent figures of the ruling party who had defected at the height of the crisis, and opposition and civil society representatives, some of whom were now part of the National Council for Respect for the Arusha Agreement and the Rule of Law. The Government indicated its intention to seek their arrest and their extradition to Burundi. The announcement prompted strong reactions from members of the opposition, who characterized it as a politically motivated defamation of dissident voices in Burundi. On 25 September, the President of the Council, Léonard Nyangoma, indicated that the Council still expected to negotiate with the Government face to face, outside the country and in the presence of external mediators.

7. On 23 September, President Nkurunziza signed a decree establishing the National Commission for the Inter-Burundian Dialogue, which would report directly to him. The Commission was mandated to address social and political questions, peacebuilding, security and economic development, as well as to evaluate the Arusha Agreement, the Constitution, the ceasefire agreement and the Charter of National Unity. On 17 October, by another decree, he appointed the 15 members of the Commission, in accordance with ethnic and gender quotas enshrined in the Arusha Agreement and including representatives of women, religious denominations, security forces and youth. However, the Commission did not include any members of the National Council for Respect for the Arusha Agreement and the Rule of Law or exiled members of the opposition or civil society. Members of the Commission formally took their oath of office in a ceremony held in Gitega on 23 October, in the presence of President Nkurunziza.

8. As the political stalemate continued, there were several instances of inflammatory statements. On 29 October, Révérien Ndikuriyo, the President of the Senate, made a speech to local administrators in which he stated that opponents in opposition-stronghold neighbourhoods in Bujumbura should be “pulverized” if they continued to resist, and held out a promise of plots of land to those who would “go to work”. The speech was widely condemned for its similarity to rhetoric used during the 1994 genocide in Rwanda and its apparent encouragement of violence against particular groups in Burundi. The Senate cabinet subsequently issued a statement saying that the President of the Senate had been misunderstood and that his statement had been misinterpreted.

9. On 2 November, President Nkurunziza extended his amnesty for voluntary disarmament and set a deadline of 7 November for civilians to surrender their weapons, noting that those who failed to do so would be dealt with as “enemies of the nation”. A forcible disarmament campaign began immediately after the expiration of the deadline, in particular in neighbourhoods where residents were generally thought to have opposed a third term. This increased tension and fear, and many residents abandoned their homes.

10. Throughout the reporting period, relations between Burundi and Rwanda were tense, with a series of mutual accusations that subversive activities were being supported on their respective territories. In late September, Burundi filed a complaint with the International Conference on the Great Lakes Region, blaming Rwanda for acts of aggression against its territory and for training rebels in the Mahama refugee camp. On 7 October, Burundi expelled the First Minister Counsellor of the Rwandan Embassy in Bujumbura, after having earlier raided his residence and claimed to have discovered an arms cache.

11. The continuing crisis in Burundi strained the country’s relationship with several international partners. On 1 October, the European Union imposed a travel ban and an asset freeze on four high-ranking Burundian security officers and held them responsible for the excessive violence and repression against civilians. A spokesperson of the Government of Burundi called the measures unjust and criticized the fact that opposition leaders were able to move freely within the territory of the European Union. On 3 October, the ruling party, CNND-FDD, denounced the European Union decision as illegal and tantamount to provocation, and also accused the European Union of ethnic bias, warning that sanctions against members of a single ethnic group could jeopardize the inter-Burundian dialogue. The European Union addressed a letter to the Government of Burundi on 26 October seeking consultations under article 96 of the Cotonou Agreement, which entails a review and the possible revision of European Union assistance to Burundi. On 2 October, Belgium, Burundi’s largest bilateral donor, suspended its cooperation programmes with the country.

## **B. Security developments**

12. Throughout the reporting period, the situation in Burundi, especially in the capital, was characterized by an ongoing deterioration of insecurity and a continued rise in violence.

13. Early in the morning of 10 July, exchanges of heavy gunfire broke out in the commune of Kabarore in Kayanza Province, on the Rwandese border. According to

local Burundian authorities, a group of armed elements, estimated to be roughly 500 individuals, clashed with troops at an army outpost and later vanished into the Kibira forest, where another confrontation reportedly followed. Thirty-one rebels were reportedly killed, and Burundian authorities claimed to have made more than 100 arrests.

14. Since July, nightly exchanges of gunfire and grenade explosions, followed by the discovery of the bodies of mutilated or executed people, have become commonplace in Bujumbura neighbourhoods such as Ngagara, Musaga, Cibitoke and Mutakura, which were widely regarded as hotspots for anti-third-term protests. Numerous reports have indicated a proliferation of weapons in the hands of civilians and the emergence of pockets of organized resistance and vigilante groups, who have clashed with security forces in the capital. These incidents have often been followed by the cordoning-off of the neighbourhoods by police and security forces, ostensibly to recover arms, which on a number of occasions has led to the loss of civilian lives. On 13 October, nine civilians, including a staff member of the International Organization for Migration, were killed in the Bujumbura neighbourhoods of Ngagara and Bwisa in an operation carried out by security forces following an ambush of two police officers. A staff member of the United Nations Development Programme (UNDP) was also killed, in a separate incident in Bujumbura on 7 November.

15. Since the presidential elections, there have been a number of political assassinations of and attacks on high-profile members of the ruling party, the opposition and civil society. On 2 August, General Adolphe Nshimirimana, a close aide of President Nkurunziza and former Chief of the National Intelligence Service, was killed when his vehicle was struck by a rocket-propelled grenade in the Kamenge neighbourhood of Bujumbura. The following day, Pierre Claver Mbonimpa, a leading Burundian human rights defender, was seriously injured when unknown gunmen opened fire on him on a street in Bujumbura. On 15 August, Colonel Jean Bikomagu, a retired army officer who had served as Chief of Staff of the armed forces during Burundi's civil war, was killed outside his house in Bujumbura by unknown assailants. On 7 September, an unidentified gunman shot dead the spokesperson of the opposition party Union pour la paix et la démocratie, Patrice Gahungu. On 11 September, General Prime Niyongabo, the Chief of Staff of the armed forces who played a key role in foiling the coup d'état attempt of 13 May, narrowly escaped an ambush in Bujumbura during which four of his bodyguards and three assailants were killed. Most murders, disappearances and cases of serious violence remain unsolved, which has exacerbated an atmosphere of impunity, tension and fear.

16. Since the failed coup d'état, there has been growing speculation about divisions within the Burundian armed forces, the reform of which had been praised as one of the major international peacebuilding successes following the signing of the Arusha Agreement. Reports of the arrest of military personnel allegedly involved in the assassinations of General Nshimirimana and Colonel Bikomagu and the attempted assassination of General Niyongabo, as well as the use of military vehicles and attire in those incidents, have fuelled such claims.

17. The Government's attempts to grant amnesty for voluntary disarmament have yielded only limited success. On 26 October, the commission tasked with overseeing that initiative reported that 6 heavy weapons, 36 assault rifles, 10 pistols,

115 grenades, 4,874 pieces of ammunition and 136 magazines had been voluntarily returned since 20 August.

18. The deterioration in the security situation has prompted several diplomatic delegations and international organizations to evacuate their staffs from Burundi. On 20 November, the International Conference on the Great Lakes Region, which has had its headquarters in Bujumbura since 2007, said in a statement that it would evacuate its entire staff and temporarily relocate to Lusaka.

### **C. Human rights and humanitarian developments**

19. During the reporting period, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported a surge in human rights violations and abuses, including extrajudicial killings, arbitrary arrests and detentions and unexplained deaths of individuals, some of whom were identified as political party members or human rights activists. According to OHCHR, between April 2015 and October 2015 more than 221 people were killed across the country, with 55 of those deaths occurring in the month of October alone. Records indicate that since 1 August 2015 there have been 44 politically motivated killings, including 9 CNDD-FDD members, 5 FNL members and 13 MSD members. According to the Government, between April and October 33 policemen were killed.

20. The bodies of victims were found mostly in the Bujumbura neighbourhoods of Musaga, Cibitoke, Kamenge, Jabe, Ngagara and Buterere and in the Maramvya zone of Bujumbura Rural Province, having been shot, strangled or mutilated with knives. Some of the victims' bodies had their hands tied behind their backs and displayed signs of torture. It was reported to OHCHR that many of the victims had been arrested by the police or by intelligence agents from the National Intelligence Service shortly before their bodies were found.

21. Security forces, mainly police and National Intelligence Service agents, have used torture and ill treatment against arrested and detained persons and have sometimes been assisted by the Imbonerakure, the youth wing of CNDD-FDD. OHCHR documented 79 cases in which victims had been tortured by the security services.

22. From 26 April to 31 October, OHCHR recorded the arrests of 2,946 persons throughout the country. Most of them were suspected of planning to join or participating in a rebel movement. Others arrested during police searches were mainly members of opposition parties, accused of the illegal possession of weapons and participation in protests or armed banditry. Those suspected of taking part in a rebellion were generally released within a few days for lack of evidence, while others are still in detention in various prisons in the country. Some of the arrested and detained persons were tortured or subjected to ill treatment or theft of personal belongings (such as cell phones and money). The vast majority of those in detention and still awaiting trial have exceeded their legally prescribed pretrial detention periods. During the reporting period, freedom of expression and freedom of the media in Burundi remained severely restricted.

23. The lives of journalists remain at risk. Journalists working for private and independent media continue to face harassment through judicial summons, arbitrary arrest and attacks while on duty. A number of Burundian correspondents working

for international and national media have been evacuated by the diplomatic community for security reasons. The activities of Burundian media oversight organizations such as the Press Observatory in Burundi, the Burundian Association of Radiobroadcasters and the Organization of Burundian Journalists were paralysed after several of their representatives, subject to arrest warrants, fled the country. On 16 November, Antoine Kaburahe, Director of the Iwacu Press Group, one of the few independent media outlets in Burundi, appeared before the Supreme Court in Bujumbura for a preliminary hearing on Iwacu publications on the attempted coup d'état. The case is still ongoing.

24. In the absence of private media, social media have emerged as alternative sources of unverified information on security events and human rights violations, which has contributed to a proliferation of rumours and innuendo that circulate unchallenged.

25. The political crisis in Burundi has aggravated an already poor socioeconomic situation, resulting in increased humanitarian needs throughout the country, particularly in the areas of protection, food security, malnutrition and health. Approximately 700,000 people are food-insecure and nutrition rates are reaching emergency levels, while the fragile health system is under increasing pressure. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as at 19 November, 217,757 Burundian refugees had been documented in neighbouring countries, the vast majority of whom had sought refuge not only in Rwanda and the United Republic of Tanzania, but also in the Democratic Republic of the Congo and Uganda. UNHCR continues to report a steady flow of refugees into neighbouring countries, in particular Rwanda and the United Republic of Tanzania, despite strict controls in border areas. In addition, there have been serious allegations of recruitment by armed groups in refugee camps.

#### **D. Regional and international efforts**

26. During the reporting period, regional initiatives in support of a political dialogue continued under the auspices of the East African Community (EAC) and the leadership of the President of Uganda, Yoweri Museveni, who was appointed at the Community's third emergency summit on Burundi, held on 6 July, to facilitate talks among the parties in Burundi. In that capacity, President Museveni travelled to Burundi on 14 and 15 July and met with President Nkurunziza and other stakeholders. He urged the stakeholders to negotiate intensively and continuously in order to reach consensus on all issues at stake. He also informed the parties that dialogue would continue under the leadership of his Minister of Defence, Crispus Kiyonga, and would focus on all issues without preconditions.

27. The Ugandan Defence Minister held meetings with the various Burundian political actors from 16 to 19 July. While the parties agreed on refugee issues and the disarmament of youth militias affiliated with political parties, they could not reach consensus on other issues, notably the electoral calendar. The participating members of the opposition insisted on the postponement of the presidential elections and the holding of new communal and legislative elections. On 19 July, the talks were suspended sine die after the Government had failed to attend the third session. On 28 October and again on 12 and 13 November, Minister Kiyonga visited Bujumbura for consultations. However, the dialogue process has not been relaunched.

28. The African Union Peace and Security Council backed the EAC-led dialogue efforts in its 17 November communiqué. In addition, several measures to address the situation in Burundi are outlined in the communiqué, including expanding the number of African Union human rights and military observers on the ground, calling for members of the Burundian security forces that have been implicated in violence not to take part in African Union missions, investigating human rights violations with the possibility of implementing targeted sanctions, and initiating contingency planning for the possible deployment of an African-led peace mission in Burundi.

## **E. Activities relating to the Peacebuilding Commission**

29. Since the eruption of the crisis in April, the Burundi configuration of the Peacebuilding Commission has met nine times to discuss Burundi and has issued four statements to encourage dialogue, warn against an escalation of violence and support regional mediation efforts.

30. During his last visit to Burundi, from 1 to 3 July, the outgoing Chair, Ambassador Paul Seger of Switzerland, warned against the increasingly polarized environment, characterized by entrenched positions and the muting of moderate voices on both sides. He recommended taking a firm and principled stance with regard to the violence and human rights abuses committed, while ensuring the provision of incentives to all stakeholders to participate in a constructive long-term dialogue upon which the social fabric could be rebuilt. He advised that the threat of sanctions by the international community be weighed carefully, since they could have the adverse effect of hardening positions and closing the window of opportunity for constructive dialogue.

31. The new Chair of the Peacebuilding Commission, Ambassador Jürg Lauber of Switzerland, made his first visit to Burundi, Uganda and the United Republic of Tanzania from 9 to 14 November, to discuss opportunities for the Commission to support the resolution of the situation in Burundi. He discussed four main issues: the security situation and the ongoing violence; dialogue initiatives; the socioeconomic impact of the current crisis; and partnerships at both the regional and international levels.

32. During his visit, the Chair appealed to all stakeholders to refrain from violence and reiterated that the Government was responsible for the security and safety of all the citizens of Burundi. He encouraged international and regional assistance for de-escalation measures such as the disarmament of armed groups and cautioned against inflammatory rhetoric, perceived or real, from any side, which could incite hatred among different groups within Burundian society and reverse the gains made towards social cohesion over the past 10 years.

33. The Peacebuilding Fund has continued its engagement in Burundi, with a current envelope of \$11.65 million to support dialogue, human rights monitoring, social cohesion and youth engagement. However, the ongoing situation in the country has had an impact on Fund projects and on the implementation of the broader peacebuilding strategy in the country.

### **III. Elections and electoral observation**

#### **A. Electoral environment**

34. The candidature of President Nkurunziza dominated the political discourse in the lead-up to the 21 July election. The various attempts at facilitating a solution to the disagreement regarding Nkurunziza's third term and the other issues identified at inter-Burundian dialogue meetings yielded no concrete results. The street demonstrations initially sparked by the late-April announcement of Nkurunziza's third presidential bid did not sustain their initial momentum in late June and July.

35. As most private radio and television stations remained closed after the failed coup of 13 May, the media coverage of the presidential campaign by the State-owned Radio télévision nationale du Burundi (RTNB) did not sufficiently provide the voting public with a pluralistic and impartial picture of the electoral contestants. President Nkurunziza received a disproportionate amount of coverage by RTNB compared with the other presidential candidates. Prior to the local council elections, security and internal affairs issues dominated RTNB programming and very little airtime was devoted to the local council elections.

36. The composition and the credibility of the National Independent Electoral Commission continued to be questioned by the opposition and civil society, despite an efficient voter registration and candidate nomination process and a logistically competent performance during the 29 June communal and legislative elections. The events related to the resignation of two of its Commissioners in early June, and their replacement (see S/2015/510, para. 35), fuelled perceptions of Commission partisanship within the opposition and civil society. On several occasions, the Minister of the Interior and the President of the Commission disputed those claims and accused opposition parties of lacking a genuine interest in the electoral process.

37. During the presidential campaign period from 25 June to 18 July, opposition parties held small meetings or carried out door-to-door canvassing activities instead of holding large campaign rallies, owing to a lack of campaign funds, supporters' fatigue after a long legislative and communal campaign period, and restrictions on freedom of assembly. Despite this shift to more low-profile campaign activities, some influential members of MSD and the Amizero y'Abarundi coalition were still arrested, went into hiding or fled the country.

38. In comparison with the environment before the polls on 29 June and 21 July, the electoral environment prior to the local council polls on 24 August was less politically charged. Owing largely to their nature, the local council elections did not garner much political attention. This was compounded by the fact that the focus in the country had shifted to security issues. Political developments, such as the swearing-in of President Nkurunziza, had no direct impact on the pre-electoral environment of these polls.

#### **B. Legislative and communal elections**

39. The logistical preparations of the National Independent Electoral Commission in advance of election day on 29 June were largely sufficient, which allowed for polling to take place in a regular manner.



40. On election day, MENEUB deployed 17 observation teams in all provinces, covering 50 of the 119 municipalities. Overall, the Mission carried out observation activities at 145 polling sites. The voting operations at the polling sites observed were slow but without tension. MENEUB observers reported that the established procedures were not always followed and that voters' understanding of the process was rather limited. The presence of security forces, while significant throughout the country, was evaluated as discrete at the polling centres observed. Isolated incidents of violence were observed, especially in urban areas, but not around polling centres. MENEUB observers did not report the presence of the agents of opposition political parties that had boycotted the elections, whereas domestic observers from groups considered close to the ruling party were reported to be present at the majority of the polling sites.

41. Closing and counting took place without major incidents, despite a general lack of knowledge shown by polling officials regarding the new counting procedures. In the counting activities observed, a large number of invalid votes were recorded, mainly because of a lack of familiarity with the procedures for marking the new single ballot paper, but also because of a reported desire on the part of some voters not to cast a valid vote. The result sheets were not posted at the polling-station level, but party agents present at counting signed and received copies in the locations observed.

42. On 2 July, MENEUB issued its preliminary statement on the conduct of the legislative and communal elections.

### **C. Presidential election**

43. After two postponements, the presidential election was held on 21 July. Notably, four of the eight presidential candidates — Jean Minani of the Front pour la démocratie au Burundi, Domitien Ndayizeye of the Rassemblement national pour le changement, Sylvestre Ntibantunganya (independent/Ijambo) and Agathon Rwasa of Amizero y'Abarundi — announced their withdrawal from the presidential race in late June, claiming that the political and security environment could not guarantee free and fair elections. They also called on the population to boycott the polls. Despite their threat not to participate, their names remained on the ballots because, according to the National Independent Electoral Commission, no candidate formally withdrew.

44. The logistical and administrative preparations of the National Independent Electoral Commission for the presidential elections were adequate and completed on time, with significant improvements made since the legislative and communal elections. The candidate nomination process was considered inclusive. The Commission and its territorial branches were able to prepare for the presidential elections while simultaneously completing the tabulation of communal and legislative results, adjudicating communal- and provincial-level complaints and handling the distribution of voter cards. On the eve of the elections, some incidents involving the burning of electoral materials and voter cards were reported in Bujumbura Mairie. Another challenge faced by the Commission was the relocation of a number of voting centres in Bujumbura Mairie for security reasons. The replacement locations were often remote and contributed to the low turnout in the region.

45. On 21 July, MENUB deployed 21 observation teams in all 18 provinces, covering 67 of the total of 119 communes. Overall, MENUB observers were present at 249 polling stations during opening and voting hours. The observation teams reported a calm environment throughout the country, with no security incidents observed. The voter turnout observed was noticeably lower than that during the legislative and communal elections.

46. Closing and counting took place peacefully and were better organized than those during the legislative and municipal elections. The type of election held, together with the practice initiated on the previous election day, facilitated better performance and expedited operations. MENUB still observed a high number of invalid votes. While reasons such as a lack of voter education activities and the newly introduced ballot paper were the likely causes of invalidity, some citizens reported to MENUB that intimidation and fear had also contributed to invalid ballot-marking. The result sheets were not posted at the polling-station level, but party agents present at counting received copies in the locations observed.

47. On 27 July, MENUB issued its preliminary statement on the conduct of the presidential elections.

#### **D. Local council elections**

48. The overall climate that preceded the local council elections of 24 August was not negatively affected by the major political events taking place in Bujumbura. On election day, Burundian citizens went to the polls to elect five members of their local councils in charge of hills (*collines*) and neighbourhoods (*quartiers*), the smallest administrative units in Burundi. There are a total of 2,913 local councils, including 2,814 hill councils and 99 neighbourhood councils. For local council elections, candidates compete on a strictly non-partisan basis.

49. On 24 August, MENUB deployed 24 teams in all 18 provinces, covering 79 of the total of 119 municipalities. Overall, MENUB observers were present at 223 polling stations, encompassing approximately 210 hill and neighbourhood councils. The performance of polling staff was assessed as generally good. Among the problems reported was uneven implementation of the procedures for adding voters to the list and for assisted voting. However, neither of those issues was assessed as causing an alteration of the will of the voters.

50. The polling stations generally closed on time or with minor delays, and procedures were largely followed, with a few exceptions regarding the interpretation of the rules regarding invalid votes and the compilation of tally sheets. Given the high illiteracy rate, the decision regarding the validity of the ballots, whereby candidates' names had to be handwritten by the voters, was left at the discretion of polling station officials, who generally handled the task well. The result sheets were not posted at the polling-station level, but party agents present at counting received copies in the locations observed.

51. On 27 August, MENUB issued its preliminary statement on the conduct of the local council elections.

## **E. Results management and tabulation**

52. MENUB observed that the established procedures had not been followed in all cases during the tabulation of the results of the legislative and communal elections, for various reasons, including insufficient training and poorly completed result sheets. The National Independent Electoral Commission stated that that had been a consequence of the last-minute withdrawals of polling station staff and the fact that their replacement had been carried out without following Commission instructions.

53. For the presidential elections, the tabulation of results at the communal and provincial levels was conducted during the late-night and early-morning hours of 22 July by the communal and provincial independent electoral commissions, respectively. Owing to security restrictions and, in some cases, conflicting information received by the communal independent electoral commissions, MENUB observers could not generally follow all the tabulation steps. The established procedures for the announcement of preliminary results were closely followed in all the provinces covered. Results were first announced by the communal commissions, in relation to the communal elections; then by the provincial commissions, in relation to the provincial elections; and finally by the National Independent Electoral Commission, which proclaimed the provisional results.

54. The tabulation of the results and the announcement of the provisional results of the local council elections took place at the communal level. The communal independent electoral commissions began the aggregation of results immediately after receiving the envelopes containing the results and continued it overnight. MENUB evaluated the process as generally satisfactory. The announcement of the results was often delayed in order to resolve candidates' complaints beforehand.

55. None of the central tabulation activities were carried out at the previously established data-processing centre, which was used for processing voter registration applications.

## **F. Electoral complaints**

56. In respect of the legislative and communal elections, a number of complaints were submitted by CNDD-FDD, FNL, UPRONA and the Coalition for Peace in Africa, which requested a recalculation of the invalid votes at the provincial level. Those complaints were in line with the inconsistent interpretations of valid votes observed by MENUB during the counting process. In many cases, complaints were related to the voiding of votes cast by means of fingerprint marks on the candidates' pictures. Following a clarification issued by the National Independent Electoral Commission, recounting took place in several provinces and communes. MENUB observers noted that recounting operations had not been conducted in a consistent manner and often addressed only the complainant's concerns, without the conduct of a complete recount. In a few cases, complaints were dismissed, as political party agents had already signed the results protocol at the polling-station level. The Commission subsequently acknowledged a procedural vacuum with respect to determining the first-level instance of competence.

57. The Constitutional Court received three appeals regarding the legislative results: two from UPRONA and one from CNDD-FDD. The UPRONA appeals were considered admissible and were examined by the Court on the basis of their merit.

The first appeal challenged the allocation of seats for Amizero y'Abarundi in the light of its announced boycott, and the second concerned the calculation of the electoral quotient and questioned the interpretation by the National Independent Electoral Commission of the vague definition of cast votes set out in the electoral code. In the preliminary allocation, the Commission had considered only valid cast votes acceptable for the seat allocation process, rather than all cast votes, as could be inferred from the electoral code. On 17 July, the Constitutional Court upheld the Commission's decisions in both cases and confirmed the preliminary results as final.

58. No complaints were filed with the Constitutional Court with respect to the presidential elections. The Court stated that no irregularity had been found in the process and announced the final results with a number of minor corrections.

59. With regard to the local council elections, complaints and appeals were an important component of the process. The communal independent electoral commissions functioned as the first level of review, with six calendar days from the time complaints were filed in which to adjudicate. Provincial independent electoral commissions constituted the second and final instance of appeal. While a large number of complaints to the communal commissions were submitted nationwide, MENUB has not received official consolidated figures from the National Independent Electoral Commission to date. The complaint filings observed by MENUB often prompted vote recounts that changed the composition of local councils.

## **G. Final results**

60. The preliminary results of the communal and legislative elections were announced by the President of the National Independent Electoral Commission on 7 July and upheld by the Constitutional Court on 16 July. It was announced that the official voter turnout had been 74.32 per cent. The information provided at the event and later published on the Commission's website did not contain any breakdown of results at the municipal or polling-station level. At the National Assembly, only three political parties and/or coalitions obtained seats: CNDD-FDD, with 1,721,629 votes (60.289 per cent), obtaining 77 seats; the independent coalition Amizero y'Abarundi, with 318,717 votes (11.16 per cent), obtaining 21 seats; and UPRONA, with 71,189 votes (2.49 per cent), obtaining 2 seats. The National Independent Electoral Commission allocated 21 seats by co-optation to meet the ethnic and gender requirements set out in the Constitution. The other co-opted delegates were 18 women, including 3 of Hutu ethnicity and 15 of Tutsi ethnicity (9 from CNDD-FDD and 9 from Amizero y'Abarundi). The other three co-opted National Assembly delegates were of Twa ethnicity. The inaugural session of the National Assembly was held on 27 July 2015, with final results confirmed on 18 August.

61. With respect to the presidential elections, the preliminary results were announced by the President of the National Independent Electoral Commission on 21 July 2015. In the absence of complaints, the Constitutional Court officially declared the election of President Pierre Nkurunziza on 28 July 2015. The President was sworn into office on 20 August at a joint session of the two chambers of parliament.

62. With regard to the local elections, the final results were announced by the provincial independent electoral commissions and transmitted to the communal

independent electoral commissions, with copies distributed to the provincial Governors and municipal administrators. Each provincial commission announced the results on a different date, according to the handling of the appeals it had received, in any case no later than 4 September. An official swearing-in date for the local councils is not specified in the law: governors and municipal administrators generally took office in October.

## **H. Participation of women and other marginalized groups**

63. The right of women to participate in the country's social, economic and political life is enshrined in the Arusha Agreement and the Constitution. Burundi has signed and ratified both the Convention on the Political Rights of Women (1953) and the Convention on the Elimination of All Forms of Discrimination against Women (1979). The Constitution stipulates that women should occupy at least 30 per cent of seats in the National Assembly and the Senate as well as 30 per cent of positions in the Government. The implementation of that provision is often achieved through a cumbersome co-optation mechanism that does not facilitate proactive efforts by political parties to promote a higher level of representation.

64. With respect to the legislative elections, 30 per cent of the candidates listed were women. Although the gender quota was largely met by political parties in terms of the composition of their candidate lists, women were rarely highly ranked. As a result, only 25 per cent of them were directly elected, with the representation of women increasing to 36 per cent by means of the co-optation mechanism. With regard to the communal elections, some final lists of competing parties did not meet the gender quota requirement. No female candidates were nominated for the presidential elections, despite the fact that two political parties were chaired by women.

65. As for government positions, women represented 30 per cent of ministerial appointments, as stipulated in the Constitution. This compares unfavourably with 43 per cent in 2010 and 35 per cent in 2005. Only 3 provinces out of 18 are governed by women, another decline compared with the number of women governors in the 2010 elections. The involvement of women in the management of the electoral process was assessed as being balanced and in line with legal requirements. Two of the five members of the National Independent Electoral Commission are women, with one of them occupying the position of Vice-President. The 30 per cent gender quota was met in the establishment of provincial and communal independent electoral commissions as well as in terms of voter registration and polling staff. As for the gender breakdown of registered voters, out of a total of 3,840,920, 1,969,625 were women, representing an overall proportion of 51.27 per cent.

66. In the 2015 presidential campaign, female leaders and political actors were, with very few exceptions, given very limited coverage by RTNB in special programmes monitored by MENEUB. The station devoted slightly more airtime to female political actors during the legislative electoral campaign than during the presidential elections. This can be explained in part by the lack of women candidates for the presidential elections and the 30 per cent quota for the legislative elections. Furthermore, the closure of private media that had previously aired special programmes targeting women had a negative impact on female political

leaders throughout the electoral process. During the local council election campaign, women had greater access to RTNB than men, especially on the radio.

## **I. Other international and national observation groups**

67. The 2015 electoral process was expected to be highly scrutinized by international and national observation groups. The events that followed the incumbent President's bid for a third term and the unstable security environment that ensued changed the political landscape.

68. The international observation missions of the European Union and the Carter Centre suspended their missions after the attempted coup in May 2015, and both were officially terminated before the parliamentary elections. The African Union did not deploy electoral observers. MENUB was therefore the sole international observation mission present on the ground for the 29 June elections. For the presidential elections, EAC and the International Conference on the Great Lakes Region deployed observers: EAC deployed 25 observers in 18 provinces, while the Conference deployed 30 observers. The conclusions of the EAC mission largely echoed those of MENUB.

## **J. United Nations technical assistance**

69. UNDP managed the Project to Support the 2015 Electoral Cycle in Burundi (PACE) through a basket fund established in late 2013. The budget for the entire electoral cycle was estimated at \$29.7 million. International donors, including Belgium, France, the Netherlands, Norway, Switzerland, the European Union and UNDP, pledged \$19.8 million, \$15.6 million of which was disbursed. In view of the deteriorating security conditions and the lack of an environment conducive to free and fair elections, Belgium, Switzerland and the European Union suspended the second disbursement of their contributions, while the Netherlands and Norway cancelled previously announced additional contributions, leaving the basket fund with a gap of \$14.1 million. Subsequently, on 26 June, I suspended PACE.

70. Prior to the suspension, UNDP had provided technical support for the establishment of a data-processing centre in January 2015. The centre processed the voter registration data and produced the voters' list in March and the voting cards in late May. The total number of registered voters was 3,849,727 (1,970,539 women and 1,879,188 men).

71. In addition to carrying out other activities, UNDP provided technical assistance for the design and production of the single ballot used for the first time in Burundi. UNDP was also responsible for the procurement of both sensitive and non-sensitive electoral materials for the entire electoral cycle, which it purchased and delivered on time for the 29 June legislative and communal elections and the 21 July presidential election. After the suspension of PACE, the procurement processes relating to sensitive materials for the 24 July senatorial elections and the 24 August local and municipal elections were cancelled, and the responsibility for procurement was transferred to the National Independent Electoral Commission.

72. UNDP and the International Foundation for Electoral Systems jointly managed a programme for the prevention of and early response to electoral violence. Between

November 2014 and March 2015, 275 monitors of the Episcopal Commission for Justice and Peace were trained and gradually deployed throughout the country. The programme reported 651 registered incidents of electoral violence and nearly 500 peace events between February and September 2015.

#### **IV. Liquidation of the United Nations Electoral Observation Mission in Burundi**

73. In accordance with resolution 2137 (2014), the mandate of MENEUB ends on 31 December. Article 55 of the status-of-mission agreement between the United Nations and the Government of Burundi stipulates that the liquidation of MENEUB should be completed within nine weeks of the conclusion of the electoral observation tasks and no later than 31 December 2015. MENEUB commenced its liquidation on 1 October.

74. At the time of its liquidation, MENEUB had 129 personnel (90 international staff, 11 United Nations Volunteers and 28 national staff). Its liquidation was based on the following timeline: (a) end of electoral observation activities by 28 October; (b) submission of the final electoral observation report by 28 October; (c) closing of the regional offices by 30 October; (d) submission of the draft report of the Secretary-General to Headquarters by 16 November; (e) end of substantive activities by 30 November; (f) MENEUB closing ceremony by 30 November (conducted on 17 November); (g) departure of substantive staff (except some members of the liquidation team) between 1 and 10 December; and (h) completion of liquidation activities by 31 December.

75. The placement of international staff at other duty stations is ongoing and will continue through the Department of Field Support beyond December 2015. Given the limited job opportunities in Burundi, MENEUB has been working closely with United Nations agencies, funds and programmes to absorb national staff.

76. Most of the heavy equipment and vehicles procured under the relevant systems contracts have been transferred to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. Other equipment in good condition will be transferred either to particular United Nations agencies, funds and programmes or to other United Nations missions in accordance with United Nations rules and regulations. Some vehicles have been disposed of locally, either through sale to interested United Nations agencies or through commercial sale. Prefabricated buildings and ablution units have been handed over to the relevant landlords of the Bujumbura site.

77. The liquidation of MENEUB has been carried out simultaneously with reporting activities and operations. This, along with the departure of key staff to other duty stations, has posed challenges to the Mission. However, with the administrative and resource support of the Global Service Centre liquidation team, the Regional Service Centre and MONUSCO, MENEUB Mission Support has been able to support the Mission's operations and to complete the liquidation process in a timely and efficient manner.

## V. Observations

78. Elections represent a critical juncture in the democratic processes of any country, particularly countries in post-conflict situations. As underlined in the MENUB and EAC observation statements, despite peaceful polling days and the adequate operational management provided by the electoral authorities, the conditions were not in place for the 2015 electoral process in Burundi to be credible and transparent. I urge the Government of Burundi to work with and support the electoral authorities in creating the conditions for free, fair, transparent and credible elections in the future. I also urge the Government to pursue reconciliation efforts and enact the legal reforms needed to achieve that objective. Some of the options for legal reforms are underlined in the MENUB final observation report, which will be published separately.

79. I am deeply troubled by the continued suspension of independent and private media. Besides the holding of regular free and fair elections, freedom of expression and of the media is an important measure of the maturity of a democratic system. Independent and private media have been prevented from broadcasting for almost six months. National and international independent journalists continue to be prevented from carrying out their basic duties. Many of them have fled the country for security reasons. Some have been arrested, brutalized, tortured or killed. The absence of pluralism in the media has created room for rumours to spread in an already tense and charged environment. It is vital that the Government take the necessary steps to allow the private and independent media to operate freely in Burundi. In cases in which judicial proceedings have been initiated against private and independent radio stations, I urge the Government to finalize those proceedings expeditiously in compliance with relevant Burundian laws and international obligations related to the media, particularly the freedoms of opinion and expression.

80. Regrettably, the legacy of the Arusha Agreement and the political and developmental progress that Burundi has enjoyed over the past 15 years have come dangerously close to unravelling. The country's peacebuilding gains have been eroded in many areas. I appeal to the Government of Burundi and the opposition to make every effort to return the country to the path of peace and economic and social development for the sake of its people and the region as a whole. An inclusive and genuine dialogue with all national stakeholders must be convened without further delay to find a durable settlement to the crisis. The United Nations stands ready to support all efforts for the peaceful resolution of political differences in the country. On 9 November, I appointed Jamal Benomar as my Special Adviser. He will work closely with the Government of Burundi, countries in the region and international partners to ensure a coordinated approach to ending the simmering conflict in Burundi. In addition, pursuant to Security Council resolution 2248 (2015), a team will soon be deployed to the country to support that effort.

81. I deplore the serious violations of human rights and the increased violence that have forced hundreds of thousands of Burundians into exile and into refugee camps, while hundreds more have been killed. I strongly condemn all acts of violence, human rights violations and abuses by all sides, including extrajudicial killings, targeted assassinations and torture. I call for an end to all forms of violence and urge the Government of Burundi to hold accountable and bring to justice all those responsible for violations of Burundian law and international human rights and humanitarian law. The Government of Burundi must address impunity in all its facets in accordance with its international obligations.



82. All public statements by those within and outside the country inciting violence or hatred towards different groups in Burundian society must stop immediately. The continuation of ultimatums, rhetoric and inflammatory speeches by government officials, leaders of the opposition, civil society organizations and other parties will only continue to fuel tensions and bring Burundi closer to the brink of civil war. Both the Government and the opposition should deplore and condemn such language.

83. Finally, I would like to thank Issaka Soua, the Officer-in-Charge of MENTUB, for his leadership and relentless efforts to accomplish its mandate under very difficult circumstances and uncertainties. My appreciation goes also to all MENTUB staff who served with determination and courage to fulfil the Mission's mandate.

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