

REPUBLIC OF BURUNDI



THE PRESIDENT

N° 100/196 /PR/2018

His Excellency Yoweri KAGUTA MUSEVENI,  
President of the Republic of Uganda and  
Current Chairman of the East African Community  
KAMPALA - UGANDA

Bujumbura, December 4<sup>th</sup>, 2018

Your Excellency Mr. President,

I would like to convey to you greetings and best wishes from the Burundian people and acknowledge receipt of your transmittal letter accompanying the Report of the Facilitator and former President of the United Republic of Tanzania, His Excellency Benjamin Mkapa.

The Government of the Republic of Burundi is grateful to the International Community in general and, in particular, to the East African Community for the efforts, the time and the means made to assist Burundi, especially when we were fighting against an insurrection, an attempt to overthrow democratically elected institutions and against terrorism that some troublemakers were trying to establish in my country, unfortunately with the complicity and support of a Member State of the Community, Rwanda.

I thank all those who helped Burundi to overcome challenges and difficulties it experienced. They contributed a great deal to the return of peace and security that prevail currently throughout the country. I am particularly grateful for your decision to include the Burundi-Rwanda conflict on the agenda of the November 2018 Summit. However, the Burundi-Rwanda issue is so serious that it should be treated as a single point. The Government of the Republic of Burundi also welcomes the understanding and the decision of the Heads of States to postpone the November 30<sup>th</sup> Summit as we had requested.

As far as the Facilitator's Report is concerned, the Government of the Republic of Burundi has demonstrated its commitment to the values of democracy through an inclusive



dialogue, by supporting, as of September 2015, an inter-Burundian dialogue process, under the aegis of the National Commission for Inter-Burundian Dialogue (CNDI) across the country and by sending delegates to all sessions organized by the EAC-led Facilitation, with the exception of the fifth and last ones scheduled on dates coinciding with a period of national mourning in memory of the Heroes of Independence (HRH Prince Louis RWAGASORE) and Democracy (HE Melchior NDADAYE).

**Your Excellency Mr. President,**

In his observations, the Facilitator states that "the political situation in Burundi remains a matter of concern". This is contrary to reality because he and his team and the Regional Organizations such as the ICGLR, the AU, the Pan African Parliament, the Association of African Ombudsmen; and the UN through the Peace building Commission, know this and confirmed it in their report after their visit throughout the country. Apart from the perpetrators of the coup of May 2015 and their accomplices who fled justice after plunging Burundi into mourning, all the political parties and civil society organizations are working on the Burundian territory in an environment of democratic openness. Moreover, as security prevails throughout the country, citizens normally go about their development work, that was the ultimate and desired goal of the dialogue.

In contrast to what the Report says in its comments on the National Commission for Inter-Burundian Dialogue (CNDI), this was established in 2015 by Decree No. 100/34 and its members appointed on October 17, 2015 by Decree No. 100/46 of October 2015, while the Facilitator was appointed on 2 March 2016 at the end of the 17<sup>th</sup> Ordinary Summit of EAC Heads of State and Delegation. It has never been a question of conducting a parallel process because the two processes (internal and external) are complementary.

As stated in article 96 of the Burundi Constitution, it is my responsibility to ensure continuity and functioning of Burundian institutions. Therefore, no one has the right to question the establishment of CNDI.

The internal dialogue process, more inclusive and less expensive, was concluded on April 20<sup>th</sup>, 2017 and managed to collect recommendations from the population grouped into 120 points from 26,748 stakeholders. This Commission fully collaborated with the EAC and the Facilitator's Team. For their part, CNDI members also contributed to all inter-Burundian dialogue sessions organized by the East African community. In particular, they went to Uganda and met, on 29 November 2015, with General Crispus Kiyonga, former Minister of Defence of Uganda, and held several inter-Burundi dialogue sessions in Burundi, in the presence of the Facilitator's Team. Members of CNDI and those of the Facilitation worked closely together.

The holding of the referendum in 2018 should not be considered as a "fait accompli" because it is the will of the Burundian people and is within the sovereignty of

States, and it is recognized by conventions, charters and international treaties. In addition, the Facilitation Team never questioned the legitimacy of the Burundian institutions elected in 2015 for a five year term (2015-2020) as well as their duty and responsibility to implement what they were elected for. Contrary to what is said in the report, the Government wishes to make it clear that there has not yet been a question of revising the Arusha Agreement or its constituent elements.

From 2000 to 2018, the Arusha Agreement reached the age of maturity, 18 years old. All that was provided for by this Agreement has been achieved. We can no longer go back and question the step already taken with this Agreement because it would be a coup d'état to all its gains.

In addition, all the provisions of the Arusha Agreement were respected and the bodies recognized by it were all put in place. Besides, the only body authorized to evaluate the implementation of the Arusha Agreement is the Burundian Senate, any other interference would be to overthrow this institution elected by the people.

**Your Excellency Mr. President,**

It has been proven that it is wrong to consider the month of April 2015 as a starting point for the difficulties that Burundi has gone through. The uprising, the coup attempt of May 13, 2015, the armed attacks from Rwanda (January 2015) and (July 2015) as well as the terrorist attacks in some neighbourhoods of Bujumbura, represent the culmination of the refusal of democracy since 2010, when those who lost the communal elections preferred to abandon the rest of the electoral process and began to sabotage any government action and swore in public and in the media that in 2015 there would be no elections. The report fails to clarify this capital element to successfully close this dialogue and which could help to better understand all the shape of the 2015 electoral process and the challenges Burundi has faced. Hiding this reality would be a waste of time, a way of practicing the politics of the ostrich, which hides its head, forgetting that its whole body is uncovered and seen by all passers-by.

It is all the more surprising that this Report to be endorsed by the EAC ignores the aggression of Burundi by Rwanda, a member State of the Community and against which Burundi formally complained to the authorities empowered by the East African Community, ICGLR, the African Union and the United Nations.

Burundi and other observers have shown that young Burundians, including children, were recruited from refugee camps in Mahama for example and enlisted in criminal gang units and death squads for the purpose of destabilizing Burundi. In addition to the fact that Rwanda has prepared and supervised the coup d'état of 2015, the coup perpetrators and other criminals have taken up residence in Rwanda where they receive support to attack Burundi crossing the Rwanda-Burundian border or via the East of the Democratic

Republic of Congo as well as getting assistance and travel documents to enable them to circulate in the region and even in Europe. We have all the evidence at our disposal including the persons we arrested on the battlefield. It is Rwanda that commands and assists them politically, militarily and diplomatically, in collaboration with Belgium.

You will recall Excellency that Rwanda refused to cooperate with the Joint Verification Team while Burundi cooperated fully, which gives sufficient proof that this country has never wanted the light to be shed on its aggression against Burundi. These terrorist acts have caused the deaths of several hundred Burundians in Mugina (Gibitoke), Kabarore (Kayanza), Ruhagarika (Gibitoke), in the capital Bujumbura and elsewhere and all the detractors were coming from Rwanda via the DRC, and it is obvious that the East African Community should not turn a blind eye to the suffering of daughters and sons of Burundi.

Another evidence of the persistence of the provocation is the violation of the Burundian airspace by a Rwandan military aircraft, violation confirmed by a report of the Joint Extended Verification Mechanism (JEVM) of August 16<sup>th</sup> 2018, just as the Republic of Burundi never stopped to alert the Community about the obstacles of the Rwandan authorities for the return of Burundian refugees wishing to return to their homeland.

Concerning the Report's indication of the issues to be resolved before the 2020 elections, citing the deployment of foreign elements to replace the Republican forces in protecting the citizens, the consecration of impunity by cancelling arrest warrants against coup perpetrators or imprisoned elements and by amnestying them: would you accept, Excellency Mr. President Yoweri Kaguta Museveni, to sit down with coup perpetrators on the run, if such a situation happened in Your country? Could their Excellencies Uhuru KENYATTA and John Pombe Joseph MAGUFULI accept to violate the Laws of their respective countries by leaving unpunished troublemakers who have attacked democratically elected institutions and by inviting them on a table of dialogue? The coup perpetrators are everywhere brought to justice and judged by Courts and Tribunals, why then the Burundian ones would be an exception?

If this is the case and if pressure is to be put on Burundi to violate its Laws by talking with coup perpetrators, what prevents to this day, President Paul KAGAME to negotiate with the Interahamwe and other elements that threaten the security and integrity of Rwanda?

It is therefore very urgent for the East African Community to focus on the real problem that is jeopardizing peace and security throughout Burundi. It is Rwanda, a State Party to the Treaty establishing the East African Community, which is not at its first attempt to destabilize its neighbour Burundi, in violation of the fundamental principles of the Community as provided in Article 6 of the Treaty.



Rwanda is also ignoring the Pact on Security, Stability and Development in the Great Lakes Region, particularly its article 4 and paragraph 5.

Rwanda is also Party to the African Charter on Human and Peoples' Rights and President Paul KAGAME holds the rotating presidency of the African Union. The content of section 23 of the Charter should therefore not be ignored.

In short, Rwanda is the only country in the region that is one of the main destabilizers of my country and therefore I no longer consider it a partner country, but simply as an enemy of my country.

Burundi would like to remind that Burundian people have "the right to peace and security both nationally and internationally" under the African Charter on Human and Peoples' Rights, which is an integral part of the Treaty establishing the East African Community and reiterates its commitment to respect for international conventions while hoping that it will be the same for other states. In any case, therefore, the Community should first and foremost address this open conflict and the Region will be a haven of peace for the peoples of the respective countries that make up the family of the East African Community.

Bearing that in mind, the Report thus produced can only bind Burundi if its elements that do not correspond to reality are removed. Among other things, the accusations of unwillingness falsely brought against Burundian institutions, the interference in the internal affairs of Burundi in violation of the principle and the obligation of non-interference universally recognized and applicable, the unfounded assertion of any revision of the Arusha Agreement when this step has not been taken yet. Moreover, the dialogue involved all political parties, civil society and Burundian partners in dialogue. All this time, the Government has always assisted the Facilitation team.

In short, this report jeopardizes all the major steps already achieved during the last rounds, and this is understandable because the Facilitation met the coup perpetrators while all the participants who were supposed to come from Burundi were absent for the right reasons. The last round must be done again with reference to the results of the 4th round.

Excellency Mr. President, by analysing the conclusions of the fifth round, they question those of the fourth round which had the merit of moving towards the finalization of a roadmap for the elections of 2020. It could not be any other way because; the participants were mostly coup perpetrators on the run and their accomplices wanted by the Burundi Judiciary. In order to avoid to be held accountable for their crimes before the Burundian judiciary, these coup perpetrators want the Facilitator to negotiate an amnesty. This is what the Government will never accept, because it would be promoting impunity and denigrating the sovereignty of the Burundian people, and thereby completing the rampant 2015 coup d'état with the endorsement of the Facilitation and the East



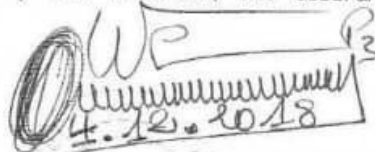
African Community. Your Excellency Mr. President, I am sorry to tell you that I will never sit together with coup perpetrators.

Your Excellency Mr. President, I would like to recommend the organization of an extraordinary Summit whose agenda will be to clear the issue of open conflict between Burundi and Rwanda.

At the end of this extraordinary Summit, the Facilitation will then be able to organize the 5th and final round of dialogue with Burundian political partners to share the roadmap already agreed on and signed by all political parties, leading up to the 2020 elections. Let me make it clear that there is no single political party that operates from outside Burundi apart from individuals wanted by the Burundi Judiciary who claim to be political leaders.

In closing, I would like to make a strong appeal to all my compatriots who are outside their homeland to return home and join other Burundians in preparing for the upcoming elections, as peace, security, reconciliation and serenity hard won prevail in Burundi like all other EAC member countries.

Please accept, Your Excellency Mr. President, the assurances of my High Consideration.



Pierre NKURUNZIZA  
PRESIDENT OF THE REPUBLIC OF BURUNDI

Copy to:

His Excellency Dr. John Pombe Joseph MAGUFULI  
President of the United Republic of Tanzania  
DAR ES SALAAM-TANZANIA

His Excellency Paul KAGAME,  
President of the Republic of Rwanda  
KIGALI-RWANDA

His Excellency Salva Kiir MAYARDIT,  
President of the Republic of South Sudan  
JUBA-SOUTH SUDAN

His Excellency Uhuru KENYATTA,  
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NAIROBI-KENYA