



PARTY LOYALIST OR REFORMER?

The man who could become
Burundi's next president

The Burundi Human Rights Initiative

PARTY LOYALIST OR REFORMER?

The man who could become Burundi's next president

April 2020



WHAT IS THE BURUNDI HUMAN RIGHTS INITIATIVE?

The Burundi Human Rights Initiative (BHRI) is an independent human rights project that aims to document the evolving human rights situation in Burundi, with a particular focus on events linked to the 2020 elections. It intends to expose the drivers of human rights violations with a view to establishing an accurate record that will help bring justice to Burundians and find a solution to the ongoing human rights crisis.

BHRI's publications will also analyse the political and social context in which these violations occur to provide a deeper and more nuanced understanding of human rights trends in Burundi.

BHRI has no political affiliation. Its investigations cover human rights violations by the Burundian government as well as abuses by armed opposition groups.

Carina Tertsakian, Lane Hartill and Thijs Van Laer lead BHRI and are its principal researchers. They have worked on human rights issues in Burundi and the Great Lakes region of Africa for many years. BHRI's reports are the products of their collaboration with a wide range of people inside and outside Burundi.

BHRI welcomes feedback on its publications as well as further information about the human rights situation in Burundi. Please write to contact@burundihri.org or +1 267 896 3399 (WhatsApp). Additional information is available at www.burundihri.org or on Twitter at www.twitter.com/@BHRI_IDHB.

©2020 The Burundi Human Rights Initiative

Cover photo: Évariste Ndayishimiye, secretary-general of Burundi's ruling party, after he was chosen as the party's candidate for the 2020 presidential election at its congress in Gitega on 26 January 2020. ©2020 Private

TABLE OF CONTENTS

Summary	4
1. A backdrop of violence	6
2. Who is Neva?	8
“The Ndayishimiye from before 2015”	10
“The least bad”	12
Actions speak louder than words	13
3. In debt to the generals	16
4. Following the path of the Supreme Guide	17
5. A president constrained or a test of independence?	19
A lack of resolve?	23
6. A CNDD-FDD election victory: a <i>fait accompli</i> ?	25

SUMMARY

Évariste Ndayishimiye is a man of many faces. A law student who narrowly escaped attacks against Hutu students in 1995, he went on to join a Hutu rebel group to fight the Tutsi-dominated government of the time. But Ndayishimiye was no ordinary combatant. Former fighters and rebel commanders say that even as he rose through the ranks, he didn't like to kill, and he shared battleground spoils with his soldiers. And while some commanders were known for their brutality and greed, Ndayishimiye was described as "the least bad" and the "least corrupt" among the movement's leaders.

Fast forward 20 years: General Major Évariste Ndayishimiye, nicknamed Neva, the staunch party loyalist, has become the secretary-general of the ruling party in Burundi. Part civilian, part military man, he moves comfortably in both worlds. Despite his ascent to the top of the party, some still describe him as an open and unpretentious man who never lost the common touch. At the same time, they paint a portrait of a leader lacking in resolve and afraid to take controversial decisions.

The party headed by Ndayishimiye since 2016, the National Council for the Defence of Democracy-Forces for the Defence of Democracy (*Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie*, CNDD-FDD), has a record of serious and persistent human rights abuses. Members of its youth league have attacked, killed and ill-treated their political opponents with impunity and continue to do so in 2020. Ndayishimiye appears to have been unable or unwilling to stop these abuses, despite his public promises to end political intolerance.

On 26 January 2020, the CNDD-FDD announced that Ndayishimiye would be its candidate in Burundi's May 2020 presidential election. If he wins, will he introduce the reforms he fought for in the past? Will he have the courage to stand up to the outgoing president, Pierre Nkurunziza, and the CNDD-FDD generals who continue to control the direction of the party?

Reactions to Ndayishimiye's nomination as the ruling party presidential candidate have been mixed. Some observers have expressed tentative hope that he may progressively shift the country away from political violence and lift it out of its economic crisis and international isolation. Others shrug their shoulders, convinced that nothing would change. They believe it's not about the individual, but about "the system" – shorthand for the CNDD-FDD's entrenched, informal power structures.

Even sources sympathetic to Ndayishimiye question his ability to forge his own path and take a strong stand against human rights violations if elected president. Even if he has the will to do so, they say, he would find himself constrained by internal party politics.

At the international level, some actors privately welcomed the news of Ndayishimiye's selection as the CNDD-FDD candidate, viewing him as a willing interlocutor who may be more open to dialogue than Nkurunziza and his entourage. While this reading may reflect a superficial truth about his outward disposition, it does not appear to take into account the stubborn political realities of Burundi. Ndayishimiye's past still binds him intimately with powerful political and military actors, some of whom have committed serious crimes.

About this briefing paper

This briefing paper highlights some of the factors that led to Ndayishimiye's nomination as the CNDD-FDD presidential candidate and the tough challenges he will face if he becomes president. Based on interviews with a range of sources inside and outside Burundi, many of whom worked, fought or collaborated with Ndayishimiye, it paints a picture of the man who could become Burundi's next head of state and identifies some of the key issues he would have to address to put an end to the human rights crisis that has gripped Burundi since 2015.

The Burundi Human Rights Initiative (BHRI) does not take a position for or against any candidate or political party in Burundi. Its goal is to try to ensure that the 2020 elections mark the start of a transition towards greater respect for human rights in the country.

This briefing is intended to assist policymakers in understanding the interests at stake during this critical period and encourage them to think creatively to pursue strategies that would help restore respect for human rights in Burundi.

BHRI has not identified the individuals interviewed in this report to ensure their security.

BHRI wrote to Ndayishimiye on 12 March 2020 requesting an interview for this report. At the time of writing, he had not replied.

1. A BACKDROP OF VIOLENCE

The backdrop to presidential, parliamentary and *commune* (local) elections in Burundi – all scheduled on 20 May 2020¹ – is one of persistent political violence, much of it carried out by state agents and *Imbonerakure*, the youth league of the CNDD-FDD, against their political opponents and critics.

Throughout 2019 and early 2020, the government has singled out members of the largest opposition party, the National Congress for Freedom (*Congrès national pour la liberté*, CNL), and has constantly obstructed, harassed and intimidated them.² In the first three months of 2020, scores of CNL members have been arbitrarily arrested and detained; many have been severely beaten or ill-treated by *Imbonerakure*, and several have been killed.

For example, on 20 February 2020, CNL member Félix Ndikuriyo died after being beaten in detention in Mubimbi in the aftermath of reported clashes in Bujumbura province (see below). In Muyinga province, on 26 February, three CNL members clashed with an *Imbonerakure* in Gasorwe *commune*, injuring him. Local *Imbonerakure* then hunted down CNL members in the area and beat a CNL member, his wife and sons. The man's wife sought medical treatment but died a week later, apparently from her injuries.³

CNDD-FDD members have also been killed and injured in 2020, in clashes with CNL members or in other circumstances. One of the victims was Consolate Havyarimana, a local CNDD-FDD women's leader killed in the Kanyosha neighbourhood of Bujumbura, on 20 February 2020. The perpetrators were allegedly *Imbonerakure*; however, the killing does not appear to have been politically motivated.⁴

On 8 February 2020, a group of *Imbonerakure* in Nyanza Lac *commune* in Makamba province beat a fellow *Imbonerakure* after he had alerted a CNL member that *Imbonerakure* would patrol nearby. They hit him with sticks and electric cables, and poured water on him, accusing him of being a traitor. They dug a crude spear into his legs and demanded to know what the CNL had promised to give him in exchange for leaking them information. They took him to the head of the intelligence services in Nyanza Lac; he was released soon afterwards.⁵

¹ By early April, the Burundian government was insisting that elections would take place as planned, despite the global corona virus pandemic and confirmation of three cases of infection in Burundi at the time of writing.

² For information on political violence and human rights abuses against CNL members in 2019, see The Burundi Human Rights Initiative, "A façade of peace in a land fear: Behind Burundi's human rights crisis," <https://burundihri.org/english/>, 28 January 2020.

³ Interviews with residents of Muyinga, February 2020.

⁴ Interviews with residents of Bujumbura, March 2020. See also Iwacu, "Kanyosha/Kizingwe : Une femme tuée par balle", <https://www.iwacu-burundi.org/kanyosha-kizingwe-une-femme-tuee-par-balle/>, 21 February 2020.

⁵ Interviews with residents of Makamba, February 2020.

On 19 February, residents in Kanyosha *commune* in Bujumbura province – an area that has long been a stronghold of the CNL – noticed the sudden appearance of a group of armed men. The police and military arrived and shots were fired. The identity and motives of the armed group remain unclear, especially as the police prevented journalists from reaching the scene.⁶ The CNL has refuted claims that they were CNL members. However, it stated that following the reported attack, the authorities arrested 23 of its members in the nearby *communes* of Isale and Mubimbi.⁷

Four days later, on 23 February, armed men and members of the security forces clashed again, this time in Nyabiraba *commune*. Gruesome images circulated on social media, purporting to show the dead bodies of some of those killed and people who appeared to have been arrested, guarded by police and armed civilians. In a statement on 25 February, police spokesperson Pierre Nkurikiye announced that 22 criminals and two policemen had been killed and six assailants arrested.⁸ The police commissioner of Bujumbura province was quoted as saying that the armed group had crossed into Burundi from the Democratic Republic of Congo.⁹ In a press conference covering other issues, Évariste Ndayishimiye downplayed the significance of the events in Bujumbura province: “Groups of trouble-makers have always existed everywhere,” he said. “Until now, there are no obvious signs that the elections might be disrupted.”¹⁰

BHRI’s initial findings paint a different picture. Several sources with close links to the events in Bujumbura province indicated that the alleged attack by the armed group was staged by the authorities as a pretext for arresting CNL members and weakening the party before the elections. Those who were killed may have included *Imbonerakure* and others who had been recruited and sent to the area by the authorities to simulate an attack.¹¹

In parallel, the discovery of dead bodies across the country – highlighted in BHRI’s January 2020 report¹² – has continued in 2020. As an overall indication, Burundian human rights

⁶ Interviews with sources in Kanyosha, 20 February 2020. See also Iwacu, “Kanyosha : ‘Attaque rebelle’ à Muyira. Un reportage inachevé”, <https://www.iwacu-burundi.org/kanyosha-attaque-rebelle-a-muyira-un-reportage-inacheve/>, 22 February 2020.

⁷ Tweet by CNL Burundi, <https://twitter.com/BurundiCnl/status/1230961445808091136?s=20>, 21 February 2020.

⁸ Reuters, “Burundi government says it kills at least 22 people in pre-election violence”, <https://uk.reuters.com/article/uk-burundi-politics/burundi-government-says-it-kills-at-least-22-people-in-pre-election-violence-idUKKCN20K1LX?il=0>, 26 February 2020.

⁹ Iwacu, “L’identification des auteurs des attaques dans la province de Bujumbura est en cours,” <https://www.iwacu-burundi.org/lidentification-des-auteurs-des-attaques-dans-la-province-de-bujumbura-est-en-cours/>, 27 February 2020.

¹⁰ Iwacu, “Évariste Ndayishimiye: ‘Pas de signes évidents que les élections peuvent être perturbées”, <https://www.iwacu-burundi.org/evariste-ndayishimiye-pas-de-signes-evidents-que-les-elections-peuvent-etre-perturbees/>, 25 February 2020.

¹¹ Interviews with sources in Bujumbura province and other locations, February and March 2020.

¹² The Burundi Human Rights Initiative, “A façade of peace in a land fear: Behind Burundi’s human rights crisis,” <https://burundihri.org/english/>, 28 January 2020.

organisations and media reported the discovery of at least 35 dead bodies in 15 provinces and in Bujumbura town between January and March 2020.¹³ BHRI has not independently verified information on these cases. As with many cases in 2019, the majority of the victims have not been identified and little or no information is available on the circumstances of their deaths.

The Burundian police has been quick to attribute these deaths to accidents, common crimes or suicide. While that may be the case for some, severe wounds, mutilations and other indications of violence, as well as some victims' affiliation to political parties or to the former Burundian Armed Forces (ex-FAB), have been the hallmarks of past killings that involved political grievances.¹⁴ However, rather than trying to establish the truth, local authorities usually order a hasty burial of the bodies and residents are too afraid to ask questions. It is therefore very difficult to establish whether or how many of these deaths may have been politically motivated.

Despite the prevalence of violent deaths in the first three months of 2020, Ndayishimiye stated in a radio interview on 29 March that the security situation was satisfactory and that it was possible for a month to go by without hearing of anyone being murdered in Burundi. In response to the journalist's question as to whether some killings may take place secretly, he stated that Burundi was a very small country and that nothing could happen without people knowing about it within an hour.¹⁵

2. WHO IS NEVA?¹⁶

*"It would be a mistake to look at a person only in the present. You have to understand (Ndayishimiye's) past to understand the future."*¹⁷

Born in 1968, Évariste Ndayishimiye was studying law at university when in 1993 war broke out in Burundi following the assassination of President Melchior Ndadaye. In 1995, in the midst of deadly ethnic violence, including killings of Hutu students, Ndayishimiye and many other young Hutus joined the Party for the Liberation of the Hutu People (*Parti*

¹³ See, for example, reports by Ligue Iteka, <https://ligue-iteka.bi/>, and by SOS Torture, https://sostortureburundi.org/?page_id=56&lang=fr.

¹⁴ Several ex-FAB have been killed since 2015. Relations between the ex-FAB, many of whom are Tutsi, and their predominantly Hutu army colleagues drawn from the CNDD-FDD are often tense. The authorities have accused several ex-FAB of collaborating with armed opposition groups and with military officers involved in the failed coup d'état of May 2015.

¹⁵ Interview with Ndayishimiye in Kirundi on Radio Isanganiro, <https://www.youtube.com/watch?v=cNSZP17NHTE&t=2593s>, 29 March 2020.

¹⁶ Ndayishimiye's nickname, which sounds similar to the English pronunciation of "never", is formed using the first letter of his second name followed by the first three letters of his first name.

¹⁷ Interview with former CNDD-FDD official, 14 February 2020.

pour la libération du peuple Hutu, PALIPEHUTU)¹⁸, then the CNDD-FDD, both Hutu-dominated rebel groups that fought the Tutsi-dominated government during Burundi's long and bitter civil war.¹⁹

The 1995 attacks at the University of Burundi marked a life-changing moment for Ndayishimiye. Years later, he explained how he and other students had found themselves trapped as grenades were thrown into the rooms of Hutu students. He survived by spending the night in a friend's room. He then decided, along with other students, to join the armed struggle. He said the idea of taking up arms had never occurred to him until then. He later looked back on that period and his aborted university studies: "There is an emptiness somewhere. We skipped a stage in our life, even if some of us now hold senior positions."²⁰

Once he had joined the CNDD-FDD, Ndayishimiye rose through the ranks, commanding a military company in the bush and holding various positions in the rebel movement, including head of the CNDD-FDD's internal disciplinary body. He was the lead negotiator on behalf of the CNDD-FDD in discussions with the transitional government and a member of the follow-up commission on the 2000 Arusha peace accords that officially marked an end to the war.

After the CNDD-FDD turned into a political party and won the 2005 elections, Ndayishimiye held several senior government positions, including minister of interior and public security from 2006 to 2007. He was entrusted with leading government negotiations with the PALIPEHUTU-FNL and played an important role in the process of the FNL's transformation from an armed group into a political party. He went on to serve as chief military adviser in the President's office until 2014 and, after a brief spell at the head of the national airport management company, the *Société Burundaise de Gestion Aéroportuaire* (SOBUGEA), became chief civilian adviser in the President's office in 2015. His career culminated in his appointment as secretary-general of the CNDD-FDD in August 2016.

Ndayishimiye, a Catholic, is from Giheta *commune* in Gitega province, in the centre of the country. He retains strong links with his native province, including in rural areas. His wife, Angéline Ndayubaha, is an active member of the CNDD-FDD and leader of *Femme Intwari* (meaning "brave" or "valiant" woman in Kirundi), the organisation of women who participated in or contributed to the CNDD-FDD struggle.

¹⁸ The ideology of PALIPEHUTU and its armed wing the National Liberation Forces (*Forces nationales de libération*, FNL) was explicitly centred on the promotion of the interests of the Hutu ethnic group. The FNL was created in 1980 and turned into a political party in 2009. Renamed the CNL in 2019, it is currently the largest opposition party in Burundi.

¹⁹ For information on the origins of PALIPEHUTU and the CNDD-FDD, see Ntagahoraho Z. Burihabwa and Devon E. A. Curtis, "The limits of resistance ideologies? The CNDD-FDD and the legacies of governance in Burundi," in *Government and Opposition* Vol.54, no.3/ Cambridge University Press, 2019.

²⁰ Iwacu, "Université du Burundi, 1995 : les uns rejoignent le maquis, la coopération universitaire suspendue...", <https://www.iwacu-burundi.org/consequences-massacre-universite-burundi-1995/2/>, 31 July 2013.

One of the solid pillars of the CNDD-FDD, Ndayishimiye witnessed several waves of internal turmoil in the movement, with successive leaders ousted before the CNDD-FDD came to power. A former senior figure in the CNDD-FDD said Ndayishimiye had always stood by the movement's leader throughout these changes: "He respects his boss. That's the first thing you have to know. He follows his boss, whoever it happens to be."²¹

After the CNDD-FDD formed a government in 2005, Ndayishimiye mostly remained loyal to President Nkurunziza. The exception was in 2014, when he was among a group of senior CNDD-FDD figures who turned against the then powerful head of the intelligence services Adolphe Nshimirimana and the minister of public security Alain Guillaume Bunyoni (both key allies of Nkurunziza). However, he then dissociated himself from this move and joined ranks with Nkurunziza again. Ndayishimiye survived the tumultuous events of 2015 when senior party members, who became known as the *frondeurs*, opposed Nkurunziza's third presidential term, and many fled the country. He was one of a handful of leading CNDD-FDD figures who held on throughout the human rights crisis that followed, reinforcing his standing in the party.²²

"The Ndayishimiye from before 2015"

Former colleagues of Ndayishimiye, who knew him well from the rebellion and the early years of the CNDD-FDD-led government, described a man who was open, sociable and talkative. A human rights defender recalled that in the days of the rebellion, people used to compare him to a bird that chirps a lot because he had a reputation for not keeping secrets. He described him as "quite straightforward. He didn't behave like a big authority. He would always greet us and sit down with people."²³ This view was echoed by a former combatant who had joined the CNDD-FDD at the same time as Ndayishimiye: "Sometimes he prefers to listen to wise people at the lower levels instead of taking advice from people of his own rank."²⁴

A source who had worked closely with Ndayishimiye since the early days of the CNDD-FDD said: "Évariste was popular because he liked joking. He doesn't like to work in an office. He circulates among the population, which creates a certain trust. The other generals always behave like combatants, but he has adapted to politics."²⁵ He recalled their times in the bush:

²¹ Interview with former CNDD-FDD official, 29 March 2020.

²² For background information on the 2015 human rights crisis in Burundi, see The Burundi Human Rights Initiative, "A façade of peace in a land fear: Behind Burundi's human rights crisis," <https://burundihri.org/english/>, 28 January 2020.

²³ Interview with human rights defender, 14 February 2020.

²⁴ Interview with former CNDD-FDD combatant, 14 February 2020.

²⁵ Interview with former CNDD-FDD official, 7 February 2020.

“Évariste was influential and at the same time not influential. He headed the negotiating team (with the transitional government), but within the CNDD-FDD (leadership), he wasn’t liked very much. People used to say he was lightweight, that he didn’t take clear positions and that he wasn’t serious. He liked to drink and to make jokes. His behaviour didn’t go down well with Nkurunziza, Adolphe or Radjabu.²⁶ But among the population and the combatants, people liked him, precisely because he liked to drink and make jokes... During the rebellion, he sometimes used to moan that he was unable to fulfil his ambitions... He thought he ought to be consulted before decisions were taken... It was the same later when he was in government. He held (senior) posts but he wasn’t highly thought of. He used to get cross because he wasn’t involved in decisions.”²⁷

Lower-level former combatants who had fought alongside Ndayishimiye praised his compassion and generosity; they said he didn’t bear grudges and was not interested in revenge. A demobilised combatant said Ndayishimiye was kind to his soldiers and kept up their morale. During the 1990s, many CNDD-FDD military commanders acquired a reputation for severely punishing soldiers who made mistakes, and even killing them.²⁸ In contrast, Ndayishimiye only gave his subordinates milder punishments or warnings. His leniency used to anger some officers who accused him of behaving like a civilian.²⁹ A lower-level combatant who had worked closely with him in the rebellion recalled: “He is not strict or nasty. In fact, he wasn’t like... the other leaders who, because of their positions, were nasty... and could ill-treat people... He would listen to people who wanted to submit complaints to him.” He said Ndayishimiye was willing to share food or spoils that combatants stole during the conflict, allowing his juniors to keep what they had found.³⁰

A former civilian colleague who had worked with Ndayishimiye when he was in government had a fairly favourable opinion of him from that period: “When he was *chef de cabinet militaire* (chief military adviser in the President’s office), he was the man of consensus, even with the ex-FAB. He was an open man, without any hang-ups. Many of

²⁶ Adolphe Nshimirimana went on to become head of the national intelligence services and was involved in many serious crimes against opponents of the CNDD-FDD until his assassination on 2 August 2015. Hussein Radjabu was secretary-general then president of the CNDD-FDD until he fell out of favour and was ousted in 2007. He was arrested and convicted to 13 years’ imprisonment. He escaped from prison in 2015 and formed an armed opposition group in exile.

²⁷ Interview with former CNDD-FDD official, 7 February 2020.

²⁸ In a paper published in 2016, Gervais Rufyikiri, former Second Vice-President of Burundi, gives chilling examples of the cruelty of some CNDD-FDD commanders and states that “several sources claim that internal conflicts claimed a higher number of FDD officers than those killed by the opposite camp.” See Gervais Rufyikiri, “Échec de la transformation du CNDD-FDD du mouvement rebelle en parti politique au Burundi : une question d’équilibre entre le changement et la continuité,” Institute of Development Policy and Management, University of Antwerp, <https://www.uantwerpen.be/en/research-groups/iob/publications/working-papers/wp-2016/wp-201612/>, September 2016.

²⁹ Interviews with two former CNDD-FDD combatants, 14 February 2020.

³⁰ Interview with former CNDD-FDD combatant, 23 February 2020.

them (CNDD-FDD leaders) have an inferiority complex that holds them back in the ideology of the past. You can see it in their lack of trust towards Tutsis, towards others, towards Westerners... Évariste wasn't like that. He was... open-minded. He wasn't afraid to discuss things... He used to talk with diplomats." But he warned that the 2015 crisis may have changed him: "2015 was a terrible turning point for Burundi... The Ndayishimiye from before 2015, I have the impression he is not the same Ndayishimiye as after 2015. You have to separate the two... I am surprised to see people rushing to praise him... Évariste was a pacifist kind of guy when I knew him. It's difficult to say that since 2015."³¹

"The least bad"

Ndayishimiye is steeped in a movement and a party that has a grim human rights record. Yet many of the sources interviewed by BHRI, including human rights defenders, said that unlike some CNDD-FDD figures who did not hesitate to kill and torture their opponents, and even their own members, he was not known to have been personally involved in serious crimes as a rebel fighter. Nor were they aware that he was directly implicated in serious human rights violations in the government positions he held from 2005. Several sources described him as "the least bad" of the leading CNDD-FDD figures. However, they stressed that he had always been, and remains, very much part of the CNDD-FDD system.

Ndayishimiye may not have a record of personally ordering human rights violations, but under his leadership of the CNDD-FDD since mid-2016, members of the party, particularly the *Imbonerakure*, have arbitrarily arrested, beaten and killed suspected opponents, as recently as April 2020. It is not known what measures Ndayishimiye has taken to halt or prevent such acts. If he has attempted to rein in the *Imbonerakure*, his efforts appear to have failed.

"As head of the CNDD-FDD, he should have controlled the *Imbonerakure*," said a former CNDD-FDD official, "but he didn't even try. He just let things happen and accepted it like that... Évariste doesn't have blood on his hands, but he won't oppose violence or abuses. He goes along with whatever is his boss's position. He hasn't committed crimes himself, but he won't stop them from being committed by others."³²

Another source described Ndayishimiye as tainted by virtue of the abuses that have taken place under his watch since 2016, but powerless: "The *Imbonerakure* have committed crimes while Évariste has been head of the CNDD-FDD, so you can't say he's clean. He heads the party, but he doesn't run it. It's Nkurunziza who runs it. Évariste is doing a job."³³

³¹ Interview with former government official, 17 February 2020.

³² Interview with former CNDD-FDD official, 2 February 2020.

³³ Interview with former military official, 18 February 2020.

A former CNDD-FDD official said that even if Ndayishimiye had wanted to stop killings by *Imbonerakure*, it would be difficult for him to do so “for fear of losing his post. It would be the equivalent of accusing Nkurunziza’s system. He is afraid of distancing himself from the others because he doesn’t want to give the impression that he is against the CNDD-FDD. He is protecting himself.”³⁴

Just as they described him as “the least bad” in terms of violent crimes, sources who had known Ndayishimiye well in the past described him as “the least dirty” in terms of corruption. In marked contrast with certain other CNDD-FDD leaders, he seemed relatively uninterested in material or financial wealth. A former CNDD-FDD rebel commander recalled:

“He doesn’t kill and he doesn’t steal... After each military operation... the unit that carried out the operation... would bring back everything it had seized... weapons, uniforms, money, anything, and the commanders would take what they wanted and leave the rest to the soldiers... He didn’t keep anything for himself, not even money. In that sense, he was honest.”³⁵

In his book “*Burundi: Le dessous des cartes*”, Aimé Nkurunziza, who was Ndayishimiye’s *chef de cabinet* (principal private secretary) when he was minister of interior and public security, recounts an anecdote in which Ndayishimiye refused to use state funds to pay for drinks:

“As we were having a glass of beer late in the evening... I suggested he pay for the bill under the heading ‘intelligence expenses’ under the pretext that we were talking about state security. Embarrassed by my suggestion, he reacted spontaneously... (and said:) ‘We have all the time we need ahead of us to earn an honest living. I don’t want people to say tomorrow that we mismanaged state funds. We’ll split the bill.’ He definitely didn’t have that taste for easy money that I had observed among other party ‘dignitaries’.”³⁶

Actions speak louder than words

*“He is probably horrified... by the human rights violations, but he is not able to take any action.”*³⁷

In his first two years as secretary-general of the CNDD-FDD, Ndayishimiye often repeated elements of the standard CNDD-FDD propaganda in his speeches, calling Westerners

³⁴ Interview with former CNDD-FDD official, 7 February 2020.

³⁵ Interview with former CNDD-FDD official, 14 February 2020.

³⁶ Aimé Nkurunziza, “Burundi : Le dessous des cartes”, Éditions Iwacu, 2019.

³⁷ Interview with former CNDD-FDD official, 14 February 2020.

“colonisers” and attacking Belgium and the European Union. In a statement marking Independence Day in 2017, signed by Ndayishimiye, the CNDD-FDD “deplores the attitude of certain European Union countries which, together with Belgium, continue to smother the country’s development and thereby develop human rights violations by financing terrorist groups based in Belgium in order to facilitate (enable) them to commit killings in Burundi.”³⁸ During the campaign to encourage people to vote in favour of changes to the Burundian Constitution in a referendum in 2018, Ndayishimiye described those who voted against the changes as “evil” and traitors paid for by the “colonisers”. Accusing the “colonisers” of creating and supporting opposition parties in Burundi, he said: “I have come to tell the colonisers that the time has come, their time is up.”³⁹

Since 2019, some of his speeches have become more conciliatory. In a radio interview on 29 March 2020, he stated that Burundi does not hate other countries and stressed the value of countries helping each other and mutual development.⁴⁰

Unlike other senior CNDD-FDD officials who have ignored human rights violations by state agents or abuses by ruling party members, Ndayishimiye has occasionally acknowledged that acts of political violence have occurred, while glossing over their gravity, and made sweeping promises to end impunity. He has also preached political tolerance.

Despite frequent attacks on CNL members by *Imbonerakure* in January and February 2020, Ndayishimiye stated in a press conference on 25 February 2020: “Political parties live in perfect harmony, despite minor incidents. There are no more cases of political intolerance between political parties. Today, political adversaries who used to be at loggerheads are sitting down together to prepare the 2020 elections properly. It’s a good sign that we will have good elections.”⁴¹ Commenting on the elections themselves, he said: “The first thing to understand is that there will only be one winner. But we know he will govern for everyone, even the losers.”⁴² In a speech to political party leaders in Rumonge on 14 February, he

³⁸ Déclaration du Parti no.004-2017 du CNDD-FDD à l’occasion du 55^{ème} anniversaire de l’indépendance du Burundi, <https://cndd-fdd.org/2017/07/01/declaration-du-parti-n004-2017-du-cnnd-fdd-a-loccasion-du-55eme-anniversaire-de-lindependance-du-burundi/>, 30 June 2017.

³⁹ Translation from Kirundi of extracts from Ndayishimiye’s speech in Bujumbura for the campaign in favour of changes to the Constitution, 14 May 2018. See also United Nations Commission of Inquiry on Burundi, detailed final report (2018), A/HRC/39/CRP.1, <https://www.ohchr.org/FR/HRBodies/HRC/CoIBurundi/Pages/CoIBurundiReportHRC39.aspx>, 12 September 2018.

⁴⁰ Interview with Ndayishimiye in Kirundi on Radio Isanganiro, <https://www.youtube.com/watch?v=cNSZP17NHTE&t=2593s>, 29 March 2020.

⁴¹ SOS Médias Burundi, “Le CNDD-FDD se dit satisfait de la baisse des cas d’intolérance politique à la veille des élections de mai 2020,” <https://www.sosmediasburundi.org/2020/02/25/le-cnnd-fdd-se-dit-satisfait-de-la-baisse-des-cas-dintolerance-politique-a-la-veille-des-elections-de-mai-2020/>, 25 February 2020.

⁴² Iwacu, “Évariste Ndayishimiye : ‘Pas de signes évidents que les élections peuvent être perturbées’,” <https://www.iwacu-burundi.org/evariste-ndayishimiye-pas-de-signes-evidents-que-les-elections-peuvent-etre-perturbees/>, 25 February 2020.

stated: “The words ‘political intolerance’ will not be heard again... Stop saying ‘this person should be punished and not that person’. Impunity is harmful.”⁴³

He took up these themes again in a radio interview on 29 March 2020, in which he stated that democracy had taken root in Burundi and that there were no tensions between politicians. He said that during monthly meetings with political party representatives over the previous six months, he had never heard anyone mention problems of political intolerance. He attributed criticism of the *Imbonerakure* to jealousy and said he had never heard of any case in which someone had been beaten for not joining the CNDD-FDD.⁴⁴

In contrast with some CNDD-FDD and government officials who have exploited ethnicity for political ends, Ndayishimiye has reminded Burundians that the ethnic conflicts of the past were primarily political. In his speech on 14 February 2020, he stated: “I have taken the time to think about the cause of quarrels in our country... If you dig deep, you will find that even what you called the ethnic question was in fact a political question.”⁴⁵ Similarly, in a speech featured in a film on the history of the CNDD-FDD, he said that Burundi’s past crisis (referring to the war in the 1990s) “was not provoked by Hutus or Tutsis but by ungrateful Burundians who had followed the advice of hypocrites... It is not ethnicity that kills. It is bad governance that kills.” He advised the crowd to “strive for the well-being of every citizen, whether they are members of the party or not.”⁴⁶

This kind of language may be a welcome relief from the aggressive discourse of other leaders, but to date, Ndayishimiye’s promises have not translated into action. Attacks against political opponents of the CNDD-FDD have continued unabated throughout his time at the head of the party.

When asked what Ndayishimiye had done as head of the CNDD-FDD to control the violence by *Imbonerakure*, a former party official who knew him well until 2015 replied:

“Nothing. Absolutely nothing. He just makes fawning speeches. He says positive things, but nothing has changed... His kindness... does not produce any results... Not a single iota has changed in terms of crimes by CNDD-FDD members since he became secretary-general of the party. Personally, he is probably horrified and

⁴³ Translation from Kirundi of extracts from Ndayishimiye’s speech at a meeting with leaders of political parties in Rumonge, on 14 February 2020.

⁴⁴ Interview with Ndayishimiye on Radio Isanganiro in French, <https://www.youtube.com/watch?v=cNSZP17NHTE>, and in Kirundi, <https://www.youtube.com/watch?v=cNSZP17NHTE&t=2593s>, 29 March 2020.

⁴⁵ Translation from Kirundi of extracts from Ndayishimiye’s speech at a meeting with leaders of political parties in Rumonge, on 14 February 2020.

⁴⁶ Translation from Kirundi of comments by Ndayishimiye in a film on the history of the CNDD-FDD, for “the week dedicated to those who fought for peace in Burundi, 12-17 November 2018”, <https://www.youtube.com/watch?v=Wp3cFOkiwhQ>.

shocked by the human rights violations, but he is not able to take any action or punish even one person. He just watches.”⁴⁷

Another source pointed to the fact that the real power lies elsewhere: “Above him (Ndayishimiye), there is the *Conseil des Sages* (the Council of Elders, the highest body of the CNDD-FDD) and the intelligence services. The intelligence services can give orders to the *Imbonerakure* without the head of their party even knowing it. But what is his reaction? Silence. I don’t know what he thinks or what he has tried to do, but he has never denounced the actions of the *Imbonerakure*.”⁴⁸

3. IN DEBT TO THE GENERALS

*“The generals put him there. He wasn’t voted in. He owes them that debt.”*⁴⁹

In 2020, a small clique of powerful individuals around President Nkurunziza, known as the generals, who have been central figures in the CNDD-FDD since the early days of the movement, retain considerable influence. They include Alain Guillaume Bunyoni, minister of public security; Étienne Ntakirutimana alias Steve, former head of the national intelligence services, now chief military adviser in the President’s office; Prime Niyongabo, chief-of-staff of the National Defence Forces; Gabriel Nizigama alias Tibia, chief civilian adviser in the President’s office; Silas Ntigurirwa, former permanent secretary of the National Security Council, demoted to defence attaché in the Burundian embassy in China in late 2019 (a post he has not taken up at the time of writing); Emmanuel Miburo alias Komater, head of the National Social Security Institute (*Institut national de sécurité sociale*, INSS); and Gervais Ndirakobuca alias Ndakugarika (“I will kill you” in Kirundi), appointed head of the national intelligence services in November 2019.

Nkurunziza publicly stated on several occasions that he did not intend to stand for a fourth presidential term in 2020. However, inside sources told a different story. They claimed that Nkurunziza wanted a fourth term in office, but realising that many in his entourage would not support him, he opted instead for handpicking a candidate who would be loyal to him and whom he would be able to control. It is believed he considered several candidates – including Ndayishimiye – but settled on Pascal Nyabenda, the current president of the National Assembly.

Nyabenda is a civilian who never fought with the CNDD-FDD in the bush. Most of the generals insisted that Nkurunziza’s successor had to be from the military, having struck a pact, during the days of the rebellion, that their leaders would always be former combatants. A power struggle ensued between Nkurunziza, reportedly supported by Bunyoni and

⁴⁷ Interview with former CNDD-FDD official, 14 February 2020.

⁴⁸ Interview with former government official, 17 February 2020.

⁴⁹ Interview with Burundian journalist, 13 February 2020.

Ndakugarika, and most of the other generals. Eventually Nkurunziza had to concede, and the generals' favoured candidate, Ndayishimiye, was chosen.

The generals' opposition to Nyabenda's candidacy came as no surprise in a context in which governance under the CNDD-FDD has become increasingly militarised and civilians have been stripped of any real power. "The generals want things to be done in a military rather than a political way," explained a former CNDD-FDD official, himself from a military background. "The generals are very close to Évariste. They are from the same generation... Three of them⁵⁰ were at university in 1995 at the time of the (student) massacres and they fled to the bush together... That system won't change. Whether it's Nkurunziza or Neva, it's the same thing."⁵¹

Propelled into the top position by the generals, Ndayishimiye will owe a debt of gratitude to them if he wins the elections, at least initially. Some of his former colleagues doubted whether he would dare to cross them. One predicted that the generals would tell him what to do and expect him to obey them.⁵² A former CNDD-FDD leader agreed and believed the generals would impose their agenda on him: "They will be the ones ruling".⁵³

One observer described the choice of Ndayishimiye as the CNDD-FDD candidate as "a failure for Nkurunziza... (and) a victory for the system against Nkurunziza", but warned: "Évariste will not attack the system that is protecting him."⁵⁴ Others believe that with time, and with support from international partners, he may eventually succeed in curbing the generals' power, but that this would take considerable courage. "It's the generals who imposed him on Nkurunziza as the candidate. He will have to have the courage to betray those who put him there."⁵⁵

4. FOLLOWING THE PATH OF THE SUPREME GUIDE

*"Nkurunziza will have the final word... (He) remains the strongman in the system."*⁵⁶

In an effusive speech on 26 January 2020 after his nomination as the CNDD-FDD presidential candidate, Ndayishimiye showered praise on Nkurunziza and announced that he would follow in his footsteps. Recalling their shared experiences as rebel combatants, he said: "You may not know, but I was his commander and he was my commander... I have

⁵⁰ Ndayishimiye, Niyongabo and Nizigama.

⁵¹ Interview with former CNDD-FDD official, 2 February 2020.

⁵² Ibid.

⁵³ Interview with former CNDD-FDD official, 29 March 2020.

⁵⁴ Interview with source in Bujumbura, 5 February 2020.

⁵⁵ Interview with former government official, 17 February 2020.

⁵⁶ Interview with former CNDD-FDD official, 7 February 2020.

always listened to his advice... I will imitate him.”⁵⁷ Taking his words literally, some observers assume that Ndayishimiye will remain under Nkurunziza’s influence, even once Nkurunziza steps down. Others have speculated that his statement was simply verbal flattery and did not imply any intended trajectory.

The extent to which Nkurunziza will retain his influence after the elections is an open question, but a number of measures appear to set the scene for him to play at the very least a strong symbolic role.

A law adopted on 10 March 2020 elevates Nkurunziza to the status of “Supreme Guide of Patriotism”. The law sings Nkurunziza’s praises and grants him this new status “in acknowledgement of his commitment, his exceptional devotion to the defence of national sovereignty, to the awakening of the conscience of Burundians based on the primacy of God, (the) ancestral value of the Burundian people, and the love of the homeland.” Article 2 of the law defines the Supreme Guide of Patriotism as “the ideal reference in terms of patriotism, social cohesion and national wisdom. In this capacity, he is consulted on questions relating to the safeguard of national independence, consolidation of Patriotism and national Unity.”⁵⁸ This broad and ill-defined mandate could grant sweeping powers to Nkurunziza after he steps down from the presidency. A few weeks earlier, the National Assembly adopted a draft law granting Nkurunziza a package of lavish retirement benefits.⁵⁹

In addition, just before the CNDD-FDD chose its presidential candidate, Nkurunziza introduced amendments to the statutes of the *Conseil des Sages*, the highest organ of the CNDD-FDD. The *Conseil des Sages*, made up of some of the most influential party members, takes decisions that determine the direction of the party. According to the amendments, in the future, the president of the *Conseil des Sages* will be the Supreme Guide of Patriotism – Nkurunziza himself. Until then, it had been chaired by the CNDD-FDD member holding the highest state position (the country’s president).⁶⁰ “This means that even if Évariste becomes President of the Republic, he will be under Nkurunziza in the party,” explained a former senior CNDD-FDD official.⁶¹

⁵⁷ Translation from Kirundi of Ndayishimiye’s speech in Gitega, 26 January 2020. See also Iwacu, “Évariste Ndayishimiye, sur les traces de ‘Moïse’”, <https://www.iwacu-burundi.org/evariste-ndayishimiye-sur-les-traces-de-moise/>, 26 January 2020.

⁵⁸ Loi no.1/06 du 10 mars 2020 portant instauration et octroi du statut de Guide Suprême du Patriotisme au Burundi au Président Pierre Nkurunziza.

⁵⁹ The draft law, adopted by the National Assembly on 21 January 2020, introduces a distinction between Nkurunziza and other living former heads of state, who came to power after negotiations or a *coup d’état*. See *Projet de loi portant modification de la loi no.1/20 du 9 décembre 2004 portant statut du chef de l’État à l’expiration de ses fonctions*. A final version of the law is not yet available.

⁶⁰ Interviews with former CNDD-FDD officials, February 2020.

⁶¹ Interview with former CNDD-FDD official, 14 February 2020.

The combination of these two measures could mean that Nkurunziza would effectively occupy the highest position in the land, above state institutions and above the CNDD-FDD leadership. “He will be operating on a parallel track,” said a former senior party official. “He may no longer be visible after the elections, but he will be a reference for everything... The title ‘Supreme Guide’ has no limit.”⁶²

Another former senior official was also convinced that Nkurunziza would retain significant power after the elections:

“Nkurunziza has ensured that he will stay above everyone... even above the secretary-general of the party... Now, the president of the *Conseil des Sages* has to be the Supreme Guide, so Évariste will not be able to head it. This means that for every single thing that happens in the system (the CNDD-FDD), Nkurunziza will have the final word... Nkurunziza remains the strongman in the system. (Ndayishimiye) will not be as free as people think. He will always be in Nkurunziza’s hands. Maybe later, he will discover that he has been trapped, but it will be difficult for him to extricate himself.”⁶³

5. A PRESIDENT CONSTRAINED OR A TEST OF INDEPENDENCE?

*“The CNDD-FDD system is very strong. One individual can’t change it.”*⁶⁴

Ndayishimiye will face a daunting task if he is elected president in May 2020. He will inherit the leadership of a country where political violence is rampant; the economy is in ruins; deep resentment has built up among sections of the population; and the health system may struggle to cope with the potentially devastating spread of the corona virus. He may have the personal qualities needed to start regaining public trust, but he will have to walk a dangerous tightrope in the high spheres of the ruling party.

Whether his primary debt is to Nkurunziza or to the other generals, Ndayishimiye will have to balance competing powerful interests, while ensuring that his own position remains safe. The Burundian Constitution, revised in 2018, grants wide powers to the President. “We’re therefore looking at a period when we’ll have a very powerful president,” said a source in Bujumbura. “He could use these broad powers for good or for bad. If it’s the right person in that post, it could be positive, but if not, we’ll be in trouble.”⁶⁵

In practice, it is not so much legal provisions but rather the interests of the ruling party and influential figures within it that are likely to dictate the new president’s behaviour. A former

⁶² Interview with former senior CNDD-FDD official, 25 February 2020.

⁶³ Interview with former senior CNDD-FDD official, 7 February 2020.

⁶⁴ Interview with source in Bujumbura, 5 February 2020.

⁶⁵ Interview with source in Bujumbura, 21 February 2020.

military official said that if elected, Ndayishimiye would find himself in an almost impossible situation: “The generals took a position against Nkurunziza to place Évariste as their candidate, but they are also there to control Évariste. They won’t let him remain loyal to Nkurunziza. Yet Évariste may also have to form alliances with Nkurunziza, Bunyoni and Ndakugarika. He is caught in the middle. He is in a dangerous position.”⁶⁶

Nkurunziza’s relationship with Ndayishimiye may have changed since he was selected as the party’s presidential candidate, but the impact of such a shift may not become clear unless or until Ndayishimiye is elected president.

A former CNDD-FDD official believed Ndayishimiye would be unlikely to rock the boat, at least for some time: “For the first three years, Évariste will be a statue... He is unlikely to change much in the system or change individuals. At least initially, they will still be Nkurunziza’s networks. He may come out of his shell if there is pressure, but he will try to please everyone. He blows with the wind.”⁶⁷

A former government official was even more sceptical: “With Évariste, there is no change. It’s the same political vision... He will execute Nkurunziza’s orders... It’s the same guys who are in control. Évariste is just a continuation.”⁶⁸

In 2020, memories of the CNDD-FDD’s past struggles – and the killings of thousands of Hutu under former Tutsi-dominated governments, particularly in 1972 and during the war in the 1990s – still act as a strong bond between those who fought together in the bush. Although the party has now been in power for almost 15 years, the notion of fighting a common cause still features prominently. “There is a kind of negative solidarity,” said an academic who had researched Burundi’s recent history. “They went through the struggle together, and even if they don’t get on, they keep together so as not to lose what they gained. They share a collective experience of the rebellion, whether positive or negative.”⁶⁹

Ndayishimiye differs from some of the other generals in that he straddles the military and civilian divide. Some sources described him as “more political than military”, others “more military than political”, while one source said he had “a hybrid profile”.⁷⁰ Although he has held civilian positions for several years, he still uses his military title (General Major) and on his Twitter account, calls himself “GeneralNeva”.⁷¹ In practice, he has a foot in each camp, which may give him an advantage if he becomes president and enable him to connect with both constituencies.

⁶⁶ Interview with former military official, 18 February 2020.

⁶⁷ Interview with former CNDD-FDD official, 14 February 2020.

⁶⁸ Interview with former government official, 14 February 2020.

⁶⁹ Interview with academic, 4 March 2020.

⁷⁰ Interviews with former CNDD-FDD officials, February 2020; interview with academic, 4 March 2020.

⁷¹ See <https://twitter.com/generalneva?lang=en>.

In a radio interview on 29 March, Ndayishimiye talked about the wide range of posts he had held, while emphasising his ability to connect with Burundi's predominantly poor, rural population: "I have been in the military, I have been a member of the government... I have been everything... I have also been an ordinary citizen. I know the (people's) problems."⁷² When asked about his priorities if he becomes president, he stressed the importance of development and ensuring that the population has access to food, water, decent housing, health and education. Having been born into a poor family, he said he did not want other children to grow up in hunger and poverty: "We have lived together and we have known the same misfortunes... I can compare myself to a fish in water: the population is the water, I am swimming, and if the water runs dry, the fish will die."⁷³

Ndayishimiye's willingness to introduce significant reforms in more sensitive areas such as civil liberties may depend in part on his entourage. Some sources interviewed by BHRI believed that if he chooses his advisers well, he may gradually steer the country in a positive direction. Others, pointing to the fact that Ndayishimiye is a practising Catholic (the majority religion in Burundi), thought that his links with church leaders could be a positive influence, despite recent tensions between the CNDD-FDD and the Catholic Church.⁷⁴

As a leader who appears willing to engage in dialogue, Ndayishimiye may also be receptive to advice from governments and regional players. In particular, he maintains good relations with the Tanzanian government and ruling party, which have strong historical links with the CNDD-FDD. In a sign that the CNDD-FDD was seeking to project a positive image of the 2020 elections, Ndayishimiye asked the African Union to send an electoral observation mission to Burundi, during a visit to Addis Ababa in late 2019.⁷⁵ However, some people pointed to the fact that he was not known for his diplomatic language. "Neva's weakness is that he's not a diplomat," said a resident of Gitega, Ndayishimiye's home province. "He says things he shouldn't say," said another. "He doesn't speak softly. It's as if he doesn't think about what he's saying."⁷⁶

A test of his commitment to introduce positive change will be his willingness to shed the powerful individuals who have committed serious crimes, in particular Gervais Ndirakobuca alias Ndakugarika, the current head of the intelligence services. Ndakugarika, who has been cited in numerous cases of human rights violations, is under targeted European Union and

⁷² Interview with Ndayishimiye in French on Radio Isanganiro, <https://www.youtube.com/watch?v=cNSZP17NHTE>, 29 March 2020.

⁷³ Interview with Ndayishimiye in Kirundi on Radio Isanganiro, <https://www.youtube.com/watch?v=cNSZP17NHTE&t=2593s>, 29 March 2020.

⁷⁴ SOS Médias Burundi, "Burundi : le parti au pouvoir accuse les évêques catholiques de semer la haine", <https://www.sosmediasburundi.org/2019/09/22/burundi-le-parti-au-pouvoir-accuse-les-eveques-catholiques-de-semer-la-haine/>, 22 September 2019.

⁷⁵ By early April 2020, it seemed unlikely that the African Union would send an election observation team to Burundi.

⁷⁶ Interviews with residents of Gitega, March 2020.

US sanctions since 2015.⁷⁷ “He’s a machine, a guillotine,” said a former CNDD-FDD official. “Nkurunziza was not ashamed to put him at the head of the intelligence services. (Nkurunziza) flaunts himself and he flaunts him (Ndakugarika).”⁷⁸

A former CNDD-FDD official said that if Ndayishimiye does not get rid of Ndakugarika and others, “nothing will change in the mode of governance. It would require a lot of courage. (But) international pressure could help. If there’s a lot of pressure, he won’t be able to resist. He’s sensitive to international pressure. I know him.”⁷⁹

Another source expressed a similar view: “If he really wants to change the country, he will have to get rid of people like Bunyoni and Ndakugarika... He should look for other people from a new generation with a cleaner past... If Évariste fires Ndakugarika, it will be the first sign.”⁸⁰

An additional question is how Ndayishimiye would respond if the International Criminal Court (ICC), which is investigating crimes committed in Burundi between 26 April 2015 and 26 October 2017, issues arrest warrants for individuals alleged to have participated in such crimes. In public pronouncements, Ndayishimiye has strongly opposed the notion of international justice, mirroring the position of his government; Burundi was the first country to withdraw from the ICC. In a speech in 2018, he stated: “No Burundian will be convicted by a foreign jurisdiction. A Burundian who has committed an offence... will be punished, and as the Burundian justice system has the capacity, we will not send him to be tried in other countries.”⁸¹ However, his current position on the issue is unclear.

Should the ICC charge one or more of the senior figures in the CNDD-FDD power structure, Ndayishimiye would face a dilemma: would he shield his former battleground colleagues from prosecution or take the opportunity to surrender those whose presence hinders reform and limits his scope for action?

Similarly, he could attempt to persuade the European Union and the US to lift individual sanctions against some of Nkurunziza’s allies or be content to let the sanctions remain in place as a possible lever over these individuals.

⁷⁷ Council Regulation (EU) 2015/1755 of 1 October 2015 concerning restrictive measures in view of the situation in Burundi, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R1755>, 2 October 2019, and US Treasury Department, “Treasury sanctions four Burundian individuals: action targets individuals fueling the recent violence in Burundi,” <https://www.treasury.gov/press-center/press-releases/Pages/j10310.aspx>, 18 December 2015.

⁷⁸ Interview with former CNDD-FDD official, 14 February 2020.

⁷⁹ Interview with former CNDD-FDD official, 7 February 2020.

⁸⁰ Interview with former government official, 17 February 2020.

⁸¹ Translation from Kirundi of extracts from Ndayishimiye’s speech in Bujumbura for the campaign in favour of changes to the Constitution, 14 May 2018.

A former CNDD-FDD official predicted that Ndayishimiye would close ranks and refuse to surrender his colleagues: “The team of generals, it’s Nkurunziza and the other generals together... Évariste can’t bypass that. He will remain united (with them), even if the ICC tries to get its hands on the big criminals.”⁸² Another former CNDD-FDD official believed that the generals had deliberately chosen a more acceptable figurehead, “someone cleaner to protect them in the eyes of the international community.”⁸³

Another key test will be Ndayishimiye’s ability to rein in the *Imbonerakure* – currently the CNDD-FDD’s main tool for crushing its opponents – and fulfil his repeated promises to end impunity.

Residents of Ndayishimiye’s home province of Gitega had mixed views on what they could expect from him as a possible future president. A woman outlined her hopes: “The first change we can expect... (is for him) to stop the *Imbonerakure* from continuing to behave like the police... to restore diplomatic relations with other countries, especially African countries (and) improve relations with the Catholic Church... It would be better if Neva doesn’t follow Nkurunziza... Maybe his quality is that he is a new figure (so he) may be able to change certain things.”⁸⁴

Another resident was more sceptical: “We don’t really trust him because he has just followed in the footsteps of his older brother (Nkurunziza). What can he do that will satisfy us?”⁸⁵ Another man said: “Everything that has happened in this country, whether it’s the killings or the theft, Neva has never spoken out to denounce it. What may differentiate him is that (he) has not been cited in cases of theft or killings... which means that he may be able to change small things, but not big things.”⁸⁶

A lack of resolve?

A former CNDD-FDD official who had known Ndayishimiye well until 2015 recalled some of his personality traits: “I knew Évariste had one main weakness and one main quality. His weakness is that he is afraid... He is afraid of confrontation, even in the military context. He is also fearful in life in general... His quality is that within his fear, he was afraid of killing (as a rebel combatant).”⁸⁷

Several other sources said Ndayishimiye lacked the courage to make controversial or unpopular choices. “He is not the kind of person who takes strong decisions,” said a former

⁸² Interview with former CNDD-FDD official, 7 February 2020.

⁸³ Interview with former CNDD-FDD official, 29 March 2020.

⁸⁴ Interview with female resident of Gitega, 13 March 2020.

⁸⁵ Interview with male resident of Gitega, 12 March 2020.

⁸⁶ Interview with male resident of Gitega, 12 March 2020.

⁸⁷ Interview with former CNDD-FDD official, 14 February 2020.

colleague. “When he’s in a difficult situation... he steps back.”⁸⁸ “He’s afraid. He can’t hold out if a situation turns sour,” said another.⁸⁹ A third former colleague went further, citing examples of past difficult situations in which Ndayishimiye had been unable to cope, giving way to emotions, running away from situations or not wanting to accept responsibility: “If he doesn’t like what’s happening, he will avoid it instead of intervening.”⁹⁰

A source who had worked closely with Ndayishimiye said that when he was minister of interior and public security, he had sometimes challenged Nshimirimana, the head of the intelligence services at the time, as well as Bunyoni, then head of the national police force, but with apparently little effect. The causes of contention included serious human rights violations committed by police officer Désiré Uwamahoro.⁹¹ A former colleague said Ndayishimiye had written to Bunyoni asking him to take action against Uwamahoro, but nothing was done.⁹²

Whatever their views on Ndayishimiye’s strengths and weaknesses, all those interviewed were unanimous on one point: with his past inextricably tied to the CNDD-FDD, Ndayishimiye would find it difficult to break free from those to whom he owes his rise in the party.

“Évariste as Évariste is in good faith, but when he will work with the others, his good faith will be drowned,” said a former CNDD-FDD official. “He gives the impression of being someone good who wants to change things. He is open, he takes note, he takes advice, but he can’t implement anything alone.”⁹³

A former senior CNDD-FDD figure said Ndayishimiye felt most comfortable when he was in a group, that he liked working with people but was not a natural leader – raising questions as to how he might behave as a future head of state: “He has never been a leader... He can’t lead, but he is ready to follow a leader who trusts him. He doesn’t take initiatives himself to change the situation. He likes to go with the flow.”⁹⁴

⁸⁸ Interview with former CNDD-FDD official, 2 February 2020.

⁸⁹ Interview with former CNDD-FDD official, 7 February 2020.

⁹⁰ Interview with former CNDD-FDD official, 14 February 2020.

⁹¹ Uwamahoro has been cited in connection with human rights violations in Burundi over several years. See, for example, Human Rights Watch, “Closing doors? The narrowing of democratic space in Burundi”, <https://www.hrw.org/report/2010/11/23/closing-doors/narrowing-democratic-space-burundi>, 23 November 2010, and “Every morning they beat me’: police abuses in Burundi”, <https://www.hrw.org/report/2008/04/30/every-morning-they-beat-me/police-abuses-burundi>, 30 April 2008.

⁹² Interview with former government official, 17 February 2020.

⁹³ Interview with former CNDD-FDD official, 7 February 2020.

⁹⁴ Interview with former CNDD-FDD official, 29 March 2020.

6. A CNDD-FDD ELECTION VICTORY: A *FAIT ACCOMPLI*?

*“It is difficult to picture the next president not being from the CNDD-FDD.”*⁹⁵

Given the patterns of the last two elections, which the CNDD-FDD won comfortably in 2010 and 2015, many Burundians assume that another CNDD-FDD victory in 2020 is certain – a belief reinforced by the clampdown on political opposition and tight restrictions on freedom of expression and the media. At the time of writing, four journalists of the independent newspaper Iwacu remain in prison, serving a two and a half year sentence for “impossible attempted complicity in endangering internal state security”, after they had tried to report on armed clashes in Bubanza in October 2019.⁹⁶ Many opposition party members and supporters are also in detention.

Following his selection as the CNDD-FDD’s presidential candidate, Ndayishimiye toured several provinces in February 2020, amidst much publicity. Large crowds greeted him, and he was presented with generous gifts including dozens of cattle and baskets of food, in scenes reminiscent of the visit of a head of state rather than a party candidate. In Rumonge, businesses, shops, markets and schools were forced to close so that residents could go and greet the presidential candidate.⁹⁷

In Makamba, local government officials ordered residents to contribute substantial amounts to gifts for Ndayishimiye, whether they were CNDD-FDD members or not. Civil servants were made to pay between 20,000 and 30,000 Burundian francs (approximately 10 to 15 US dollars); the amounts demanded from local businesses and other residents varied. Local government officials told residents that Makamba province had to collect as much as possible to surpass the gifts collected in neighbouring Bururi province. Some residents admitted privately that they contributed only to avoid problems with the authorities later.⁹⁸

But while CNDD-FDD members may behave as if their victory is secure, the CNL has emerged as an increasingly strong competitor. Despite frequent, serious abuses against its members, and the violent past of its leader, Agathon Rwasa,⁹⁹ the CNL continues to attract

⁹⁵ Interview with resident of Bujumbura, 21 February 2020.

⁹⁶ Judgment of Bubanza high court, 30 January 2020.

⁹⁷ SOS Médias Burundi, “Élections 2020 : La visite du candidat présidentiel du CNDD-FDD paralyse les activités à Rumonge”, <https://www.sosmediasburundi.org/2020/02/28/elections-2020-la-visite-du-candidat-presidentiel-du-cndd-fdd-paralyse-les-activites-a-rumonge/>, 28 February 2020.

⁹⁸ Interviews with residents of Makamba, February 2020.

⁹⁹ Rwasa played a prominent role in the PALIPEHUTU-FNL since its creation and commanded the group since 2001. The FNL carried out many serious human rights abuses, including killings of civilians, while Rwasa was at its helm. One of the most serious cases was the massacre of more than 150 Congolese refugees in Gatumba, in western Burundi, in 2004. See Joint report of the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Operation in Burundi and the Office of the United Nations High Commissioner for Human Rights into the Gatumba massacre, https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2004/821, 5 October 2004.

significant grassroots support, especially among the majority Hutu rural population. Even some Tutsis have begun supporting the CNL, largely because of the weakness of other opposition parties. “It’s through lack of choice,” said a former military official. “That is how Rwaswa has made himself credible. Yet he has more blood on his hands than the CNDD-FDD.”¹⁰⁰ In recent months, Rwaswa has stated on several occasions that the CNL is not a party of violence. In a media interview in March 2020, he said: “Opposition is not violence... We want change, but we want political change, not violent change.”¹⁰¹

A resident of Bujumbura said that many ordinary Burundians had been worn down by the situation of the last five years:

“People are tired... they’re tired of poverty, unemployment, the state of the health sector. There is general hopelessness. This pushes many people into following Rwaswa, despite the fact that Rwaswa hasn’t explained how he’s going to improve the situation if elected... People have been squeezed so hard that they turn to whatever they think is different... They will want to vote out the current government rather than pro-actively vote for the CNL... They would prefer to have someone not so clean but a clear alternative to the CNDD-FDD rather than someone cleaner but trapped in the system, such as Évariste.”¹⁰²

The result is that the CNL poses a serious challenge to the CNDD-FDD, or would do if the 2020 elections were conducted freely and fairly. A number of other parties have also announced their intention to participate, and by late March, the applications of seven out of ten candidates for the presidential polls had been accepted. However, many Burundians question the independence of the National Independent Electoral Commission (CENI) from the ruling party. The CNL has already denounced what it perceives as partiality in the CENI’s preparations of the elections.¹⁰³ In late March 2020, a list of CNL candidates for local elections was leaked and distributed in a WhatsApp group of CNDD-FDD members. In Bujumbura province, a CNDD-FDD official told *Imbonerakure* to watch local CNL candidates who were on the list.¹⁰⁴

At the time of writing, it is not clear whether any independent national or international organisations will be granted full access to observe the elections. By early April 2020, only the East African Community had announced that it would send observers to Burundi.

¹⁰⁰ Interview with former military official, 18 February 2020.

¹⁰¹ Deutsche Welle, “Le Burundi n’a plus besoin de rébellion’ (Agathon Rwaswa)”, <https://www.dw.com/fr/le-burundi-na-plus-besoin-de-r%C3%A9bellion-agathon-rwaswa/av-52819101>, 18 March 2020.

¹⁰² Interview with resident of Bujumbura, 21 February 2020.

¹⁰³ Déclaration n°5 du Parti CNL sur le processus électoral en cours : gestion et irrégularités, 28 March 2020.

¹⁰⁴ Interview with CNDD-FDD member in Bujumbura province, 31 March 2020.

Despite these conditions, CNL leaders, confident of their success, have given instructions to their members to ensure that their anticipated election victory is not “stolen” and to have a constant presence in every polling station and at every stage of the vote counting process. On 27 February, Rwaswa warned that the CNL would not accept the outcome of a rigged election. Some media quoted him as saying: “We will only respect the outcome of the polls if these elections are well organised in a transparent way, but we will never accept elections that have been rigged. Everyone should know this.”¹⁰⁵ In an extract of his speech broadcast on state television, he was less explicit: “Our reaction to the way the polls are conducted will depend on what transpires during the polls”, he said.¹⁰⁶

If Rwaswa deems the election results to be unfair or rigged, he could order CNL members to violently oppose them, which may lead to clashes with *Imbonerakure* and members of the security forces. This could present Ndayishimiye with his first test: would he let the violence take place or try to find a compromise with Rwaswa?

Regardless of what happens, many observers concur that the CNDD-FDD leadership will not countenance the prospect of losing the elections, least of all to their arch-enemy Rwaswa, and will do what it takes to ensure the party obtains a majority in the final results. “Évariste is likely to become the next president, whether he wins the elections or not,” said a resident of Bujumbura. “It is difficult to picture the next president not being from the CNDD-FDD.”¹⁰⁷

¹⁰⁵ SOS Médias Burundi, “Élections 2020 : Agathon Rwaswa crie à la diabolisation de son parti”, <https://www.sosmediasburundi.org/2020/02/27/elections-2020-agathon-rwaswa-crie-a-la-diabolisation-de-son-parti/>, 27 February 2020.

¹⁰⁶ Radio télévision nationale du Burundi (RTNB), “Agathon Rwaswa dépose sa candidature à la CENI”, <http://www.rtnb.bi/fr/art.php?idapi=4/0/187>, 27 February 2020.

¹⁰⁷ Interview with resident of Bujumbura, 21 February 2020.