

URGENT ACTION

LAWYER GETS 5-YEAR PRISON SENTENCE

Burundian lawyer Tony Germain Nkina was sentenced to five years in prison on 15 June by the High Court of Kayanza province, in northern Burundi. He was arrested on 13 October 2020 while visiting a client in Kabarore commune, in Kayanza, shortly after armed attacks in the area. He was charged with endangering internal state security, and later convicted of “collaborating with rebels who attacked Burundi.” On 12 August, Ngozi province’s Court of Appeal postponed the appeal hearing to 2 September. Evidence presented by the prosecution indicates the charges against Tony Germain Nkina are motivated solely by his former human rights work. Amnesty International calls for his immediate and unconditional release.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Jeanine Nibizi

Minister of Justice

PO Box: 1880

Bujumbura, Burundi

minjustice@gmail.com / infos@burundi.justice.gov.bi

Dear Minister,

*I am concerned about the wrongful conviction of lawyer **Tony Germain Nkina** to five years in prison on unfounded charges of “collaboration with rebels who attacked Burundi.”*

Tony Germain Nkina was arrested on 13 October 2020 in the northern province of Kayanza, Burundi, accused of collaborating with the armed opposition group, RED-Tabara (Resistance for the Rule of Law), which the government has accused of being responsible for a series of armed attacks that had occurred in Kayanza province in early October 2020. Tony Germain Nkina was arrested while visiting a client in Kabarore commune – a locality that was attacked. He was interrogated and held at the office of the National Intelligence Service (SNR) in Kayanza, then transferred to police custody before being transferred on 16 October, to Ngozi Prison, in Ngozi Province where he remains in detention.

On 15 June, the Court of Kayanza sentenced Tony Germain Nkina to five years in prison and a fine of one million Burundian francs (\$USD 500). On 12 August, the Appeal Court of Ngozi postponed the appeal hearing to 2 September on Tony Germain Nkina’s request, to allow him and his lawyers to prepare for the appeal. The prosecution alleged that Tony Germain Nkina had travelled to Rwanda to give information to Burundian human rights defender, Pierre-Claver Mbonimpa, founder and president of the Association pour la protection des droits humains et des personnes détenues (APRODH), and to RED-Tabara, without any evidence to substantiate these allegations. Pierre-Claver Mbonimpa currently lives in Europe. Tony Germain Nkina was APRODH’s representative in Kayanza province, until the organization was suspended in 2015 as part of a crackdown on civil society groups involved in protests against the late President Pierre Nkurunziza’s third term. Amnesty International believes Tony Germain Nkina is being prosecuted solely because of his former human rights work and connections with APRODH, in violation of his rights to freedom of expression and association.

In light of the above, I call upon you to instruct the Prosecutor General of the Republic to ensure that Tony Germain Nkina is immediately and unconditionally released and that all the charges against him are immediately dropped. Pending his release, I urge you to ensure that he has full access to his lawyers and family and is protected from torture and other ill-treatment.

Yours sincerely,

ADDITIONAL INFORMATION

APRODH was one of Burundi's most active and best-known human rights organizations. Pierre-Claver Mbonimpa, APRODH's founder and president, narrowly escaped an assassination attempt in 2015 with life-threatening injuries. Pierre-Claver Mbonimpa's [son and son-in-law](#) were both shot dead in 2015. APRODH's representative in Gitega province, [Nestor Nibitanga](#), was arrested in 2017 and sentenced in 2018 to five years in prison on charges similar to those brought against Tony Germain Nkina. He was released in April 2021 as part of President Évariste Ndayishimiye's pardon of more than 5,000 prisoners.

Another prominent human rights defender, [Germain Rukuki](#), was arrested in 2017 and sentenced to 32 years in prison in 2018 on trumped-up charges related to his human rights work. His sentence was confirmed by the appeal court in 2019, but the appeal court's decision was subsequently overturned by the Supreme Court. The appeal court reduced his sentence to one year in June 2021. He was released the same month.

Burundi's civil society and media organizations were among the first targets of the government repression in 2015. The government suspended or closed most independent human rights organizations and media outlets and drove them into exile. Despite some overtures by President Ndayishimiye towards the media in 2021, the Burundian government continues to view human rights work with suspicion, and [severe restrictions on human rights](#), including the right to freedom of expression, remain in place.

Most independent human rights organizations have been unable to resume their activities in Burundi, especially as the Burundian authorities have issued arrest warrants for many of their leading activists in exile. 12 human rights defenders and journalists were among a group of 34 people sentenced to life in prison in absentia in June 2020 on accusations of involvement in an attempted coup in May 2015; the Supreme Court judgment was not made public until February 2021.

Arrest or detention as punishment for the peaceful exercise of human rights, including the right to freedom of expression, is arbitrary and violates the African Charter on Human and Peoples' Rights, and the International Covenant on Civil and Political Rights, both of which Burundi is a state party. The UN Working Group on Arbitrary Detention has determined that those detained solely for the peaceful exercise of their human rights must be immediately released.

PREFERRED LANGUAGE TO ADDRESS TARGET: French

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 15 OCTOBER 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Tony Germain Nkina (He/Him/His)

ADDITIONAL TARGETS

Chairperson of the National Independent Human Rights Commission

Dr Sixte Vigny Nimuraba

Call for an end to targeted prosecution of human rights defenders and activists in Burundi.

Contacts

+257 22 27 71 21 (toll free)

+257 22 27 71 20 (standard)

+257 68 22 67 67 (whatsapp)

Email: cnidh@cnidh.bi

Twitter: @CNIDH_Bdi

And copies to:

His Excellency Mr Ernest Ndabashinze

Embassy of the Republic of Burundi

Uganda House Second Floor 58-59 Trafalgar Square WC2N 5DX

020 7930 4958

www.burundiembassy.org.uk