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BURUNDI LAWYER DETAINED ARBITRARILY FOR NEARLY 2-YRS

29 September 2022 marked a year that the Court of Appeal of Ngozi upheld the conviction and five-year prison sentence of Burundian lawyer, Tony Germain Nkina. He was arrested on 13 October 2020, charged with endangering international state security, and convicted on 15 June 2021 for “collaborating with rebels who attacked Burundi.” However, the evidence presented against him indicates that his prosecution is motivated by his former human rights work. The hearing of his appeal of the Court of Appeal of Ngozi’s decision is scheduled on 7 October. Amnesty International continues to call for Tony Germain Nkina’s immediate and unconditional release.

He was arrested on 13 October 2020 in Kayanza province, northern Burundi, and accused of collaborating with the armed opposition group, RED-Tabara while visiting a client in Kabarore commune and advising him on a land dispute case. He remains held in Ngozi prison in northern Burundi.

During the appeal hearing, the prosecution failed again to substantiate allegations that Tony Germain Nkina was linked in any way to RED-Tabara or produce any witness to support their case against the lawyer.

In a [statement](#) issued on 8 October 2021, Amnesty International and five other human rights organizations denounced the decision of the Court of Appeal and pointed to the fact that Burundi continues on a sad path of shrinking civic space despite your multiple promises of a positive change in upholding its human rights obligations since your inauguration in June 2020.

Write to the President urging him 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

Write to:

Evariste Ndayishimiye

President of the Republic

Bujumbura, Burundi

Tel: +257 22 22 60 63

Email: presidence@burundi.gov.bi

Twitter: @NtareHouse/ @GeneralNeva

Salutation: Dear Mr. President,

And Copy:

H.E. Jean de Dieu Ndikumana, Ph.D.
Ambassador
Embassy of the Republic of Burundi
408-2233 Wisconsin Avenue
Washington, D.C., DC 20007
USA
Email: burundiembusadc@gmail.com

Additional information

Tony Germain Nkina worked with APRODH, one of Burundi's most active and best-known human rights organizations, until it was closed down by the government in 2015. His prosecution and unlawful detention are based on the unfounded accusation that he collaborated with the armed opposition group, RED-Tabara (Resistance for the Rule of Law). Since the Burundi 2015 crisis, following the late President Pierre Nkurunziza's decision to seek a third term in office, the government has accused RED-Tabara of being responsible for a series of armed attacks across the country, including attacks that had occurred in Kayanza province in early October 2020.

Burundi's civil society and media organizations were among the first targets of the government's 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 provisions of 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.