

URGENT ACTION

LAWYER'S 5 YEAR JAIL TERM UPHELD

On 29 September 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 and charged with endangering internal state security. He was convicted on 15 June for “collaborating with rebels who attacked Burundi.” However, the evidence presented against him indicates that his prosecution is politically motivated and due to his previous 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

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Bujumbura, Burundi

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Dear Minister,

*I am shocked by the decision of the Court of Appeal of Ngozi on 29 September 2021 to uphold the conviction and five-year prison sentence against lawyer **Tony Germain Nkina**. He had appealed against the Court of Kayanza's verdict of 15 June, in which he was wrongfully sentenced to five years in prison and a fine of one million Burundian francs (\$USD 500). The appeal hearing, initially set for 12 August, was postponed twice before it was finally held on 20 September.*

Tony Germain Nkina was arrested on 13 October 2020 in Kayanza province, northern Burundi, and accused of collaborating 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.

The arrest happened when Tony Germain Nkina was visiting a client in Kabarore commune – a locality that was attacked in October 2020. Tony Germain Nkina was advising the client on a land dispute case. The client has also been convicted on the same offence and handed a two- and half-year sentence. Before being transferred to the Ngozi prison on 16 October 2020, where he remains in detention, Tony Germain Nkina was interrogated and held at the office of the National Intelligence Service (SNR) in Kayanza, then transferred to police custody in the same province.

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 [joint statement](#) issued on 8 October, Amnesty International 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 multiple promises of a positive change in upholding its human rights obligations.

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

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. 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: 20 December 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)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/afr16/4636/2021/en/>