

URGENT ACTION

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.

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

Evariste Ndayishimiye

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Dear Mr. President,

*I am appalled by the continued unlawful detention of human rights lawyer, **Tony Germain Nkina**, whose conviction on trumped-up charges was upheld by the Court of Appeal of Ngozi a year ago, on 29 September 2021. He appealed this decision through the Supreme Court’s cassation proceeding. The hearing at the Supreme Court is scheduled for 7 October 2022. Tony Germain Nkina was sentenced to five-year imprisonment by the Court of Kayanza on 15 June 2021 and a fine of one million Burundian francs (\$USD 500).*

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.

I call upon you 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. 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.

PREFERRED LANGUAGE TO ADDRESS TARGET: French

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 29 November 2022

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/afr16/4894/2021/en/>