

URGENT ACTION

DETAINED JOURNALIST'S HEALTH AT RISK

On 2 May, the Court of Appeal of Mukaza in Bujumbura, Burundi, upheld the conviction of Burundian journalist Floriane Irangabiye for “undermining the integrity of the national territory”. Floriane Irangabiye has a long-standing medical condition and her health has deteriorated while in detention in Muyinga Prison. In May 2023, a formal request was submitted to the Ministry of Justice for her to be transferred back to Bujumbura, where she would be closer to her family and receive the necessary medical care. She has been in detention since her arrest in August 2022 and was convicted in violation to her right to freedom of expression.

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

Mme Domine Banyankimbona

Minister of Justice

PO Box: 1880

Bujumbura, Burundi

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

Twitter: @MiniJustice_BDI

Dear Minister,

*I am concerned by the continued arbitrary detention of journalist **Floriane Irangabiye**, and about her state of health and conditions of detention.*

On 2 May, the Court of Appeal of Mukaza, in Bujumbura, Burundi, issued its decision to reject Floriane Irangabiye's appeal and uphold her conviction of “undermining the integrity of the national territory” on account of comments she made on Radio Igicaniro in August 2022. The court reaffirmed her 10-year prison sentence and fine of one million Burundian francs (about 482 USD). While the court found that her initial interrogation by the National Intelligence Service (SNR) contravened Article 10 of the Criminal Procedure Code, as it was conducted without a lawyer present and without being informed of her right to remain silent, it did not offer a remedy because interrogation by the SNR was not one of the circumstances in which the law explicitly provides for nullifying the procedure. Her lawyers have submitted a further appeal request to the Cassation Chamber of the Supreme Court.

Floriane Irangabiye has suffered from asthma since childhood. Her condition has deteriorated while in detention in Muyinga prison, where she is being held in a damp cell close to a smoky kitchen. In late May, her medicines stopped being effective, and after intervention from your Ministry, she consulted with a doctor in early June. She was not authorized to attend a follow-up appointment in mid-July. In late July, she started having difficulty breathing and suffered chest pain and severe headaches. This culminated in a health crisis on the night of 24 July. While she received medical assistance the following day, her health remains poor and her condition appears to be exacerbated by the conditions of detention. In May 2023, a formal request was submitted for her transfer to Bujumbura, where she would be closer to her family and could receive more adequate medical attention.

I urge you to take all necessary steps to ensure that Floriane Irangabiye is immediately and unconditionally released, and her flawed conviction immediately quashed. In the meantime, she must be held in detention conditions that conform to international standards (as per the Mandela Rules) and be granted access to adequate health care, including through transfer to an outside hospital or prison with more adequate health care facilities.

Yours sincerely,

ADDITIONAL INFORMATION

Floriane Irangabiye has been living in Rwanda for more than a decade. Before the 2015 crisis, she used to make regular trips between the capital, Kigali, where she resides, and Bujumbura, Burundi, where her family lives.

When former President Pierre Nkurunziza decided to run for a third term in office in April 2015, many Burundians took to the streets to express their frustration against the decision that they believed violated the 2005 Burundian Constitution which limited presidential terms to two terms of five years. Her trip in August 2022 was the first time she visited her family in Bujumbura since 2015.

During her trial at the end of 2022, the prosecution presented comments made during an August 2022 show on Radio Igicaniro, a Burundian online media outlet, in which Floriane Irangabiye and her guests criticized the government of Burundi. In an audio recording of the show retrieved by the prosecutor, she purportedly said: "the population is resigned to the evils of the leaders of Burundi, citizens do not express themselves for fear of being killed, we call on Burundians to brave the fear." The prosecution also presented as evidence photos of her posing with President Paul Kagame of Rwanda and former President Pierre Buyoya at public events. She was also accused of participating in meetings held by Burundian youths in exile in Rwanda. She was convicted on 2 January 2023.

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 promises by President Ndayishimiye to normalize relations with the media in 2021, the Burundian government continues to view the press and human rights work with suspicion, [and severe restrictions on human rights](#), including the right to freedom of expression, remain in place. In July 2023, the [UN Human Rights Committee expressed concern](#) about the prosecution of Floriane Irangabiye and called for an end to the misuse of Article 611 of the Penal Code to criminalize freedom of expression.

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, who live in exile. [On 14 February](#), five human rights defenders, Sonia Ndikumasabo, president, and Marie Emerusabe, general coordinator, of Association of Women Lawyers in Burundi (Association des femmes juristes du Burundi, AFJB), Audace Havyarimana, legal representative, Sylvana Inamahoro, executive director, Prosper Runyange, land project coordinator, of Association for Peace and Promotion of Human Rights in Burundi (Association pour la paix et la promotion des droits de l'Homme, APDH) were arrested and accused of rebellion and of undermining internal state security and the functioning of public finances. The charges appeared to relate to their relationship with an international organization abroad and the funding they have received from this organization. They were released on 28 April. Twelve 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 has ratified. 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: 12 October 2023

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

NAME AND PRONOUN: Floriane Irangabiye (She/Her)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/afr16/7015/2023/en/>