

Brussels, 25 July 2019

Joint statement

Burundi: International and local NGOs strongly condemn the conviction against human rights defender Germain Rukuki upheld on appeal and call for his immediate and unconditional release

On 17 July 2019, also the World Day for International Justice, the Burundian Court of Appeal of Ntahangwa confirmed the sentence of human rights defender Germain Rukuki. The decision was issued in a public hearing without Germain and his defence being notified. On 22 July, six days after the decision was issued, they were finally informed.

Arrested at home two years ago on 13 July 2017 and detained since then, on 26 April 2018 Germain Rukuki was sentenced to 32 years in prison by the Ntahangwa High Court on charges of “rebellion”, “breach of State security”, “participation in an insurrectional movement” and “attack on the Head of State”. He appealed this conviction on 29 May 2018. In addition to the many other procedural irregularities that have affected the case, the appeal decision was eventually delivered more than 6 months after the legal deadline.

“It is with great disappointment that I learn of this very unfair and sad decision. The Court of Appeal did not consider my case with all the attention and caution it deserved, but instead decided to simply confirm the verdict of the trial court”, declares Germain Rukuki today..

Despite the attention of the international community and the recognition of Germain’s commitment to human rights, the decision of the court to impose a harsh verdict on Germain Rukuki remains notable miscarriage of justice and the result of the unlawful criminalisation Germain has experienced since he was arrested because of his past activities as a human rights defender with the organization ACAT-Burundi. His prosecution exposes the way in which he and other human rights defenders in Burundi are harassed and targeted through the criminal justice system simply for exercising their right to defend human rights. This is also an emblematic example of the continuous political determination of Burundian authorities to silence human rights defenders, or any source of dissent, in Burundi.

“Germain's place is not in prison. He must be released, close to his family and friends. The legitimacy of his work in achieving social justice and protecting human rights must be recognized”, Germain’s relatives and friends share today.

We, the undersigned non-governmental organisations, strongly condemn Germain’s unlawful conviction and call on Burundian authorities to:

- Comply with international human rights standards, notably the right to a fair trial, to reverse and remedy this wrongful conviction by releasing Germain immediately and unconditionally;
- Recognise the legitimacy of human rights work and stop criminalizing human rights defenders in Burundi.

The support of the international community, the diplomatic representations in Burundi, the African Union and the African Commission on Human and Peoples' Rights, as well as the African regional leaders in particular, remains crucial at this stage.

We therefore urge the international community to:

- Advocate for the immediate and unconditional release of Germain Rukuki;
- Communicate their support and solidarity with Mr. Rukuki and his family;
- Publicly condemn the harassment, arbitrary arrest and detention of human rights defenders in Burundi.

For media inquiries, please contact ao@protectioninternational.org // +32 (0)2 609 44 09.

Signatories:

1. AfricanDefenders
2. Amnesty International
3. Association Européenne pour la défense des Droits de l'Homme (AEDH)
4. Association Burundaise pour la Protection des Droits Humains et des Personnes Détenue (APRODH)
5. Association des Journalistes Burundais en Exil (AJBE)
6. Coalition burundaise des Défenseur·e·s de Droit Humains
7. Coalition Burundaise pour la Cour Pénale Internationale (CB CPI)
8. Collectif des Avocats pour la défense des Victimes de Crimes de droit International commis au Burundi (CAVIB)
9. Coalition de la Société Civile pour le Monitoring Electoral (COSOME)
10. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
11. Consortium of Ethiopian Human Rights Organizations (CEHRO)
12. Fédération internationale des ACAT (FIACAT) and the following ACAT (Action des chrétiens pour l'abolition de la torture):
 13. ACAT Burundi
 14. ACAT Bénin
 15. ACAT Congo (BZV)
 16. ACAT USA
 17. ACAT Suisse
 18. ACAT Allemagne
 19. ACAT République centrafricaine
 20. ACAT Belgique
 21. ACAT Espagne
 22. ACAT Luxembourg
 23. ACAT Madagascar
 24. ACAT Liberia
 25. ACAT Canada
 26. ACAT RDC
 27. ACAT Ghana

- 28. ACAT France
- 29. ACAT Italie
- 30. Fédération Internationale pour les Droits humains (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders
- 31. Forum Pour le Renforcement de la Societe Civile (FORSC)
- 32. Front Line Defenders
- 33. International Service for Human Rights (ISHR)
- 34. Ligue Burundaise des Droits de l'Homme Iteka
- 35. Mouvement des femmes et filles pour la paix et la securite au Burundi (MFFPS)
- 36. Mouvement Citoyen pour l'Avenir du Burundi (MCA Burundi)
- 37. Observatoire de Lutte contre la Corruption et les Malversations Economiques (OLUCOME)
- 38. Organisation mondiale contre la torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders
- 39. Protection International
- 40. Organisation pour la Transparence et la Gouvernance (OTRAG Burundi)
- 41. Réseau des Citoyens Probes (RCP)
- 42. SOS-Torture/Burundi
- 43. Southern Africa Human Rights Defenders Network (SAHRDN)
- 44. Union Burundaise des Journalistes

Timeline of events in the case of Burundian human rights defender Germain Rukuki

2019

- 17 July: the Court of Appeal of Ntahangwa issues their decision, confirming his sentence delivered on first instance. The decision is issued in a public hearing without Germain and his defence team being informed, something that was only done 6 days after on 22 July.
- 31 May: A quick hearing takes place at the Court of Appeal where the judges confirm some new competent judges, as well as the new deadline for the appeal decision (28 June). The lost file seems to have finally been found, without further details about its disappearance and recovery.
- 27 March: The spokesperson for the Burundi Supreme Court tells local media that Germain's judicial file has been misplaced during the restructuring of the Appeals Court of Bujumbura. The loss of the file comes in addition to other numerous procedural irregularities that had affected the case.

2018

- 26 November: The appeal hearing takes place before the Bujumbura Court of Appeal. A 30 day window is given for the appeal decision to be delivered. It is not.

- 5 July: Human Rights Subcommittee (DROI) of the European parliament [calls](#) for the immediate release of Germain during an urgency resolution on the human rights situation in Burundi.
- 26 June: He applies for bail under medical and humanitarian grounds. To date no response has been given.
- 18 June: Germain is transferred back to Ngozi prison although he remains in critical condition.
- 11 June: Germain undergoes a surgical operation in Ngozi hospital after he fractures his ankle in prison.
- 29 May: Germain appeals his conviction.
- 16 May: Chair of the Human Rights Subcommittee (DROI) of the European parliament Pier Antonio Panzeri [calls](#) on authorities to release Germain.
- 8 May: High Representative Mogherini issues a [statement](#) on behalf of the EU specifically mentioning the case of Germain Rukuki against the background of the wider human rights concerns in the country.
- 26 April: Germain is sentenced to 32 years in prison by the Ntahangwa High Court for “rebellion”, “threatening state security”, “attacking the authority of the state” and “participation in an insurrectionist movement”. Germain is acquitted on charges of “assassination” and “destruction of public and private buildings”. Neither Germain nor his lawyers are present when the verdict is read out in court.
- 3 April: Second hearing takes place before the Ntahangwa High Court. The prosecution fails to present concrete and convincing evidence at both trials.
- 13 February: First hearing takes place before the Ntahangwa High Court. Three additional charges of “assassination”, “destruction of public and private buildings” and “participation in an insurrectionist movement” are added.

2017

- 25 August: UN experts [call](#) for release of Burundi human rights defender Germain Rukuki.
- 21 August: The Court confirms his pre-trial detention.
- 1 August: He is charged with ‘breaching the internal security of the State’ and ‘rebellion’ by the Court of First Instance of Ntahangwa in Burundi, on the grounds of his work with NGO ACAT-Burundi.
- 26 July: Germain is transferred to the Ngozi prison.

- 13 July: Germain Rukuki is arrested at home and brought to the National Intelligence Service (Service National de Renseignement - SNR) facilities. He is detained and interrogated without a lawyer present.

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