

BURUNDI: RELEASE LAWYER TONY GERMAIN NKINA

10 August 2021

Burundian authorities should immediately and unconditionally release lawyer Tony Germain Nkina, who was sentenced to five years in prison in June 2021 in all likelihood because of his past human rights work, six international human rights groups said today.

The groups – Amnesty International, the Burundi Human Rights Initiative, DefendDefenders (East and Horn of Africa Human Rights Defenders Project), Human Rights Watch, Protection International Africa and TRIAL International – believe that the likely reason for Nkina’s arrest was his former affiliation with the Association for the Protection of Human Rights and Detained Persons (*Association pour la protection des droits humains et des personnes détenues*, APRODH), which was one of the leading human rights groups in Burundi until 2015.

The prosecution and imprisonment of Tony Germain Nkina is a worrying reminder that those who used to be part of Burundi’s once vibrant human rights movement are still at risk. The Burundian authorities should demonstrate their commitment to protecting human rights by immediately releasing Nkina and dropping all the charges against him. Burundi’s international partners should support the calls for his release.

Nkina, a lawyer in Kayanza province in northern Burundi, was arrested on 13 October 2020 in Kabarore *commune*, where he was visiting a client for his professional work. He was briefly detained by the intelligence service in Kayanza, then transferred to police detention, and finally to Ngozi prison, where he is currently detained.

October 2020 was a tense period in Kayanza following attacks by an armed group in the previous weeks, with several people killed or abducted. Nkina happened to visit Kabarore, one of the areas affected, soon after these attacks. The authorities accused him of collaborating with the armed opposition group RED-Tabara (Resistance for the Rule of Law in Burundi), which they hold responsible for the attacks, and charged him with endangering internal state security.

On 15 June the court of Kayanza convicted Nkina of “collaboration with rebels who attacked Burundi” and sentenced him to five years in prison and a fine of one million Burundian francs (approximately US\$ 500). His client, Apollinaire Hitimana, whom he had been advising on a land dispute and was arrested with him, was found guilty of complicity in the same offence and sentenced to two and a half years and a fine of 500,000 Burundian francs. An appeal hearing is scheduled for 12 August at the Ngozi court of appeal.

Nkina was APRODH’s representative in Kayanza until the government suspended the organization in 2015 as part of a larger crackdown on civil society over opposition to President Pierre Nkurunziza running for a controversial third term. He has not worked for APRODH or any other Burundian civil society organization for the past six years. He is a well-known lawyer in Kayanza and a member of the Gitega bar. However, authorities in Kayanza may still associate him with APRODH, especially as he was riding his former APRODH motorcycle on the day of his arrest.

The prosecution accused him, among other things, of travelling to Rwanda to give information to APRODH's president, Pierre Claver Mbonimpa, who lives in Europe, as well as to RED-Tabara. The prosecution has not presented any evidence to substantiate these allegations.

Nkina is the only known former staff member of a human rights organization imprisoned in Burundi at the present time. Two other human rights defenders were released earlier in 2021.

Background

APRODH was one of Burundi's most active and best-known human rights organizations. Mbonimpa narrowly escaped an assassination attempt in 2015 with life-threatening injuries. Mbonimpa's son and his 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 Nkina. He was released in April 2021 as part of President Évariste Ndayishimiye's pardon of more than 5,000 prisoners.

Another 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. 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.