

Burundi: Once again, human rights defender Germain Rukuki's right to a fair trial is violated

Appeal to the Authorities of Burundi

21/05/2021

We, the undersigned organisations, express our dismay that the Burundian Appeals Court of Ntahangwa has not yet announced a verdict in the case of human rights defender Mr. Germain Rukuki. According to legal statutes, this verdict was due within 30 days of the appeal hearing, by 24 April 2021. This undue delay adds to the litany of irregularities that have characterised the legal proceedings in this case since the arrest of Mr. Rukuki in 2017, and further compounds the violation of Mr. Rukuki's right to a fair trial and due process.

On 30 June 2020, the Supreme Court of Burundi set aside the ruling by the Appeals Court to uphold the 32-year sentence in Mr. Rukuki's case and ordered a second appeal hearing, citing violations to his right to a fair trial. This second appeal hearing took place 8 months later on 24 March 2021 in Ngozi prison, where Mr. Rukuki is currently detained. According to the Burundian Code of Criminal Procedure, following the hearing the Court has 30 days to return a verdict on the case, but this verdict is still pending nearly 60 days later. This delay clearly demonstrates a lack of due process in the case of the internationally recognised human rights defender and political prisoner.

Germain Rukuki is a Burundian human rights defender and father of three. At the time of his arrest Rukuki was working for AJCB (Association of Catholic Jurists of Burundi), having previously worked for ACAT-Burundi (Action by Christians for the Abolition of Torture). ACAT-Burundi was suspended by the government in November 2015, as part of a major clampdown on civil society organisations, including four other human rights groups that also opposed then President Nkurunziza's bid for a third term. Mr. Rukuki was also a co-founder of Njabutsa Tujane, a community-based association advocating against poverty and famine, and for improved access to health. In July 2017 Mr. Rukuki was arrested without a warrant and held by the SNR (National Intelligence Service) before being transferred to Ngozi Prison where he has been held ever since. His previous employment at ACAT-Burundi formed the basis of the charges against him and although no conclusive evidence was ever presented, he was sentenced to 32 years in prison on charges including rebellion and breach of state security.

The violations to Mr. Rukuki's right to a fair trial and due process have been recognised and condemned internationally, including in a [letter](#) to President Évariste Ndayishimiye from five UN Special Procedures in September 2020:

*“Numerous irregularities and procedural flaws were recorded during the proceedings, which were held behind closed doors, in particular concerning the new offences retained, which were not investigated. Furthermore, it is reported that virtually no evidence was presented by the public prosecutor...”*¹

In addition, Mr. Rukuki's detention violates the principles and guidelines on the right to a fair trial and legal assistance as laid out in both the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, of which Burundi has been a party to since 1990.

¹ Special Procedures communication reports, 29 Sep 2020, Burundi, JAL, BDI 2/2020.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25577>

Germain Rukuki has now spent nearly 4 years in prison. He has already waited an additional 30 days for this final verdict to be announced without any legal reason; he should not have to wait any longer. We call on the Burundian Government to demonstrate their commitment to respect the independence of the Judiciary. We further call on the Burundian Appeals Court to comply fully with the fair trial obligations of Burundi under international law, announcing the verdict in this case immediately.

Signed

1. Agir ensemble pour les droits humains (AEDH)
2. AfricanDefenders
3. Amnesty International
4. Association des Journalistes Burundais en Exil (AJBE)
5. Association pour la Coopération et l'Auto-Developpement (ACAD)
6. Burundi Human Rights Initiative (BHRI)
7. Coalition burundaise des défenseurs des droits humains (CBDDH)
8. Coalition Burundaise pour la Cour Pénale Internationale (CB CPI)
9. Collectif des Avocats pour la défense des victimes de crimes de droit international commis au Burundi (CAVIB)
10. Coalition de la Société Civile pour le Monitoring Electoral (COSOME)
11. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
12. European Network for Central Africa (EurAc)
13. FIACAT: International Federation of ACAT
14. ACAT Burundi
15. ACAT République Centrafricaine / Central African Republic
16. ACAT Congo / Congo
17. ACAT Côte d'Ivoire / Côte d'Ivoire
18. ACAT Ghana / Ghana
19. ACAT Tchad / Chad
20. ACAT Canada / Canada
21. ACAT Allemagne / Germany
22. ACAT Belgique/ Belgium
23. ACAT France / France
24. ACAT Italie / Italy
25. ACAT Luxembourg / Luxembourg
26. ACAT Mali
27. ACAT Royaume Uni / UK
28. ACAT Suisse / Switzerland
29. Forum pour le renforcement de la société civile (FORSC)
30. Front Line Defenders
31. International Federation for Human Rights (FIDH), in the framework of the Observatory for the Protection of Human Rights Defenders
32. International Service for Human Rights (ISHR)
33. Kadervorming voor Afrikanen / Formation de Cadres Africains (KBA/FONCABA)
34. La Ligue Burundaise des Droits de l'Homme ITEKA
35. Mouvement INAMAHORO, femmes & filles pour la paix & la sécurité

36. Observatoire de la lutte contre la corruption et les malversations économiques (OLUCOME)
37. Protection International
38. Réseau des Citoyens Probes (RCP)
39. Sapi Lausanne
40. SOS-Torture/Burundi
41. World Organisation Against Torture (OMCT), in the framework of the Observatory for the Protection of Human Rights Defenders
42. Tournons La Page
43. Union Burundaise des journalistes (UBJ)