



Public Statement

The Law Society of Upper Canada expresses deep concern about the disbarment of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and suspension of lawyer Lambert Nigarura in Burundi

Toronto, ON – The Law Society of Upper Canada expresses deep concern about the disbarment of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and the suspension of lawyer Lambert Nigarura in Burundi.

Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize and Vital Nshimirimana are Burundian human rights lawyers who are openly critical of the Burundian government's human rights violations and have represented victims of such crimes before international courts.

Recently, these four lawyers contributed to a report on human rights violations in Burundi. This report was discussed during a session of the United Nations Committee Against Torture on July 28 and 29, 2016. Three of the four lawyers attended the session.

On July 29, 2016, the President of the Bar Association in Bujumbura, Burundi received a request from the Attorney General of the Court of Bujumbura, Burundi to disbar Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize and Vital Nshimirimana. The lawyers were accused of non-compliance with professional ethics and several criminal offences, including "involvement in an insurrectionist movement" and an attempted coup. However, because no criminal case had been brought against the lawyers and no other justification for the requested disbarment existed, the President of the Bujumbura Bar Association, on September 27, 2016, decided to dismiss the Attorney General's request and refused to sanction the four lawyers.

This decision was appealed to the Bujumbura Court of Appeal and overturned on January 16, 2017. Consequently, Vital Nshimirimana, Armel Niyongere and Dieudonné Bashirahishize were disbarred from the Bujumbura Bar Association, while Lambert Nigarura was suspended for one year and excluded from the Council of Bujumbura Bar for five years.

The Law Society is troubled by the arbitrariness of these sanctions, especially in light of the fact that the trial itself was reportedly replete with procedural irregularities, one of which was the Court of Appeal's refusal to allow the lawyers to be represented by their counsel.

The Law Society of Upper Canada urges the Government of Burundi to comply with Burundi's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to

travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Burundi to:

- a. immediately and unconditionally reinstate the law licences of Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura;
- b. ensure that Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize can appeal their disbarment and Lambert Nigarura can appeal his suspension through an independent, impartial judicial proceeding that is open to the public and in which all rules regarding due process are respected;
- c. put an end to all acts of harassment against Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura, as well as all other human rights lawyers and defenders in Burundi; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

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For more information, please contact Susan Tonkin, Communications Advisor - Media Relations, at 416-947-7605 or stonkin@lsuc.on.ca.

The Law Society of Upper Canada
Osgoode Hall, 130 Queen Street West
Toronto, Ontario, M5H 2N6

www.lsuc.on.ca

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