



The Law Society of
Upper Canada | Barreau
du Haut-Canada

February 23, 2017

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H.E. Pierre Nkurunziza
President of the Republic of Burundi
Office of the President
Boulevard de L'Uprona
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Bujumbura, Burundi

Your Excellency:

Re: Disbarment of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and suspension of lawyer Lambert Nigarura

I write on behalf of the Law Society of Upper Canada* to voice our deep concern over the disbarment/suspension of lawyers Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura 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.

It is our understanding that these four lawyers contributed to a report on human rights violations in Burundi and that 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 are said to have 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 Vital Nshimirimana, Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura. 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.

We are 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 Your Excellency 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 and Lambert Nigarura can appeal their disbarment/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.

Yours truly,

Paul B. Schabas
Treasurer

**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.

cc:

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Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales