

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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RWANDA: RELEASES MUST BE FOLLOWED BY OPENING UP OF POLITICAL SPACE

The release from prison of opposition politician Victoire Ingabire and popular singer Kizito Mihigo on 15 September 2018 is a positive step in the right direction. Amnesty International calls on the Government of Rwanda to build on this move by taking all necessary actions to open up political space in the country and ensure that the fair trial rights of all detainees, including former presidential aspirant Diane Rwigara, are upheld.

On 14 September, President Paul Kagame informed the cabinet that he was exercising his prerogative to grant mercy to Kizito Mihigo and Victoire Ingabire and commute their sentences. On the same day, the cabinet approved a ministerial order granting release on parole to 2138 other prisoners. Kizito Mihigo and Victoire Ingabire were released on 15 September. Under the terms of their release, they are however required to report to the local prosecutor on a monthly basis and seek authorization each time they want to travel abroad.

TRIALS OF VICTOIRE INGABIRE AND KIZITO MIHIGO

Victoire Ingabire's conviction on charges relating to views she had expressed violated her freedom of expression. There were also violations of her fair trial rights.

Victoire Ingabire, president of the FDU-Inkingi opposition party, was charged with "genocide ideology", "discrimination and sectarianism", "willingly disseminating rumours aiming at inciting the public against the established authority", "complicity in acts of terrorism", "creating an armed group", "recourse to terrorism, armed force and all other violence in order to harm the established authority and the constitutional principles". In 2012, the High Court found her guilty of "conspiracy to harm the existing authority and the constitutional principles using terrorism, armed violence or any other type of violence", and "grossly minimizing the genocide" and sentenced her to eight years in jail. The expression-related charges were based on pieces of imprecise and broad Rwandan legislation and violated her freedom of expression.

Amnesty International observed the first instance trial and found that Victoire Ingabire was at times treated unfairly during the trial, with the judges showing signs of hostility and anger towards her and regularly interrupting her. She appealed the High Court's decision to the Supreme Court, which ruled in 2013 that her complaints about the non-respect of fair trial principles were unfounded. In addition, the judges found her guilty of spreading lies to incite the population to revolt against the established authorities. Upholding the previous conviction on the two other charges, the Supreme Court increased the length of her sentence to 15 years.

The African Court on Human and Peoples' Rights ruled in November 2017 that Victoire Ingabire's conviction violated her freedom of expression, noting that "by virtue of their nature and positions, government institutions and public officials cannot be immune from criticisms, however offensive they are; and a high degree of tolerance is expected when such criticisms are made against them by opposition political figures."

Kizito Mihigo was arrested on 6 April 2014, just weeks after he released a gospel song in which he prayed for victims of the genocide and victims of other violence. On 27 February 2015, he was found guilty of plotting against the government, forming a criminal group and conspiracy to commit an assassination. He was sentenced to 10 years in jail. He was accused along with three others - journalist Cassien Ntamuhanga and demobilized soldier Jean Paul Dukuzumuremyi, and Agnès Niyibizi – of collaborating with the Rwanda National Congress (RNC) and the Democratic Forces for the Liberation of Rwanda

(FDLR). Cassien Ntamuhanga and Jean Paul Dukuzumuremyi were sentenced to 25 and 30 years respectively, while Agnès Niyibizi was acquitted.

DIANE AND ADELINE RWIGARA

With the next hearing in the trial of former presidential aspirant and activist Diane Rwigara and her mother Adeline Rwigara scheduled for 24 September 2018, we urge the competent Rwandan authorities to ensure that such violations as befell Victoire Ingabire are not repeated, that their right to a fair trial is fully guaranteed, and that any charges related to the legitimate exercise of their right to freedom of expression are dropped.

Alongside four others being tried in absentia, Diane Rwigara and Adeline Rwigara have been charged with “inciting insurrection or trouble among the population”. Diane Rwigara is also charged with “forging or alteration of documents” and “use of counterfeited documents”, and her mother faces the additional charge of “discrimination and sectarian practices.” Diane Rwigara attempted to stand for president as an independent candidate in the August 2017 presidential election, but her candidacy was rejected by the National Electoral Commission on grounds that she had submitted forged signatures as part of her application for nomination. She was arrested with her mother, and sister, Anne Rwigara, on 23 September 2017.

FOR FURTHER INFORMATION, PLEASE SEE AMNESTY INTERNATIONAL’S PUBLICATIONS:

Justice in jeopardy - The first instance trial of Victoire Ingabire, March 2013,
<https://www.amnesty.org/en/documents/AFR47/001/2013/en/>;

Setting the scene for elections: Two decades of silencing dissent in Rwanda, July 2017,
<https://www.amnesty.org/download/Documents/AFR4765852017ENGLISH.pdf>; and

‘Rwanda: Ensure fair trial for former presidential aspirant’, 22 May 2018,
<https://www.amnesty.org/en/documents/afr47/8464/2018/en/>.