

AI Index: PRE 01/059/2011
11 February 2011

Rwanda: Opposition politician jailed for exercising rights

Rwandan opposition politician jailed for exercising rights

Amnesty International has called for the unconditional release of Rwandan opposition leader Bernard Ntaganda jailed today on politically motivated charges.

Bernard Ntaganda, president of the Ideal Social Party (PS-Imberakuri) party, was sentenced to 4 years imprisonment after being found guilty of breaching state security, of “divisionism” for holding public speeches criticizing government policies ahead of last year’s elections, and attempting to plan an “unauthorized” demonstration.

Ntaganda had been arrested at dawn on 24 June 2010 - the first day that presidential candidates could register for the elections – and remanded in pre-trial detention.

Restrictions on freedom of association and expression prevented new opposition parties from contesting the August 2010 presidential elections.

Ntaganda’s prosecution for threatening state security and “divisionism” was based solely on his speeches criticizing government policies.

The prosecution had requested a 10 year jail sentence for these two charges and contended that “paint[ing] a negative image of state authority” could cause the population to rebel and create unrest.

“Today’s ruling once again criminalizes peaceful dissent”, said Amnesty International’s Africa Programme Director, Erwin van der Borgh.

“The growing trend in Rwanda to convict individuals of threatening national security for criticizing government policies is deeply concerning and in violation of Rwanda’s obligations under international human rights law”.

Last week, two Rwandan journalists, Agnes Uwimana and Saidati Mukakibibi, were found guilty of threatening state security for opinion pieces critical of government policies published before last year’s elections. They were sentenced to 17 and 7 years respectively.

Vague and sweeping laws on “divisionism” and “genocide ideology” were introduced in Rwanda in the decade after the 1994 genocide.

Up to 800,000 Rwandans were killed in the genocide, mostly ethnic Tutsi, but also Hutu who opposed the organized killing.

The laws prohibit hate speech, but are broadly drafted so that they criminalize expression that does not amount to hate speech, including legitimate criticism of the government.

The Rwandan government expressed a commitment in April 2010 to review the “genocide ideology” law, but it is unclear whether the “divisionism” law will also be revised.

Alice Muhirwa, Martin Ntavuka and Sylvain Sibomana of the United Democratic Forces-Inkingi (FDU-Inkingi) were found guilty of conspiring to participate in demonstrations on 24 June 2010 without authorization. They were fined 100,000 Rwandan francs.

The prosecution had requested a two month jail sentence.

Jean Baptiste Icyitonderwa of PS-Imberakuri was acquitted of conspiring to participate in the same demonstration without authorization.

Theobald Mutarambirwa of PS-Imberakuri and Theoneste Sibomana of FDU-Inkingi, also charged with conspiring to participate in demonstrations without authorization, will be tried separately.

The opposition politicians were arrested on 24 June 2010.

Some of the FDU-Inkingi members were arrested near the Ministry of Justice in the capital, Kigali, where they had gathered to request the registration of their party.

Some of the PS-Imberakuri members were arrested outside the US Embassy, where they had gone to enlist help following Ntaganda’s arrest.

Although the opposition members were convicted of conspiracy to participate in demonstrations without authorization, Amnesty International has found no evidence that they either resorted to, or intended to resort to, violence.

The government failed to put forward any legitimate justification for banning the demonstration.

Ntaganda had requested authorization to hold the demonstration.

The prosecution said the authorities had attempted to notify Bernard Ntaganda that the demonstration was banned, the day before it was due to take place.

But the defence said the demonstrators were unaware of the move.

Those arrested were later released on bail, after spending days in police detention and reportedly being subjected to ill-treatment such as being beaten and handcuffed to each other, even when they went to the toilet.

“Instead of jailing individuals for planning a demonstration, the government should have taken steps to allow for peaceful protest before the elections,” said Erwin van der Borcht.

Background

Restrictions on freedom of association prevented new opposition parties from contesting the elections, which President Kagame won with 93 per cent of the vote.

PS-Imberakuri had secured registration, but was subsequently infiltrated by dissident members, who decided not to field a candidate.

Ntaganda was called before the Rwandan Senate in late 2009 to respond to “genocide ideology” accusations. In April 2010, the Senate’s political commission said they felt such accusations were well-founded.