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Rwanda: Ensure appeal after unfair Ingabire trial

Rwandan opposition leader Victoire Ingabire must get a prompt and fair appeal after being convicted in a trial that fell short of international standards, Amnesty International said today.

Ingabire, President of the United Democratic Forces (FDU-Inkingi), was sentenced to eight years in prison on Tuesday.

“The trial was marred by the court’s failure to ensure that evidence was properly tested, combined with the prosecution’s disregard for due process in some instances,” said Sarah Jackson, Amnesty International’s Acting Deputy Africa Director.

“Victoire Ingabire must be afforded a prompt and fair appeal.”

The initial charges in the indictment against Ingabire fell into two broad categories – speech-related charges and terrorism-related charges. The speech-related charges, which were brought against Ingabire on the basis of the expression of her political views, should not have been brought before a court in the first place.

Ingabire was today convicted of two updated charges and acquitted of four others. Amnesty International is waiting for confirmation of the precise charges and the applicable laws under which she was tried.

Ingabire was arrested in April 2010, shortly after her return to Rwanda following 16 years in exile. She had hoped to register FDU-Inkingi to stand in the August 2010 presidential elections.

The open trial was well attended by human rights activists, journalists and diplomats.

Despite international scrutiny, the trial was marred by various violations of due process including: non-disclosure of potentially exculpatory evidence that could have assisted Ingabire’s defence, witness intimidation and interference with the right to remain silent after her notes were seized.

The initial terrorism-related charges in the indictment were based, in part, on the testimony of four men tried alongside Ingabire. The men all pleaded guilty and testified against her.

Major Vital Uwumuremyi, Lieutenant Colonel Tharcisse Nditurende, Lieutenant Colonel Noel Habyaremye, and Captain Jean Marie Vianney Karuta confessed to past involvement with the Democratic Forces for the Liberation of Rwanda (FDLR), an armed opposition group in the neighbouring Democratic Republic of Congo (DRC).

The prosecution alleged that Ingabire worked with the co-accused men to try to form an armed opposition group, the Coalition of Defence Forces (CDF). The co-accused said that she held meetings with them in the DRC and Republic of Congo. They also alleged that Ingabire transferred money to them by Western Union through third parties.

The court did not properly test oral evidence given by the co-accused and it prevented the defence from properly cross-examining them.

During limited questions that the court permitted the defence, it materialized that Nditurende and Habyaremye were unlawfully detained by the Rwandan military before incriminating Ingabire. They were interviewed at Camp Kami by intelligence agents without the presence of a lawyer. The court made no effort to obtain notes of these interviews which may have assisted Ingabire's defence.

The judges prevented the defence from asking questions about detention conditions in Camp Kami, including to clarify if the co-accusers' evidence had been coerced or induced.

A key defence witness, Lieutenant Colonel Michel Habimana, who might have shed light on events at Camp Kami, was intimidated by the prosecution. He said that he had been held there at the same time as Major Vital Uwumuremyi and that the terrorism-related accusations against Ingabire were fabricated under coercion from state security.

After testifying in court, Habimana, a former FDLR spokesperson serving a life sentence for genocide, had his prison cell searched. The prosecution submitted Habimana's notes seized in the search, as evidence. They claim that the notes demonstrate that Ingabire's defence lawyer improperly prepared the witness.

Ingabire withdrew from the trial after this incident, claiming that other defence witnesses could not testify in safety and that this undermined her right to a fair trial.

"If the prosecution had doubts about the credibility of a witness, they should have asked to question him," said Jackson.

"The seizure of a witness' notes outside of the court process sends an intimidating signal to other defence witnesses."

Background

Amnesty International's observation of the Ingabire trial focused on adherence to fair trial standards. The organization does not take a position on Ingabire's innocence or guilt on the terrorism charges.

Amnesty International appointed an independent trial monitor who was present for all but four days of the trial and compiled a detailed record of court proceedings. The organization considers that the trial fell short of complying with various fair trial standards.

The court's failure to ensure that oral evidence of Ingabire's co-accused was properly tested is particularly concerning given their unlawful detention by the Rwandan military. Amnesty International's October 2012 report, *Rwanda: Shrouded in Secrecy: Illegal Detention and Torture by Military Intelligence*, detailed credible allegations of torture at Camp Kami. The Rwandan authorities dismissed these allegations without investigation.