

AI Index: PRE 01/147/2013
25 March 2013

Rwanda: Opposition leader's right to a fair trial in jeopardy

Rwandan opposition leader Victoire Ingabire must be allowed an appeal that meets international fair trial standards after being convicted and sentenced to eight years' imprisonment in October 2012, said Amnesty International in a new report released today.

The appeal, due to open today, must rectify a number of problems which occurred in the trial, as documented in "Justice in Jeopardy: The first instance trial of Victoire Ingabire."

"Victoire Ingabire's initial trial was flawed and international standards were flouted," said Sarah Jackson, Acting Deputy Director of the Africa Programme.

Ingabire, President of the United Democratic Forces - Inkingi (FDU-Inkingi) was convicted and sentenced to eight years in prison on 30 October 2012, on charges of conspiracy to harm the authorities using terrorism and minimizing the 1994 genocide.

From the start of investigations, President Paul Kagame made public statements in the media and through Twitter on Ingabire's alleged culpability which were at odds with her right to the presumption of innocence.

The terrorism charges were based in large part on confessions that came after a period of military detention in Camp Kami where torture is alleged to be used and the court did not effectively investigate this.

"Amnesty International has documented allegations of torture and ill-treatment of individuals in Camp Kami. The fact that at least two men tried alongside Victoire Ingabire were detained there for months before incriminating her is cause for serious concern and needs to be looked into."

Amnesty International observed most of the trial from September 2011 to April 2012 and recorded numerous instances where Ingabire was treated unfairly.

The judges appeared confrontational towards the defence and the defendant was regularly interrupted or reprimanded by the judges. Evidence put forward by the defence and the prosecution was treated differently: the defence's evidence was repeatedly called into question, whereas basic questions in relation to the prosecution's evidence were not asked.

The speech-related charges at the start of the trial were based on vague and imprecise laws punishing "genocide ideology" and "discrimination and sectarianism" and the defence would have found it difficult to decipher how her conduct was criminal.

These laws were introduced to restrict speech that could promote hatred in the years following the 1994 genocide. However, the vague wording of these laws has been misused to criminalize freedom of expression and dissent.

“Looking at the evidence in the trial, Amnesty International cannot see how Victoire Ingabire intended to incite ethnic hatred or violence,” said Jackson.

“The government has pledged to revise the “genocide ideology” law in line with Rwanda’s obligations under international law,” added Jackson. “Following through on this would be a positive move.”

The judicial authorities must now provide Ingabire with an appeal trial which complies with international fair trial standards.

“Critics of the Rwandan authorities have been harassed, intimidated and imprisoned. A fair appeal will show that political trials will be dealt with independently,” concluded Jackson.

Background

“Justice in Jeopardy: The first instance trial of Victoire Ingabire” focuses on the fairness of the proceedings and the court’s capacity to try the case in line with international standards. The organization has not taken a position on Ingabire’s culpability.

Ingabire, President of the United Democratic Forces (FDU-Inkingi), came to Rwanda in January 2010 to participate in the 2010 presidential elections.

Ingabire was brought to trial with Vital Uwumuremyi, Tharcisse Nditurnde, Noel Habiyaremye and Jean Marie Vianney Karuta, all former members of the Democratic Forces for the Liberation of Rwanda (FDLR), an armed group operating in eastern Democratic Republic of the Congo (DRC). The prosecution alleged that she conspired with them to form an armed group called the Coalition of Democratic Forces (CDF) whose objective was to destabilize Rwanda. All four co-accused pleaded guilty, made confessions and sought leniency from the court.

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