PRESS RELEASE

THE APPEAL CASE OF POLITICAL PRISONER VICTOIRE INGABIRE UMUHOZA
TO THE AFRICAN COURT OF HUMAN AND PEOPLES RIGHTS
EXPOSES THE BANKRUPTCY OF THE JUSTICE SYSTEM IN RWANDA.

Two days prior to the hearing on 4 March 2016 by the African Court of Human and Peoples' Rights (ACHPR), of the appeal case lodged by the political prisoner Victoire Ingabire Umuhoza against a court ruling by RPF regime led by General Paul Kagame, the Rwandan Government notified the court that it would not appear before it. The manoeuvres and obstacles put in place by the Kigali government to deny the complainant access to her lawyers prior to the appearance had clearly shown that the Rwandan government was doing everything to ensure that the complainant does not a fair trial.

The Rwandan government had notified the African Union Commission of the withdrawal of its declaration accepting the competence of the African Court for Human and Peoples’ Rights under Article 34.6 of the Court's Protocol. Contrary to what the Rwandan government’s public relations machinery had told the world that its justice system, heavily funded by the Dutch government, was doing wonderfully well, the U turn has clearly demonstrated the bankruptcy of the Rwandan justice system. As a matter of fact, the Rwandan government has turned its justice system a political tool to stifle critics and international justice becomes relevant only when it suits its political interests.

The appeal to the ACHPR by the political prisoner Madame Victoire Ingabire Umuhoza (VIU) dates back to 18th October 2014 and was based on Article 34 paragraph 6 of the Protocol. The acceptance of the appeal by the ACHPR dates back to more than 18 months ago and precedes the current process of withdrawal started by the Rwandan government. The Rwandan government's approach is “ex-post”, and indeed the Rwandan government had prepared itself to be at this trial. For example, the Rwandan government had gone as far as requesting and obtaining permission from the ACHPR to have an “amicus curiae” in the person of the chair of the National Commission for the Fight against Genocide. Furthermore the Rwandan government had even submitted its legal arguments to which Mrs Victoire Ingabire Umuhoza had replied.

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In addition, in its letter No. 1272/15 / CNLG / EC of 12 October 2015, the National Commission for the Fight against Genocide (CNLG) responded to a letter from the Court, ref No. AFCHPR / Reg / APPL.003 / 2014/13 of 28 September 2015 requesting the National Commission to submit its report as “Amicus curiae” within 15 days from 09 October 2015. It should be noted in passing that the appointment of the National Commission represented by Mr. Bizimana John Damascene, Executive Secretary of CNLG, did not meet the criteria of neutrality and objectivity of an “amicus curiae” that are usually required. For example, one has to read a book entitled "Inzira YA JENOSIDE yakorewe Abatutsi MU RWANDA" (The origins of the genocide committed against Tutsis in Rwanda) Chapter XXVI section 26.5 "Genocide Ideology of FDU Inkingi and its Chair Victoire Ingabire Umuhogoz, "pages 396-401.

By its accession to the protocol, which has the status of an international treaty binding the States Parties to the Protocol, Rwanda had voluntarily committed itself to respecting the sacrosanct rule of international law i.e. "pacta sunt servanda". This rule, which calls for certain code of conduct in the implementation of that protocol, is enshrined in the Vienna Convention, which in Article 26, states: "every treaty in force is binding upon the parties and must be implemented in good faith."

If Rwanda intends to challenge all or part of the protocol establishing the ACHPR, it should not apply to the Commission of the African Union, but rather to the General Assembly of the African Union. However, it seems that the Rwandan regime deliberately avoided the normal procedure because it does not serve the interests of the Rwandan government. It could not count, inter alia, on the General Assembly of the African Union for it meets only once a year and could be convened suddenly before the trial and it was more convenient to write the AU Commission because President Kagame is 2nd Vice President of the commission. He would be judge and jury in the decision making at this level.

The denunciation and withdrawal of Rwanda under the jurisdiction of the ACHPR in the current proceedings are circumstantial and “a posteriori”, with no retroactive effect and cannot impact or the rights acquired by Rwandan citizens and in particular, on an ongoing judicial process. If the government persists in failing to appear before the court where it is the defendant, the court should take note of this failure to appear in court and make appropriate decision. The Rwandan government will then be considered as having decided to part with international justice.

Therefore, the African Commission should draw relevant conclusions from the evidence and law, in particular, by ordering the immediate and unconditional release of the plaintiff, Mrs. Victoire Ingabire Umuhogoz, political prisoner who, who should henceforth recover all her inalienable rights including among others, her civil and political rights.

Done in London, 16 March 2016

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