



**PLATFORM AMAHORO PC – FDU INKINGI – PDP IMANZI – PS IMBERAKURI – RWANDA NATIONAL CONGRESS (RNC)**

---

## **PRESS RELEASE**

### **President Kagame should ensure the respect of the ruling of the ACHPR on the case of Mrs Victoire Ingabire Umuhuza to leave a positive legacy as chair of the African Union.**

When President Kagame took over the chairmanship of the African Union in January 2018, he was hailed as a great achiever, reformist and great pan Africanist, who would take Africa to another level. However, the failure of the Rwandan government to implement the ruling of the African Court on human and peoples' rights in the case of Mrs. Victoire Ingabire Umuhuza versus the Rwandan government during the term of office as chair of the African Union could knock down most of his credentials and expose him as no different from any other ruthless dictator.

The court ruling of December 7, 2018, African Court on human and peoples' rights has ordered the Rwandan government to pay material and moral damages to Mrs. Victoire Ingabire Umuhuza and her family. The ruling followed a request submitted by the lawyers of Mrs. Victoire Ingabire Umuhuza to the court after the Rwandan government refused to respond to the ruling of the court on November 24, 2017. The Rwandan government has been given six (6) months to implement the ruling on reparations after which an interest will be applied on the sum fixed by the court.

In its ruling of November 24, 2017, the Court ruled that the government of Rwanda had violated several of the rights of Mrs. Victoire Ingabire Umuhuza under the African Charter of Human and People's Rights, including the freedom of opinion/expression and the right of a defense and ordered Rwandan government "to take all necessary measures to restore the rights of the Applicant and to submit to the Court a report on the measures taken within six (6) months and granted 30 days to Ingabire to submit a reparations request, something that Mrs. Victoire Ingabire Umuhuza did, and the Rwandan government to file its Response within thirty (30) days from the date of receipt of the Applicant's observations.

Article 29 (2) of the protocol to the African Charter on Human and Peoples' Rights establishing an African court of Human and Peoples' Rights provides that: "the judgments of the Court shall also be notified to the Council of Ministers which shall ensure their proper implementation". Article 30 of the Protocol stipulates that " the States Parties to the present Protocol undertake to comply with the judgment in any case to which they are parties within the time stipulated by the Court and to guarantee its execution". President Kagame as current chair of the African Union and his Minister of Foreign Affairs, as chair of the council of Ministers, should have set a good example by ensuring the implementation of the court orders.

We would like to recall that the court had dismissed two out of three convictions (minimization of genocide and inciting insurrection) because it found them contrary to the African Charter on Human and People's Rights, namely Article 9, as well as Article 19 of the International Covenant on Civil and Political Rights and held that all statements made by Mrs. Ingabire for which she was prosecuted and convicted fall within the type of speech that should be expected and tolerated in a democratic society. Indeed, the Rwandan court has now used the same argument to dismiss the charges brought against Ms. Diane Rwigara. With regard to the third conviction of terrorism against the State, the court had ruled that the Rwandan state had violated Mrs. Ingabire's right to a defence under Article 7 of the African Charter and Article 14 and 15 of the Internal Convention on Civil and Political rights (CCPR) and therefore that Mrs. Victoire Ingabire did not get a fair trial on this alleged crime. The Rwandan government would have had to review the trial on this issue or freed her. Because the Rwandan government dared not review the trial it has to drop this charge. Therefore, the minimum remedy for these violations of her rights would have been release and not just a presidential clemency.

As chair of the African Union, we had expected that the government of Rwanda would have acted as a role model for other African States in respecting human rights and in building strong institutions of the African Union. Indeed, as the

rwandan government has bowed to the rule of law in the release of Ms Diane Rwigara and her mum, we call on President Kagame and his government to bow to the decision of the African court and hence show respect for African Institutions by restoring the rights of Mrs Ingabire by nullifying the 15 year sentence imposed on her and to implement the courts order on reparations.

The Rwandan political opposition, which is composed of Amahoro People's Congress - United Democratic Forces (FDU – Inkingi); PDP – Imanzi; PS Imberakuri; Rwanda National Congress (RNC) welcomes the dismissal of the charges against Ms. Diane Rwigara and her mum by a Rwandan court, highly commends the African Court on Human and Peoples 'rights for its landmark ruling on reparations in the case of Victoire Ingabire Umuhzo, a glaring example of the independence of this court. It calls on the Rwandan government to:

1. Restore political and civil rights of Mrs. Victoire Ingabire Umuhzo in line with the orders of the ACHPR by annulling all the decisions taken since the preliminary investigation up till the pronouncement of the last judgment
2. Pay promptly the reparations to Victoire Ingabire Umuhzo and her family for the wrongs done as instructed by the court.
3. Release all political prisoners held in violation of their right to freedom of expression.
4. End intimidation, harassment, arbitrary arrests, extra judicial killings and forced disappearances. We request the Rwanda government to inform the family and party of the whereabouts of Boniface Twagirimana. 1<sup>st</sup> Vice President of FDU-Inkingi.
5. Open the political space and engage in an open and inclusive dialogue with all oppositions forces in order to chart together a better future for Rwandans.

Jerome Niyigiziki

Chair

Rwanda Political opposition Platform (P5)