

Thursday 23 May 2013

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Rwanda: case of Victoire Ingabire**European Parliament resolution of 23 May 2013 on Rwanda: case of Victoire Ingabire (2013/2641(RSP))**

(2016/C 055/22)

The European Parliament,

- having regard to the International Covenant on Civil and Political Rights, which was ratified by Rwanda in 1975,
 - having regard to the African Charter on Human and Peoples' Rights (ACHPR),
 - having regard to the African Charter on Democracy, Elections and Governance,
 - having regard to the instruments of the United Nations and the African Commission on Human and People's Rights, in particular the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa,
 - having regard to the answer by VP/HR Ashton of 4 February 2013 to Written Question E-010366/2012 regarding Victoire Ingabire,
 - having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific (ACP) Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, and particularly to Annex VII thereto, which calls for the promotion of human rights, democracy based on the rule of law and transparent and accountable governance,
 - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
 - having regard to the Amnesty International report 'Justice in jeopardy: The first instance trial of Victoire Ingabire' of 2013,
 - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas in 2010, after 16 years in exile in the Netherlands, Victoire Ingabire, President of the Unified Democratic Forces (UDF ⁽¹⁾), a coalition of Rwandan opposition parties, returned to Rwanda to run in the presidential election;
- B. whereas Victoire Ingabire, who was ultimately barred from standing in the election, was arrested on 14 October 2010; whereas the election was won, with 93 % of the vote, by the outgoing President, Paul Kagame, leader of the Rwandan Patriotic Front (RPF); whereas the UDF had not been able to register as a political party before the 2010 election; whereas other opposition parties were subject to similar treatment;
- C. whereas Ms Ingabire's political activities have focused on, among others issues, the rule of law, freedom of political associations and the empowerment of women in Rwanda;
- D. whereas the RPF continues to be the dominant political party in Rwanda under President Kagame, controlling public life along the lines of a one-party system, with critics of the Rwandan authorities being harassed, intimidated and imprisoned;

⁽¹⁾ French: Forces Démocratiques Unifiées (FDU-Inkingi).

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- E. whereas on 30 October 2012 Victoire Ingabire was sentenced to eight years in prison; whereas she was convicted of two updated charges and acquitted of four others; whereas she was found guilty of conspiracy to harm the authorities using terrorism, and of minimising the 1994 genocide, on the basis of her presumed relations with the Democratic Forces for the Liberation of Rwanda (FDLR), a Hutu rebel group; whereas the Public Prosecutor sought a sentence of life imprisonment;
- F. whereas on 25 March 2013 Victoire Ingabire took the stand in her appeal trial and called for a re-examination of the evidence;
- G. whereas the prosecution of Victoire Ingabire for 'genocide ideology' and 'divisionism' illustrates the Rwandan Government's lack of tolerance of political pluralism;
- H. whereas in April 2013, in the course of her appeal before the Supreme Court, while she was cleared of the six charges lodged by the prosecution, she was sentenced on new charges that were not based on legal documents and that, according to her defence counsel, had not been presented during the trial; whereas the two new charges include negationism/revisionism and high treason;
- I. whereas in May 2013, after having testified against Victoire Ingabire before the Rwandan High Court in 2012, four prosecution witnesses and a co-accused told the Supreme Court that their testimonies had been falsified; whereas a prominent human rights organisation expressed concerns about their 'prolonged incommunicado detention' and 'the use of torture to coerce confessions';
- J. whereas the trial, which started in 2011, is considered by many observers to be politically motivated; whereas the Rwandan national law and judiciary contravenes international conventions to which Rwanda is a party, in particular the International Conventions on Civil and Political Rights, which the Rwandan Government signed on the 16 July 1997, specifically its provisions on freedom of expression and freedom of thought;
- K. whereas since 16 April 2012 Ms Ingabire had been boycotting her trial in protest at the intimidation and illegal interrogation procedures used against some of her co-accused, namely former FLDR members Lieutenant-Colonel Tharcisse Ndituronde, Lt Colonel Noël Habiyaremye, Captain Jean Marie Vianney Karuta and Major Vital Uwumuremyi, as well as against the Court's decision to shorten the hearing of a defence witness Michel Habimana, who accuses the Rwandan authorities of fabricating evidence; whereas these circumstances have not been confirmed by the Rwandan authorities;
- L. whereas Bernard Ntaganda, founder of the PS-Imberakuri party, was sentenced to four years in prison on charges of endangering national security, 'divisionism' and attempting to organise demonstrations without authorisation;
- M. whereas on 13 September 2012 Victoire Ingabire — together with two other Rwandan political figures, Bernard Ntaganda and Deogratias Mushyayidi, all currently imprisoned in Kigali — was nominated for the European Parliament's Sakharov Prize for Freedom of Thought;
- N. whereas Rwanda is signatory to the Cotonou Agreement, which stipulates that respect for human rights is an essential element of EU-ACP cooperation;
- O. whereas respect for fundamental human rights, including political pluralism and freedom of expression and association, are severely restricted in Rwanda, making it difficult for opposition parties to operate and for journalists to express critical views;
- P. whereas the consolidation of democracy — including ensuring the independence of the judiciary and the participation of opposition parties — is crucial, particularly in view of the 2013 parliamentary elections and the presidential election to be held in 2017;
- Q. whereas the Rwandan genocide and civil war of 1994 continue to have a negative impact on the stability of the region;

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1. Expresses its deep concern at the initial trial of Victoire Ingabire, which did not meet international standards, not least as regards her right to the presumption of innocence, and which was based on fabricated evidence and confessions from co-accused who had been held in military detention at Camp Kami, where torture is alleged to have been used to coerce their confessions;
2. Strongly condemns the politically motivated nature of the trial, the prosecution of political opponents and the prejudging of the trial outcome; calls on the Rwandan judiciary to ensure a prompt and fair appeal for Ms Victoire Ingabire that meets the standards set by Rwandan and international law;
3. Calls for the principle of equality to be upheld through measures to ensure that each party — prosecution and defence — is given the same procedural means of and opportunity for discovery of material evidence available during the trial, and is given equal opportunity to make its case; encourages better testing of evidence, including means to ensure that it was not obtained by torture;
4. Calls on the EU to send observers to monitor the Victoire Ingabire appeal trial;
5. Stresses its respect for the independence of the judicial system of Rwanda, but reminds the Rwandan authorities that the EU, in the context of the official political dialogue with Rwanda under Article 8 of the Cotonou Agreement, has raised its concerns with regard to the respect due to human rights and the right to a fair trial;
6. Recalls that freedoms of assembly, association and expression are essential components in any democracy, and considers these principles to be subject to serious restrictions in Rwanda;
7. Condemns all forms of repression, intimidation and detention of political activists, journalists and human rights activists; urges the Rwandan authorities immediately to release all individuals and other activists detained or convicted solely for exercising their rights of freedom of expression, association and peaceful assembly; urges, in this respect, the Rwandan authorities to adjust national law in order to guarantee freedom of expression;
8. Urges the Rwandan Government to comply with international law and to respect the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights of 1966 and the African Charter on Human and Peoples' Rights;
9. Recalls that statements obtained by the use of torture or other forms of ill-treatment are inadmissible in any proceedings;
10. Calls on the Rwandan judicial authorities to investigate allegations of torture and other abuses of human rights effectively and to bring those guilty of such offences to justice, as impunity cannot be tolerated;
11. Expresses its concern that 19 years after the RPF came to power, and two years after the re-election of President Kagame, Rwanda still does not have any functioning opposition political parties;
12. Calls on the Rwandan authorities to ensure the separation of administrative, legislative and judicial powers, and in particular the independence of the judiciary, and to promote the participation of opposition parties, in a context of mutual respect and inclusive dialogue as part of a democratic process;
13. Takes the view that the 2008 genocide-ideology law used to accuse Victoire Ingabire has served as a political instrument to silence criticism of the government;
14. Calls on the Government of Rwanda to review the law on 'genocide ideology' in order to bring it into line with Rwanda's obligations under international law, and to change the law instituting punishment for offences of discrimination and sectarianism to bring it into line with Rwanda's obligations under international human rights law;
15. Stresses that the criminal trial of Victoire Ingabire, one of the longest in Rwandan history, is important, both politically and legally, as a test of the Rwandan judiciary's capacity to deal with high-profile political cases in a fair and independent manner;

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16. Reminds the Rwandan authorities that democracy is based on pluralistic government, a functioning opposition, independent media and judiciary, respect for human rights, and respect for the rights of expression and assembly; calls, in this regard, on Rwanda to live up to these standards and to improve its human rights record;
 17. Stresses that in the context of international development work in Rwanda, much greater priority should be given to human rights, the rule of law, and transparent and responsive governance; calls on the EU, in collaboration with other international donors, to exert continued pressure to encourage human rights reform in Rwanda;
 18. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the UN Security Council, the UN Secretary General, the institutions of the African Union, the East African Community, the ACP-EU Joint Parliamentary Assembly, the governments and parliaments of the Member States, the defenders of Victoire Ingabire and the President of Rwanda.
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