Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ref.: AL RWA 2/2025
(Please use this reference in your reply)

17 July 2025

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolution 52/9.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the **arrest, detention and prosecution of prominent political dissident Ms. Victoire Ingabire Umuhoza.**

Victoire Ingabire Umuhoza is a political opposition leader and human rights advocate. She was nominated for the Sakharov Prize (which is awarded by the European Parliament to a human rights defender) and has been awarded several human rights prizes in recognition for her work, including the 2024 Prize for Freedom by Liberal International and the 2019 International Human Rights Award by the Association for Human Rights of Spain (APDHE).

According to the information received:

Background

Ms. Victoire Ingabire Umuhoza spent 16 years in exile before returning to Rwanda in 2010 with the reported intention of contesting the presidential elections. In 2012, she was sentenced to 8 years in jail seemingly in direct connection to her political activities, on the charges of "conspiracy against the country through terrorism and war" and "genocide denial". In 2013, her sentence was increased to 15 years on appeal by the prosecution.

On 24 November 2017, the African Court of Human and Peoples' Rights found that Rwanda had violated Ms. Ingabire's right to freedom of expression under article 9(2) of the African Charter and article 19 of the ICCPR.

Ms. Ingabire was released in 2018, after five years of imprisonment, following a decision of President Kagame to grant her mercy.

Current detention

On 17 June 2025, Ms. Ingabire was summoned to appear in court to respond to questions in relation to statements in a trial concerning a group of political

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opponents who were members or supporters of DALFA-Umurinzi, an organization which is not recognized by the Rwandan authorities.

The nine political opponents were detained in October 2021 after reportedly disseminating a book that details peaceful methods for resisting authoritarianism and participating in online training sessions on non-violent resistance. They have remained in detention for three years and are currently facing trial on charges of "spreading false information or propaganda with intent to cause a hostile international opinion against the government of Rwanda".

In 2024, the United Nations Working Group on Arbitrary Detention found in its Opinion No. 25/2024 that their detention resulted from their exercise of the right to freedom of expression, assembly, and participation in public affairs and was therefore arbitrary. The Working Group called for their immediate release.

On 19 June 2025, Ms. Ingabire attended the hearing in compliance with the summons and answered the questions put to her by the judges. The High Court instructed the prosecutor to investigate Ms. Ingabire in relation to the trial of the nine opponents and she was subsequently arrested and detained.

Ms. Ingabire is reportedly accused of plotting to incite public unrest. disturbance of the public order threatening the authority of the State, and propagate rumours damaging the reputation of the State. The prosecution alleges that she was in contact with the nine defendants.

The court is expected to announce on 18 June 2025 whether Ms. Ingabire will remain in pretrial detention and face charges or whether she can be released without charge.

Without wishing to prejudge the accuracy of the above-mentioned allegations, I express my serious concern about the arrest, ongoing detention and possible prosecution of Ms. Victoire Ingabire Umuhoza who is a prominent political opposition leader in Rwanda and who was previously found by the African Court of Human and People's Rights to have been wrongly imprisoned for five years. I am particularly concerned that Ms. Ingabire appears to be under investigation for charges connected to those of nine persons who were already found by the Working Group on Arbitrary Detention to have been wrongly charged and detained for exercising their freedom of expression.

The accusations against Ms. Ingabire seem to be in direct retribution for her political activities as an opposition leader and the exercise of her right to freedom of expression. I am also troubled about the ongoing prosecution against the nine political opponents despite Opinion No. 25/2024 of the Working Group on Arbitrary Detention which found their detention to be arbitrary and called for their release.

Should they be confirmed, the alleged actions of the Rwandan authorities against Ms. Ingabire could amount to the violation of several human rights contained in the International Covenant on Civil and Political Rights (ICCPR), ratified by Rwanda on 25 January 1971. In particular, I refer to the rights to liberty and security of person, which includes the right not to be subject to arbitrary arrest or detention, the right to a

fair trial by an impartial tribunal with all due process guarantees, and the right to freedom of opinion and freedom of expression, enshrined in articles 9, 14 and 19 of ICCPR respectively.

In this regard, I urge the relevant authorities to promptly review Ms. Ingabire's case, as well as those of her co-defendants, according to international human rights standards regarding freedom of expression as well as due process and fair trial, and to ensure their early release.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide information on the factual and legal basis for the arrest, detention and prosecution of Ms. Ingabire and indicate whether and how these are compatible with Rwanda's obligations under international law, including the rights to freedom of expression, to a fair trial and not to be subjected to arbitrary arrest or detention.

3. Please indicate whether the authorities have taken any measures to review and dismiss Ms. Ingabire's case in light of this communication.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of my highest consideration.

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw the attention of your Excellency's Government to the right to freedom of opinion and expression as set forth in article 19 of the Universal Declaration of Human Rights (UDHR) and article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Rwanda on 6 April 1975. Additionally, I would like to refer your Excellency's Government to articles 9 and 14 of the ICCPR, which provide for the rights to liberty and security, not to be subjected to arbitrary arrest or detention and the right to a fair trial with all due process guarantees. These articles shall be read individually and together with article 2.3. of the ICCPR, which provides for the right to an effective remedy for every person whose rights contained in the Covenant have been violated.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee, interpreting article 19, stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (paragraph 11). The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19 (3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (ordre public), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant and the restrictions must be "the least intrusive instrument among those which might achieve their protective function" (CCPR/C/GC/34, para. 34).

Further, Human Rights Council resolution 12/16 called on States to refrain from imposing restrictions that are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

Regarding the allegations of arbitrary detention, article 9 of the ICCPR states that no one shall be subjected to arbitrary arrest or detention or deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. As interpreted by the Human Rights Committee in its general comment No. 35, the notion of "arbitrariness" should not be equated with "against the law", but should be interpreted more broadly to include considerations of inappropriateness, injustice, unpredictability and due process, as well as considerations of reasonableness, necessity and proportionality (paragraph 12). In addition, the Working Group on Arbitrary Detention has established in its jurisprudence that preventive deprivation of liberty, as a precautionary and non-punitive measure, must also comply with the principles of legality, necessity and proportionality to the extent strictly necessary in a democratic society. It may only proceed in accordance with the limits strictly necessary to ensure that the efficient development of investigations is not impeded and justice is not evaded, and provided that the competent authority substantiates and accredits the existence of the aforementioned requirements. Because of the particularly restrictive nature of pre-trial detention, the imposition of this measure should be the exception rather than the rule.