

# **Victoire Ingabire Umuhoza's Political Persecution: Unfair Hearing and Legal Challenges Affecting Her Ongoing Trial**

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## **Abstract**

This paper examines the need for urgent measures in the ongoing prosecution and detention of Victoire Ingabire Umuhoza, a leading Rwandan opposition figure and president of the unregistered political party Development and Liberty for All (DALFA-Umurinzi) who is currently facing imminent danger against her life. It analyses the circumstances of her arrest on 19 June 2025, the subsequent judicial process, and the conditions of her detention against the standards of the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and relevant regional jurisprudence. Drawing on the findings of the United Nations Working Group on Arbitrary Detention in Opinion No. 3/2026, the paper demonstrates that her detention is arbitrary and politically motivated. It identifies systematic violations of the rights to liberty, fair trial, presumption of innocence, confidential legal assistance, freedom of expression and association, and inhumane treatment. The paper concludes with concrete recommendations for the African Bar Association and the wider African legal community to defend the rule of law, judicial independence, and the protection of political opposition in Rwanda.

## **1. Introduction**

The Republic of Rwanda has developed a well-documented pattern of systematically suppressing and silencing opposition figures who seek to contest the presidency or to organise alternative political platforms. Opposition leaders who have attempted to challenge the incumbent regime have frequently been arrested, charged, and sentenced under vaguely defined offences such as genocide denial, spreading rumours, conspiracy against the state, and forming or joining criminal organisations, among other vague offences. These offences have repeatedly been deployed to neutralise political dissent and to exclude potential presidential candidates from the electoral process.<sup>2</sup>

The current prosecution of Ms Victoire Ingabire Umuhoza fits squarely within this pattern. She faces charges of conspiring with nine other individuals for "forming or joining a criminal organisation", conspiring to commit crimes against the government, and inciting unrest or disorder among the population. These charges arise from the alleged participation of members of her party in an online training programme on non-violent resistance for human rights and democracy. The present paper

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<sup>1</sup> Advocate and human rights practitioner. This paper is presented in a personal capacity and does not necessarily reflect the views of any institution with which the author is affiliated.

<sup>2</sup> See generally Human Rights Watch, *Rwanda: Opposition Leader Arrested* (24<sup>th</sup> June 2025); Amnesty International, *Rwanda: Authorities must immediately release Victoire Ingabire* (19<sup>th</sup> September 2025); and the findings of the UN Working Group on Arbitrary Detention, Opinion No. 3/2026 concerning Victoire Ingabire Umuhoza (Rwanda), A/HRC/WGAD/2026/3 (adopted 23<sup>rd</sup> March 2026, advance edited version 11<sup>th</sup> June 2026).

demonstrates that the proceedings against her are characterised by serious irregularities that render the detention arbitrary and the trial process incompatible with Rwanda's binding international and regional human rights obligations.

## **2. Background: A Pattern of Political Exclusion**

Ms. Ingabire is a central figure in Rwandan opposition and a voice for many Rwandans who cannot dare to express themselves. While studying and living in the Netherlands, she became a leader of the Republican Movement for Democracy in Rwanda (RDR). The RDR later merged with other opposition groups to form the United Democratic Forces (FDU-Inkingi), of which she served as president.

Upon her return to Rwanda in 2010, she sought to register FDU-Inkingi in order to contest in that year's presidential election. Rwandan authorities prevented her participation. She was arrested and charged with genocide denial and conspiracy against the state for challenging the Rwandan government's reconciliation policy. She argued that for genuine reconciliation to be achieved in Rwanda, it was necessary to take into account both the victims of the genocide against Tutsi and the victims of crimes against humanity committed against Hutu before, during, and after the genocide. She was sentenced to 8 years' imprisonment, and on appeal, the Supreme Court enhanced the sentence to 15 years.

In November 2017, the African Court on Human and Peoples' Rights held that Rwanda had violated her rights to freedom of expression and to a fair trial under the Banjul Charter and the ICCPR.<sup>3</sup> The Court ordered her unconditional release. In 2018 the African Bar Association adopted a resolution calling for her release.<sup>4</sup> Shortly thereafter she received a presidential pardon after 8 years of detention, 5 of which she had spent in solitary confinement.

Following her release, Ms. Ingabire remained subject to severe restrictions that effectively placed her under a form of house arrest. She was required to regular visit the Prosecutor's office for assessment. She was also required to obtain prior approval from the Ministry of Justice to leave Rwanda; multiple requests to visit her gravely ill husband in the Netherlands were denied. In 2019 she founded a new political party, Development and Liberty for All (DALFA-Umurinzi). Repeated attempts to register the party were rejected by the authorities.

In 2021, 9 individuals, 8 members of DALFA-Umurinzi and an independent journalist, were arrested and charged with forming or joining a criminal organisation and spreading false information, principally for participating in an online training session on non-violent resistance. The Rwandan Investigation Bureau interviewed Ms. Ingabire in October and November 2021 concerning her suspected involvement. The prosecution concluded that there were no serious grounds on which to charge her and declined to prosecute.

In March 2024, the High Court in Kigali dismissed her application for rehabilitation, a measure that would have extinguished the residual effects of her earlier conviction

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<sup>3</sup>African Court on Human and Peoples' Rights, *Ingabire Victoire Umuhoza v. Republic of Rwanda*, Application No. 003/2014, Judgment on the Merits of 24 November 2017. The Court found violations of Article 9(2) of the African Charter on Human and Peoples' Rights and Article 19 of the International Covenant on Civil and Political Rights (freedom of expression), as well as aspects of the right to a fair trial.

<sup>4</sup>African Bar Association, Resolution on the Release of Victoire Ingabire Umuhoza (2018).

and enabled her both to contest the 2024 presidential election and to travel to Europe to visit her ailing husband and family. Ms. Ingabire challenged aspects of these restrictions before the East African Court of Justice. The challenge was met with public hostility from the highest levels of the Rwandan state. During a campaign rally on 6 July 2024, the president of Rwanda described her as a “small woman of a genocidaire” and stated that she “wished or talked evil about Rwanda,” adding that “we will find an appropriate solution” and “you know she will not end up well.” Statements repeated by the president on 31 July 2024 and 16 November 2024 say she will not end up well and that they would twist Ms. Ingabire and other critics tightly as a clock.<sup>5</sup>

### **3. The June 2025 Arrest and Current Proceedings**

On 17 June 2025, the High Court, while hearing the ongoing trial of the 9 individuals arrested in 2021, summoned Ms. Ingabire as a witness. After questioning her, the court ordered the prosecution to investigate her alleged role and indicated an expectation that she would be prosecuted.<sup>6</sup> On 19 June 2025, she was arrested at her home in Kigali by officers of the Rwanda Investigation Bureau without an arrest warrant. She was interrogated into the early hours of 20 June 2025. A provisional warrant was issued only on 24 June 2025 by the National Public Prosecution Authority. She was not brought before a court until 8 July 2025, nearly 3 weeks after her arrest, in clear violation of the requirement that a detained person be promptly brought before a judicial authority.<sup>7</sup>

From 19 June to 18 July 2025, she was held in solitary confinement. Her application for bail was denied on the ground that she faced serious charges and posed a flight risk, despite the completion of investigations, her long-standing compliance with previous restrictions, and the fact that she cannot leave Rwanda without the express permission of the minister of justice. Since 9 September 2025, she has been detained in the same cell as a person convicted of murder, a placement that undermines the presumption of innocence.

### **4. Arbitrary Detention and Violation of the Right to Liberty**

The entire process leading to Ms Ingabire's arrest and continued detention is incompatible with international standards. Article 6 of the African Charter on Human and Peoples' Rights (“the Banjul Charter”) guarantees every individual the right to liberty and security of the person and prohibits arbitrary arrest or detention. Article 9 of the ICCPR and Articles 3 and 9 of the Universal Declaration of Human Rights impose the same obligations. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment further requires that arrest be carried out pursuant

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<sup>5</sup>Public statements attributed to the President of Rwanda during a campaign rally on 6 July 2024 and subsequent remarks on 31 July and 16 November 2024, as reported in contemporaneous media coverage accessed on <https://www.youtube.com/live/HACrKRDauQQ?si=EGHztedgbBEeshNkR>; <https://www.youtube.com/watch?v=TuHpDFE-KXk>.

<sup>6</sup>UN Working Group on Arbitrary Detention, Opinion No. 3/2026, para. 59 and related paragraphs. The Working Group noted that the High Court ordered an investigation into Ms Ingabire after hearing her as a witness and indicated an expectation that she would be prosecuted, with the same judges expected to preside over the subsequent trial.

<sup>7</sup>*Ibid.*, paras. 48–52. Ms Ingabire was arrested on 19 June 2025 without an arrest warrant; a provisional warrant was issued only on 24 June 2025; she was first presented to a court on 8 July 2025.

to a warrant or other formal authorisation and that the reasons for arrest be promptly communicated.<sup>8</sup>

In the present case, Ms Ingabire was arrested without a warrant, was not informed of the reasons for her arrest at the time, and was held for almost 3 weeks before being presented in court. The High Court's direction to the prosecution to investigate and prosecute her compromised the independence of the prosecutorial function and created an appearance of a pre-determined outcome, particularly given that the same judges are expected to preside over her trial. These defects were central to the finding of the United Nations Working Group on Arbitrary Detention, in Opinion No. 3/2026 (adopted 23 March 2026), that her detention is arbitrary under Categories I, II, III and V of its methods of work.<sup>9</sup>

## **5. Violations of the Right to a Fair Hearing**

Article 7(1) of the Banjul Charter provides that every individual shall have the right to have his cause heard. This right comprises, *inter alia*, the right to defence, including the right to be defended by counsel of one's choice, and the right to be tried within a reasonable time by an impartial court or tribunal. Article 14 of the ICCPR elaborates these guarantees in greater detail.<sup>10</sup> The proceedings against Ms Ingabire have systematically undermined each of these components.

### **5.1. Breach of the Presumption of Innocence**

The presumption of innocence, guaranteed by Article 7(1)(b) of the African Charter and Article 14(2) of the ICCPR, has been compromised in multiple respects. The High Court's decision to order an investigation into Ms Ingabire after hearing her as a witness, coupled with the indication that prosecution was expected, and the subsequent decision to place her in a cell with a convicted murderer since 9 September 2025, are incompatible with the requirement that an accused person be treated as innocent until proven guilty according to law. The Working Group expressly found that these measures violated the presumption of innocence.<sup>11</sup>

### **5.2. Denial of Confidential Legal Assistance and Counsel of Choice**

Ms Ingabire has been denied the right to confidential communication with her lawyers. Conversations with counsel have been monitored by Rwandan authorities, thereby destroying the confidentiality essential to effective legal representation. In addition, her chosen counsel from Kenya, a Partner State of the East African

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<sup>8</sup>African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986), Article 6; International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976), Article 9; Universal Declaration of Human Rights, Articles 3 and 9; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principles 2, 4 and 10.

<sup>9</sup>UN Working Group on Arbitrary Detention, Opinion No. 3/2026 concerning Victoire Ingabire Umuhiza (Rwanda), A/HRC/WGAD/2026/3, adopted 23 March 2026. The Working Group found the detention arbitrary under Categories I (no legal basis), II (exercise of rights to freedom of opinion, expression, association and participation in public affairs), III (non-observance of fair-trial norms of such gravity as to render the detention arbitrary), and V (discrimination on the basis of political opinion).

<sup>10</sup>African Charter on Human and Peoples' Rights, Article 7(1); International Covenant on Civil and Political Rights, Article 14.

<sup>11</sup>African Charter, Article 7(1)(b); ICCPR, Article 14(2); Universal Declaration of Human Rights, Article 11(1). See also UN Working Group on Arbitrary Detention, Opinion No. 3/2026, paras. 59 and 66.

Community, was denied authorisation to represent her. This refusal is inconsistent with the principle of free movement of legal services among EAC Partner States<sup>12</sup> and with the right under Article 7(1)(c) of the African Charter and Article 14(3)(d) of the ICCPR to be defended by counsel of one's own choosing. The Working Group confirmed that the rejection of the Kenyan lawyer and the monitoring of lawyer–client communications constituted serious violations of the right to a fair trial.<sup>13</sup>

### **5.3. Impairment of the Right to Prepare a Defence**

Defence counsel have repeatedly requested that Ms Ingabire be permitted to prepare her defence jointly with her co-accused. These requests have largely been refused. Only one joint preparation session was authorised in June 2026, which was monitored by the Rwandan authorities; subsequent sessions have been denied. The refusal to allow joint preparation undermines the principle of equality of arms and the right of an accused to have adequate time and facilities for the preparation of the defence under Article 14(3)(b) of the ICCPR.<sup>14</sup>

### **5.4. Denial of the Right to Call Witnesses**

During the pre-trial conference held on 16 and 17 June 2026, Ms Ingabire requested that witnesses be summoned on her behalf. The request was declined. The right to obtain the attendance and examination of witnesses under the same conditions as witnesses against the accused is a fundamental component of a fair trial under both the Banjul Charter and the ICCPR.<sup>15</sup>

### **5.5. Concerns Regarding Judicial Impartiality**

The involvement of the same High Court judges who ordered the investigation into Ms Ingabire and indicated an expectation of prosecution in the subsequent trial of the same charges raises a serious appearance of bias. An impartial tribunal is a cornerstone of Article 7(1)(d) of the African Charter and Article 14(1) of the ICCPR. The combination of judicial direction of the prosecution and continuity of the same bench is incompatible with that standard.<sup>16</sup>

## **6. Other Rights Violations in Detention**

Ms Ingabire has been subjected to additional restrictions that violate basic standards of humane treatment and the rights of persons deprived of liberty. She has been denied contact with her family and with her international legal team for prolonged periods. She has been denied access to radio and television, private visits, and the opportunity to attend church. Despite medical prescriptions, she has not been

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<sup>12</sup>Treaty for the Establishment of the East African Community (as amended), and the Protocol on the Establishment of the East African Community Common Market, which contemplates the free movement of services, including professional services, among Partner States. Kenya and Rwanda are both Partner States.

<sup>13</sup>African Charter, Article 7(1)(c); ICCPR, Article 14(3)(b) and (d). The Working Group specifically found that the monitoring of lawyer–client communications and the denial of authorisation for Kenyan counsel of choice violated these provisions. See Opinion No. 3/2026, paras. 53–58.

<sup>14</sup>ICCPR, Article 14(3)(b); African Charter, Article 7(1)(c).

<sup>15</sup>ICCPR, Article 14(3)(e); African Charter, Article 7(1)(c).

<sup>16</sup>African Charter, Article 7(1)(d); ICCPR, Article 14(1). See also the Basic Principles on the Independence of the Judiciary (endorsed by UN General Assembly resolutions 40/32 and 40/146).

provided with the specialised medication required for her skin and stomach ailments. The prolonged solitary confinement from 19 June to 18 July 2025 itself exceeded the 15-day threshold recognised by the Nelson Mandela Rules as potentially amounting to torture or cruel, inhuman or degrading treatment. These conditions were expressly condemned by the Working Group on Arbitrary Detention.<sup>17</sup>

## **7. Defiance of International and Regional Decisions**

On 11 June 2026, the United Nations Working Group on Arbitrary Detention issued Opinion No. 3/2026, finding that Ms Ingabire's detention is arbitrary and in contravention of Articles 2, 3, 7, 8, 9, 10, 11, 19, 20 and 21 of the Universal Declaration of Human Rights and Articles 2, 9, 14, 19, 21, 22, 25 and 26 of the ICCPR. The Working Group ordered her immediate release and the payment of compensation and other reparations. Rwanda has not complied.<sup>18</sup>

In July 2025, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression called for her unconditional release, characterising her arrest as retaliation for her political activities and exercise of freedom of expression. In September 2025 the European Parliament adopted a resolution demanding for her unconditional release. Numerous international non-governmental organisations including Amnesty International have likewise called for her immediate release. These calls have been disregarded.<sup>19</sup>

The pattern of non-compliance extends back to the 2017 Judgment of the African Court on Human and Peoples' Rights as Ms. Ingabire is yet to be compensated. Although a presidential pardon was eventually granted in 2018, the underlying legal framework that enabled the original prosecution remains intact and continues to be applied against political opponents.

## **8. A Need for Urgent Intervention**

The push for Ms Ingabire's unconditional release is extremely urgent as she faces imminent danger of death. This has been prompted by the president's repeated public speeches, following which she received death threats.

The Rwandan government has a well-established track record of evading its obligation to ensure transparent and independent investigations into the deaths of

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<sup>17</sup>United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rules 43, 44 and 45 (prolonged solitary confinement); Rules 13, 18, 22 and 24 (medical care, hygiene and contact with the outside world). See also UN Working Group on Arbitrary Detention, Opinion No. 3/2026, paras. 60–65.

<sup>18</sup>UN Working Group on Arbitrary Detention, Opinion No. 3/2026, disposition. The Working Group ordered immediate release, compensation and other reparations, an independent investigation into the circumstances of the arbitrary detention, and dissemination of the Opinion.

<sup>19</sup>Statement of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (July 2025); European Parliament resolution of September 2025 on the case of Victoire Ingabire Umuhoya.

detainees and high-profile political critics in state custody.<sup>20</sup> For instance, the recent death in prison of Aimable Karasira who was set to be released on 6 May 2026.<sup>21</sup>

In addition, a number of Ms Ingabire's party members have been assassinated, and no investigations have been conducted into the cause of their death to date.<sup>22</sup>

## 9. Conclusion and Recommendations

The detention and prosecution of Victoire Ingabire Umuhoza constitute a clear case of political persecution conducted through the instrumentalisation of the criminal justice system. The violations of the rights to liberty, fair trial, presumption of innocence, confidential legal assistance, freedom of expression and association, and humane treatment are grave, systematic, and well-documented by the United Nations Working Group on Arbitrary Detention.

There is need for urgent intervention in this case as Ms Ingabire faces imminent danger of death. The African Bar Association, as the continental professional body of lawyers, has both a moral and a professional duty to defend the independence of the legal profession, the integrity of judicial processes, and the fundamental rights of political opposition. The African Bar Association is therefore urged to:

1. Adopt a formal resolution condemning the arbitrary detention of Ms Ingabire and the ongoing fair-trial violations, and calling for her immediate and unconditional release in accordance with Opinion No. 3/2026 of the UN Working Group on Arbitrary Detention.
2. Engage the Rwandan authorities, through diplomatic and professional channels, to ensure full compliance with the African Charter, the ICCPR, and the decisions of the African Court on Human and Peoples' Rights.
3. Support the right of counsel from other East African Community Partner States to appear in Rwandan courts in accordance with the principle of free movement of legal services.
4. Monitor the trial proceedings closely and, where appropriate, seek observer status or amicus participation to safeguard fair-trial standards. and
5. Collaborate with national bar associations, the African Commission on Human and Peoples' Rights, and relevant United Nations mechanisms to ensure sustained international scrutiny of the case.

The continued detention of Victoire Ingabire Umuhoza is not merely a bilateral concern between Rwanda and one of its citizens. It is a test of the African human rights system's capacity to protect political opposition, judicial independence, and the rule of law. The African Bar Association is uniquely placed to lead a continental response.

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<sup>20</sup> Human Rights Watch, "Rwanda: Critic Dies in Prison on Release Day" *Human Rights Watch* (8 May 2026) accessed on <https://www.hrw.org/news/2026/05/08/rwanda-critic-dies-in-prison-on-release-day>

<sup>21</sup> D. Bikorimana & H. Khalil, "Rwandan Singer Dies as he was being Released from Prison" *BBC* (7 May 2026) accessed on <https://www.bbc.com/news/articles/cevpxn0ddp9o>

<sup>22</sup> V. I. Umuhoza, "Rwanda has to investigate killings of opposition members" *Al Jazeera* (24 March 2023) accessed on <https://www.aljazeera.com/opinions/2023/3/24/rwanda-has-to-investigate-killings-of-opposition-members>