
Advance edited version

Distr.: General
11 June 2026

Original: English

**Human Rights Council
Working Group on Arbitrary Detention****Opinions adopted by the Working Group on Arbitrary Detention at its 105th session, 23 March–1 April 2026****Opinion No. 3/2026 concerning Victoire Ingabire Umuhuza (Rwanda)**

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 60/8.

2. In accordance with its methods of work,¹ on 10 December 2025 the Working Group transmitted to the Government of Rwanda a communication concerning Victoire Ingabire Umuhuza. The Government has not replied to the communication. The State is a Party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States Parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum-seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination, based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

¹ A/HRC/36/38.

1. Submissions

(a) Communication from the source

4. Victoire Ingabire Umuhoza, born on 3 October 1968, is a Rwandan politician and human rights activist, usually residing in Kigali.

(i) Context

5. The Rwandan Patriotic Front has ruled Rwanda since 1994 and, with the party dominating the legislative process, constitutional amendments in 2015 extended the President's eligibility for office until 2034.

6. The authorities systematically suppress opposition and dissent, prosecuting political opponents, journalists and human rights defenders for vaguely defined crimes such as genocide denial, divisionism, sectarianism and spreading rumours. Public assemblies require prior authorization. Demonstrations are reportedly rare and subject to repression by police.

7. Ms. Ingabire is reportedly a central figure in the Rwandan pro-democracy movement. From 1997 to 2010, while in exile, she served as president of a coalition of opposition parties in exile and founded the opposition party United Democratic Forces (FDU-Inkingi).

8. Following her return to Rwanda in 2010, the authorities allegedly repressed Ms. Ingabire's participation in political life. She was arrested three months after she tried to register FDU-Inkingi and run on its ticket in that year's presidential elections. She was sentenced to 8 years in prison for genocide denial and conspiracy against the country through terrorism and war, a sentence subsequently increased by the Supreme Court to 15 years.

9. In 2017, the African Court on Human and Peoples' Rights ruled that Ms. Ingabire's rights to freedom of expression and fair trial had been violated. She received a presidential pardon in 2018, after eight years of detention, five of which were reportedly spent in solitary confinement. Following her release, the authorities monitored Ms. Ingabire and banned her from leaving Rwanda without the approval of the Ministry of Justice, which then repeatedly denied her requests.

10. In 2019, Ms. Ingabire created another opposition party, Development and Liberty for All (DALFA-Umurinzi), but her multiple attempts to register the party were rejected. The source reports that, in 2020, several DALFA-Umurinzi members were convicted for "offences against the State", and one was allegedly tortured and forcibly disappeared.

(ii) Arrest and detention

11. The source reports that, in October and December 2021, nine individuals (eight DALFA-Umurinzi members and an independent journalist), the subjects of opinion No. 25/2024, were arrested and accused of forming or joining a criminal organization and "spreading false information" for participating in an online training session on non-violent resistance for human rights and democracy.

12. In October and November 2021, the Rwandan Investigation Bureau interviewed Ms. Ingabire about her suspected involvement in the training session. However, the prosecution concluded that there were no serious grounds on which to suspect her and declined to charge her.

13. On 16 March 2022, nine individuals (see para. 11 above) were officially charged for making statements regarding human rights in Rwanda, for participating in training and for preparing for Ingabire Day, which is a day of remembrance for Rwandan political prisoners and a commemoration of Ms. Ingabire's arrest in 2010.

14. On 3 March 2023, the High Court rejected a request from Ms. Ingabire for rehabilitation, which would have extinguished the penalty and allowed her to register as a candidate in the 2024 presidential elections.

15. The President reportedly publicly threatened Ms. Ingabire on several occasions, including during a campaign rally on 6 July 2024, when he described her as a "small woman of a genocidaire" and claimed that she "wish[ed] or talk[ed] evil about Rwanda", before

stating that “we will find an appropriate solution” and “you know she will not end up well”. In late 2024, he stated that, “those who slip through our net, their days are numbered, including those we pardoned”.

16. In March 2024, the Working Group adopted opinion No. 25/2024, finding the detention of the nine individuals who had participated in the training session arbitrary. Their trial began at the High Court in December 2024. After Ms. Ingabire was repeatedly mentioned in the testimony, the judges asked the prosecutors why she had not been charged alongside the defendants. Despite the prosecution reportedly referring to its discretionary authority over whom to prosecute, the judges issued a subpoena compelling Ms. Ingabire to appear as a witness.

17. On 19 June 2025, during Ms. Ingabire’s appearance before the High Court, the judges asked whether she was aware of or had participated in organizing the training session. Ms. Ingabire denied any such role, noting that her organization had never held any formal activities, due to its lack of legal status. The Court ruled that her explanations were insufficient and that the prosecution must investigate and report to the Court. According to the Court, there was evidence implicating Ms. Ingabire, to which she must respond during a trial, in accordance with article 106 of Act No. 27/2019 of 19 September 2019 Relating to the Criminal Procedure.

18. On the same day, the Deputy Prosecutor General ordered the Rwandan Investigation Bureau to conduct a more thorough investigation into Ms. Ingabire’s role. That evening, Investigation Bureau agents searched Ms. Ingabire’s home. They arrested her in her lawyer’s presence without presenting an arrest warrant and took her to their headquarters at around 10 p.m. She was interrogated until 5 a.m., at which point the detention report was issued. According to the report, she was detained because there were reasonable grounds to suspect her of the alleged offences, her identity was not clearly established and she might abscond from justice.

19. On 20 June 2025, the Rwandan Investigation Bureau allegedly confirmed on social media that it had initiated an investigation against Ms. Ingabire to implement the High Court’s decision, so that she could be brought before the Court. It stated that she was being prosecuted for crimes including forming a criminal organization and planning activities aimed at inciting public disorder.

20. On 24 June 2025, the National Public Prosecution Authority issued a provisional warrant for Ms. Ingabire’s arrest.

21. On 26 June 2025, the Rwanda Bar Association rejected a request from a Kenyan lawyer to represent Ms. Ingabire, on the basis that there was no domestic legislation implementing the Treaty for the Establishment of the East African Community, a treaty ratified by Kenya and Rwanda that provides for reciprocal legal practice between the States Parties.

22. On 30 June 2025, the National Public Prosecution Authority referred Ms. Ingabire’s case to Kicukiro Primary Court in Kigali, requesting 30 days of pretrial detention. Ms. Ingabire was accused of encouraging DALFA-Umurinzi members to attend training courses on strategies to undermine and overthrow the current Government and supporting such training. In addition, she had allegedly “collaborated with criminal groups in an attempt to undermine national security, spread rumours to incite hatred among the public against the Government, and was also seen on various occasions organizing demonstrations to incite hatred among the public against the Government”. The charges were for the crimes of: (a) establishing or joining a criminal organization; (b) conspiring to commit crimes against the Government (especially an offence against the ruling power or the President of the Republic and illegal demonstration or public meeting); (c) inciting unrest among the population; (d) disseminating fabricated rumours; and (e) spreading false information and propaganda intended to discredit the Government internationally.

23. On 8 July 2025, Ms. Ingabire appeared for a bail hearing before Kicukiro Primary Court, represented by a lawyer also representing the nine individuals who had participated in the training session. The Court postponed the hearing following objections to the exclusion of the Kenyan lawyer who had sought to represent Ms. Ingabire, but ruled that the hearing

would proceed on 15 July 2025, whether or not she was represented by a lawyer of her choosing.

24. On 15 July 2025, Ms. Ingabire appeared before Kicukiro Primary Court, assisted again by the lawyer who was also representing the nine individuals who had participated in the training session. She requested to be released under monitoring, so as to be able to support her ill husband, who lived abroad. She noted her compliance with all the conditions imposed upon her after her 2018 pardon. She suggested that the Court impose conditions on her release, noting that her place of residence was known and that there were no concerns that she might flee or tamper with evidence, especially since the investigation had been completed. She noted that she had responded voluntarily to the summons to testify.

25. On 18 July 2025, Kicukiro Primary Court denied Ms. Ingabire's bail application and placed her in pretrial detention for 30 days. The Court reasoned its decision by finding serious grounds to suspect her of the offences she was charged with; that the charges involved offences threatening national security and sovereignty; that some of her associates continued to support the celebration of Ingabire Day; that if she were to be prosecuted while at liberty, she might seize the opportunity to implement some of what she referred to as "a politician's imagination"; that some of her private conversations with individuals engaged in propaganda and political activity deemed harmful to the country were held with persons currently outside the country; and that there were other individuals under prosecution for related offences who had implicated her. The Court concluded that her release would present a risk of interference in the investigation, destruction of evidence or flight from justice. Following the ruling, Ms. Ingabire was reportedly transferred to Mageragere Prison in Nyarugenge District.

26. On 23 July 2025, Ms. Ingabire's lawyer filed a challenge before the Rwandan Supreme Court, requesting it to declare article 106 of Act No. 27/2019 of 19 September 2019 Relating to the Criminal Procedure inconsistent with articles 29 (2), 61, 142 (1) and (4) and 145 of the Rwandan Constitution and to repeal it.

27. The lawyer claimed that Ms. Ingabire's right to be presumed innocent had been violated when the High Court ordered an investigation and ordered the prosecution to present her before the court. He argued that that had also violated the separation of powers, prosecutors' discretion to prosecute and their independence. The challenge remains pending.

28. On 7 August 2025, Ms. Ingabire's appeal of the decision denying her bail was rejected by the Intermediate Court. The Court notably referred to article 66 of Act No. 27/2019 of 19 September 2019, stating that suspects are to be prosecuted without being held in detention, but may be prosecuted while held in detention if there are serious grounds for suspecting that they have committed a crime punishable by law by at least two years' imprisonment.

29. On 18 August 2025, the National Public Prosecution Authority allegedly filed an indictment against Ms. Ingabire, requesting life imprisonment for the following offences: (a) establishing or joining a criminal organization; (b) inciting public unrest or disturbances; (c) undermining the authority of the established Government; (d) spreading false information or propaganda aimed at discrediting the Government of Rwanda abroad; (e) conspiracy to undermine the established Government; (f) conspiracy to incite unrest or public disorder; and (g) conspiracy to organize a demonstration.

30. According to the indictment, Ms. Ingabire had organized the training session to study "methods to harm the existing Government through demonstrations". She had also purportedly provided financial and logistical support and followed the progress of the training session, which was aimed at preparing the participants to engage in a strategy to overthrow the Government using non-violent means, specifically protests and demonstrations, non-cooperation, boycott and mobilization, specifically avoiding anger or aggressive behaviour. The tactics agreed upon allegedly included disseminating blank leaflets to be spread by the wind, which could later include the message: "We are tired of killings, abductions, beatings, excessive taxation and forced disappearances." Another tactic was to spread knowledge of the ills of the Government with the help of journalists. Finally, the participants would wear T-shirts bearing the words "gakondo yacu" (our heritage). Ms. Ingabire allegedly monitored the implementation of what had been taught in the training session and helped in the preparation of the demonstration that was scheduled for 14 October 2021, on the day named after her (Ingabire Day).

31. It was also alleged in the indictment that Ingabire Day had been organized as one of the tactics of a broader plan to overthrow the Government through the planning and execution of demonstrations, incitement of hatred and the dissemination of rumours. Ms. Ingabire had allegedly called upon Rwandans to “overcome fear and take initiative in seeking solutions to the country’s deep-rooted problems” on YouTube, called upon them to refrain from voting for leaders and concluded that any Government that failed to solve the people’s problems must be removed. She had also allegedly been involved in organizing Ingabire Day, including a YouTube broadcast in which it was claimed that “Rwandans are not respected” and that people were being killed, arbitrarily detained and kidnapped. Based on those suggestions, Ms. Ingabire allegedly “incited public resentment against the authorities”.

32. In addition, the indictment referred to the “plot to undermine the Government of Rwanda” through a coordinated effort involving multiple groups, most of which operated from abroad and which, under the pretext of political objectives, were found to be engaging in terrorist activities on Rwandan territory, attempting to portray those actions as justified by a “noble cause”. Ms. Ingabire had allegedly closely collaborated with an individual who was investigated in 2018 for involvement in a plot to plant explosives in Kigali. Furthermore, in 2019, a few members of FDU-Inkingi were prosecuted for endangering national security and collaborating with a terrorist organization known as P5 to harm the existing Government. According to the indictment, Ms. Ingabire had repeatedly been interrogated about her collaboration with those individuals. It concluded that the “fact that the illegal political party FDU-Inkingi, which she led, had formed an alliance with the P5 coalition... further demonstrates the plan to harm the existing Government, as that coalition carried out an attack on Rwandan soil in cooperation with RUD-Urunana fighters, resulting in deaths, injuries, and destruction of property”.

33. From Ms. Ingabire’s arrest until around 10 July 2025, she could only meet her lawyer in 30-minute slots, while an official listened to their conversations. After making a court request, the lawyer reportedly received additional time and privacy. However, since her arrest, Ms. Ingabire has not been permitted to contact her family in Europe or her international legal team. Only recently has she been allowed to receive local visitors.

34. From 19 June 2025 to 18 July 2025, she was allowed to go outside to get fresh air only in the context of court appearances. During the same period, she was kept in solitary confinement at the Rwandan Investigation Bureau headquarters. Since 18 July 2025, she has been isolated and held in a separate building of the main Magaragere Prison and housed with another detainee. Her dietary requirements have not been met, despite her paying for them, and a doctor-prescribed toothpaste and lotion have not been permitted.

35. Since 9 September 2025, Ms. Ingabire has reportedly been detained in a cell with a female inmate convicted of murder.

36. The source states that, on 10 September 2025, the European Parliament called for Ms. Ingabire’s release and demanded that the politically motivated charges be dropped. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has similarly expressed concern about her detention and prosecution.²

37. On 19 September 2025, the High Court allegedly decided that the same judges who had ordered the investigation into Ms. Ingabire’s role would preside over her trial.

(iii) *Legal analysis*

38. The source submits that the detention of Ms. Ingabire is arbitrary, falling under categories I, II, III and V of the Working Group.

a. *Category I*

39. The source recalls that the Rwandan Investigation Bureau agents arrested Ms. Ingabire on 19 June 2025 without presenting an arrest warrant. The detention report was issued after her interrogation at the police station until 5 a.m. on 20 June 2025. Neither the High Court nor the National Public Prosecution Authority had ordered her arrest. Instead, the

² See RWA 2/2025, available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

source states that the High Court ordered the prosecution – and the Deputy Prosecutor General ordered the Rwandan Investigation Bureau – to investigate her.

40. By arresting Ms. Ingabire without presenting an arrest warrant at the time of the arrest, the Rwandan authorities violated articles 3 and 9 of the Universal Declaration of Human Rights, article 9 (1) and (2) of the Covenant and principles 2, 4, and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

41. Moreover, Ms. Ingabire's right to habeas corpus was denied. Under article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge shall be brought promptly before a judicial authority, while article 9 (4) guarantees a detained person the right to take proceedings before a court to challenge the lawfulness of the detention. The right to effective remedy is also guaranteed in article 8 of the Universal Declaration of Human Rights and article 2 (3) of the Covenant. A delay longer than 48 hours before being presented before a judicial authority must remain absolutely exceptional and be justified under the circumstances.³ The Working Group has held that a delay of eight days violated article 9 (3) and (4) of the Covenant.⁴

42. Ms. Ingabire was brought before the court nearly three weeks after her arrest on 19 June 2025, in clear violation of the 48-hour rule. Furthermore, the provisional arrest warrant was issued by the National Public Prosecuting Authority, which is a part of the executive branch and therefore not an independent judicial body.

43. Article 9 (3) of the Covenant and principle 39 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment spell out a general rule against pretrial detention. Moreover, detention pending trial must be based on an individualized determination that it is reasonable and necessary, taking into account all the circumstances.⁵

44. In the present case, Kicukiro Primary Court's 18 July 2025 decision did not include an individualized determination of whether less restrictive measures were available to ensure Ms. Ingabire's appearance at trial. Instead, the decision was based on the fact that she was charged with serious crimes. The Court concluded that her release would present a risk of interference with the investigation, destruction of evidence or flight from justice. The Court overlooked Ms. Ingabire's arguments about the need to support her ill husband abroad, her compliance with all the conditions since her pardon or the recent summons, the fact that she had a known residence and the unlikelihood of her fleeing or tampering with evidence, as the investigation had already been completed.

45. The Intermediate Court likewise failed to conduct an individualized determination on 7 August 2025, reiterating that Kicukiro Primary Court's denial of bail was based on serious grounds to suspect that Ms. Ingabire had committed the alleged crimes and that those crimes were punishable by imprisonment for more than five years.

b. Category II

46. It is submitted that the authorities detained Ms. Ingabire because of her alleged involvement in the training session on non-violent resistance that forms the basis for the charges against other nine individuals. Ms. Ingabire denies involvement in the training session. The Rwandan Investigation Bureau investigated her role in 2021 but declined to prosecute her, citing a lack of evidence. Even if she had participated, however, the source argues that Ms. Ingabire's detention would remain arbitrary: the Working Group, in its opinion No. 25/2024, concluded that the nine individuals' involvement in the training session fell within the exercise of the rights to freedom of opinion and expression, and to peaceful assembly.

47. Ms. Ingabire's detention directly results from her peaceful exercise of the rights to freedom of opinion, expression, association and participation in public affairs. Since her return from exile, she has exercised these rights as an opposition politician through her

³ Human Rights Committee, general comment No. 35 (2014), para. 33.

⁴ Opinion 52/2015, paras. 46 and 48.

⁵ Human Rights Committee, general comment No. 35 (2014), para. 38.

leadership of DALFA-Umurinzi, her memoir about her experiences as a prisoner of conscience and articles criticizing the policies of the Government of Rwanda. These activities have triggered a campaign of persecution against her, including surveillance, misinformation, explicit threats by the President and the arbitrary detention of both her and members of the party.

48. None of the restrictions on the right to freedom of peaceful assembly and association or freedom of opinion and expression allowed under articles 19 (3), 21 and 22 (2) of the Covenant justify the restrictions on Ms. Ingabire's peaceful opposition and human rights activities.

c. Category III

49. The source recalls that, on 26 June 2025, the Rwanda Bar Association rejected a Kenyan lawyer's request to represent Ms. Ingabire, citing the absence of domestic legislation implementing the Treaty for the Establishment of the East African Community. This decision is inconsistent with article 79 of the internal rules and regulations of the Rwanda Bar Association, which provides that lawyers from the East African Community are excluded from the reciprocity requirement. Therefore, Ms. Ingabire was deprived of her right to defend herself through her chosen lawyer.

50. Furthermore, from her arrest until approximately 10 July 2025, Ms. Ingabire's communication with her lawyer was restricted to 30-minute slots, and an official listened to their conversations. These circumstances deprived Ms. Ingabire of adequate facilities to prepare for her defence early in her detention. Moreover, Ms. Ingabire has still not been allowed to contact her international legal team.

51. By not allowing Ms. Ingabire to be represented by the lawyer of her choosing, not granting her adequate access to a lawyer and violating their conversations' confidentiality, the authorities violated article 11 (1) of the Universal Declaration of Human Rights, article 14 (3) (b) and (d) of the Covenant and principles 15, 17, and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

52. The source refers to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which protect detainees' right to notify, or require the authorities to notify, their family members of their arrest promptly after the arrest and to correspond with their family, and limit the denial of detainees' communication with the outside world to a matter of days (principles 15, 16 (1) and 19). Ms. Ingabire was not allowed to inform her family about her arrest. Since then, she has not been permitted to contact her family in Europe. Local friends have been allowed to visit her only since 18 July 2025. By preventing Ms. Ingabire from notifying her family about her arrest and communicating with them and her local community between 19 June and 18 July 2025, the authorities violated principles 15, 16 (1) and 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

53. Article 10 of the Universal Declaration of Human Rights and article 14 (1) of the Covenant guarantee the right to a fair and public hearing by an independent and impartial tribunal. Article 9 (1) of the Covenant requires deprivation of liberty to be based on such grounds and procedure as established by law, while principle 2 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment requires it to be carried out by competent officials.

54. The guarantees under article 14 of the Covenant apply to pretrial bail proceedings, as they determine substantive rights relating to liberty. The source underlines that, according to the Human Rights Committee, the concept of a "suit at law" depends on the nature of the right at issue, rather than the forum in which it is adjudicated.⁶ Since bail determinations directly implicate the right to liberty, article 14 protections must apply. Moreover, the Committee is explicit about which proceedings are excluded from the scope of article 14; bail proceedings are not among those that are excluded.⁷

⁶ General comment No. 32 (2007), para. 16.

⁷ Ibid., para. 17.

55. At the hearing on 17 June 2025, the High Court judges asked the prosecutors why Ms. Ingabire had not been charged and then they issued a subpoena compelling her to appear as a witness. After her testimony on 19 June 2025, the Court ordered an investigation into her role. The source states that, based on the High Court's decision of 19 September 2025, the judges who ordered the investigation into Ms. Ingabire's role will preside over her trial.

56. By indicating that it expected Ms. Ingabire to be prosecuted, the High Court interfered with the prosecution's discretion to decide whether to bring charges, violating Ms. Ingabire's right to a hearing by an independent and impartial tribunal. Furthermore, given that these same High Court judges will preside over her trial, she will not receive a fair trial.

57. The Working Group has previously found a violation of the equality of arms principle when the court refused to hear a defendant's defence.⁸ This occurred in Ms. Ingabire's case, when Kicukiro Primary Court failed to consider detailed arguments supporting her bail request.

58. In addition, the High Court's declaration of Ms. Ingabire's likely prosecution and Kicukiro Primary Court's refusal to hear her defence mean that the proceedings would not appear impartial to a reasonable observer.⁹ The High Court is set to consider Ms. Ingabire's charges during the upcoming trial.

59. Ms. Ingabire did not benefit from her right to be presumed innocent, in violation of article 11 (1) of the Universal Declaration of Human Rights and article 14 (2) of the Covenant. The source explains that the High Court issued a subpoena for Ms. Ingabire to appear as a witness. On 19 June 2025, after deeming her testimony insufficient, it ordered an investigation into her role and ordered the prosecution to present her before the court. The source therefore contends that the High Court improperly interfered with the prosecution's discretion to charge suspects and gave an order that violated Ms. Ingabire's right to be presumed innocent. This violation is aggravated by the fact that the same High Court judges will preside over her trial.

60. Ms. Ingabire's right to be presumed innocent is also violated by her detention, since 9 September 2025, in a cell with a convicted inmate. According to the Working Group, detaining unconvicted persons in the same facility with convicted persons violates the presumption of innocence.¹⁰

61. Finally, the source underlines that rule 43 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) prohibits prolonged solitary confinement, which is defined in rule 44 as solitary confinement lasting more than 15 consecutive days. Rule 13 of the Nelson Mandela Rules requires prison accommodation to meet all requirements of health, rule 18 requires the provision of access to toilet articles as necessary for health and cleanliness and rule 23 requires the provision of at least one hour of suitable daily, open-air exercise, when weather permits.

62. Ms. Ingabire was held in solitary confinement from 19 June to 18 July 2025, in excess of the "prolonged solitary confinement" threshold contained in rule 44 of the Nelson Mandela Rules. The source adds that her conditions at Magaragere Prison resemble solitary confinement, as she is isolated in a separate building and can communicate only with her cellmate.

63. Since 18 July 2025, Ms. Ingabire's dietary requirements have not been met, in violation of rules 13 and 18 of the Nelson Mandela Rules. Moreover, from 19 June to 18 July 2025, she was not allowed outside for fresh air, except when in transfer, in violation of rule 23 of the Nelson Mandela Rules. By violating Ms. Ingabire's right to be free from solitary confinement and her right to decent prison conditions, the Government violated article 11 of the Universal Declaration of Human Rights and article 14 (2) of the Covenant.

⁸ Opinion No. 22/2023, para. 67.

⁹ Human Rights Committee, general comment No. 32 (2007), para. 21.

¹⁰ Opinion No. 57/2017, para. 61 (e).

d. Category V

64. The source submits that article 2 of the Universal Declaration of Human Rights and article 2 (1) of the Covenant grant everyone the rights and freedoms outlined in the Universal Declaration of Human Rights without any distinction, such as political or other opinions. Article 7 of the Universal Declaration of Human Rights and article 26 of the Covenant provide for equality before the law and equal protection of the law. Equality before the law, equal protection of the law and the prohibition of discrimination are also enshrined in the Rwandan Constitution.

65. Ms. Ingabire's political opinions and leadership of DALFA-Umurinzi are central to her detention. The source submits that the President's claims that Ms. Ingabire "wish[ed] or talk[ed] evil about Rwanda" are thinly veiled allusions to Ms. Ingabire's vision for democratic pluralism. Ms. Ingabire had previously been convicted after a trial that was internationally condemned as punishment for her political opposition. In addition, eight of the nine individuals arrested for participating in the training session belong to her political party. The Working Group has previously held that those nine individuals were detained on discriminatory grounds based on their political opinion.¹¹

66. Accordingly, Ms. Ingabire's prosecution for her alleged involvement in the same activities suggests that her detention is discriminatory because of her status as a dissident and a human rights defender.

(b) Response from the Government

67. On 10 December 2025, the Working Group transmitted the allegations from the source to the Government under its regular communications procedure. The Working Group requested the Government to provide, by 9 February 2025, detailed information about the current situation of Ms. Ingabire and to clarify the legal provisions justifying her continued detention, as well as its compatibility with the obligations of Rwanda under international human rights law and in particular with regard to the treaties ratified by the State. Moreover, the Working Group called upon the Government to ensure the physical and mental integrity of Ms. Ingabire.

68. The Working Group regrets that it did not receive a response from the Government, nor did the Government request an extension of the time limit for its reply, as provided for in paragraph 16 of the Working Group's methods of work.

2. Discussion

69. In the absence of a response from the Government, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

47. In determining whether Ms. Ingabire's detention is arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has established a *prima facie* case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.¹² In the present case, the Government has chosen not to challenge the *prima facie* credible allegations made by the source.

(a) Category I

70. The source argues that no legal basis can justify the detention of Ms. Ingabire, rendering her deprivation of liberty arbitrary under category I.

71. The source submits, and the Government does not contest, that the High Court ordered the prosecution – and the Deputy Prosecutor General ordered the Rwandan Investigation Bureau – to investigate Ms. Ingabire. The Bureau's agents thus arrested Ms. Ingabire on 19 June 2025, without an arrest warrant. The authorities only issued a detention report after her interrogation at the police station, which lasted until 5 a.m. on 20 June 2025.

¹¹ Opinion No. 25/2024, para. 126.

¹² A/HRC/19/57, para. 68.

72. The Working Group has previously stated that, for a deprivation of liberty to have a legal basis, it is not sufficient that there is a law that may authorize the arrest. The authorities must invoke that legal basis and apply it to the circumstances of the case, which is typically done through an arrest warrant or arrest order (or an equivalent document).¹³ The Working Group therefore finds a violation of articles 3 and 9 of the Universal Declaration of Human Rights and article 9 (1) of the Covenant.

73. The source asserts, and the Government does not refute, that Ms. Ingabire was not informed of the reasons for her arrest at the time of her arrest on 19 June 2025. The Working Group considers that, in order to invoke a legal basis for deprivation of liberty, the authorities should have promptly informed her, at the time of arrest, of the reasons for her arrest and of the charges against her.¹⁴ Further, the reasons for an arrest must be given immediately and include not only the general legal basis of the arrest, but also enough factual specifics to indicate the substance of the complaint, such as the wrongful act and the identity of an alleged victim.¹⁵ The Working Group concludes that the failure of the authorities to do so violates articles 3 and 9 of the Universal Declaration of Human Rights and article 9 (1) and (2) of the Covenant.

74. The Working Group notes that a provisional warrant for Ms. Ingabire's arrest was issued on 24 June 2025 by the National Public Prosecution Authority, which is a part of the executive branch and therefore not an independent judicial body. It recalls that any form of detention or imprisonment should be ordered by a judicial or other authority under the law or be subjected to the effective control of that authority, whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence, in accordance with principle 4 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Any deprivation of liberty without a valid arrest warrant issued by a competent, independent and impartial authority with oversight exercised by the judicial authority is arbitrary and lacks legal basis.¹⁶

75. In the present case, the Government has failed to demonstrate that the arrest warrant issued by the National Public Prosecution Authority was subjected to the effective control of a judicial or other authority under the law, in violation of articles 3 and 9 of the Universal Declaration of Human Rights and contrary to principle 4 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

76. Further, the source alleges the denial of Ms. Ingabire's right to habeas corpus, pointing out that she was only brought before the court on 8 July 2025 – nearly three weeks after her arrest on 19 June 2025. The Government has chosen not to challenge this allegation.

77. The Working Group recalls that, according to article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge is to be brought promptly before a judge to exercise judicial power. As the Human Rights Committee has noted, 48 hours is ordinarily sufficient to satisfy the requirement of bringing a detainee "promptly" before a judge or other officer authorized by law following his or her arrest; any longer delay must remain absolutely exceptional and be justified under the circumstances.¹⁷ The Working Group also recalls that, according to the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, the right to challenge the lawfulness of detention before a court is a self-standing human right, which is essential to preserve legality in a democratic society (paras. 2 and 3).

78. Absent the Government's response, the Working Group agrees with the source that Ms. Ingabire's appearance before the court nearly three weeks after her arrest violated her rights to be brought promptly before a judicial authority, to effective remedy and to take proceedings before a court, in order that the court may decide without delay on the lawfulness

¹³ Opinions No. 88/2017, para. 27; No. 3/2018, para. 43; and No. 30/2018, para. 39. In cases of arrests made in flagrante delicto, the opportunity to obtain a warrant will typically not be available.

¹⁴ Opinions No. 10/2015, para. 34; and No. 49/2025, para. 47.

¹⁵ Human Rights Committee, general comment No. 35 (2014), para. 25; and opinion No. 85/2021, para. 69.

¹⁶ Opinion No. 86/2020, para. 59.

¹⁷ Human Rights Committee, general comment No. 35 (2014), paras. 32 and 33.

of her detention, in violation of article 8 of the Universal Declaration of Human Rights, articles 2 (3), 9 (3) and (4) of the Covenant and principles 11 (1), 32 (1) and 37 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

79. Finally, the source contends that, in the present case, both the primary and appellate courts failed to conduct an individualized determination of whether less restrictive measures were available to ensure Ms. Ingabire's appearance at trial on 18 July 2025 and 7 August 2025, respectively.

80. The Working Group recalls that, according to article 9 (3) of the Covenant, it must not be the general rule that persons awaiting trial are detained in custody. Pretrial detention must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime. The severity or length of a potential sentence is not a proper basis for reasoning that pretrial detention is required.¹⁸ Moreover, after an initial determination has been made that pretrial detention is necessary, there should be a periodic re-examination of whether it continues to be reasonable and necessary in the light of possible alternatives.¹⁹ The decision to keep a person in any form of detention is arbitrary if it is not subject to periodic re-evaluation of the justification for continuing the detention.²⁰

81. The reasons furnished for the denial of the bail application by Ms. Ingabire by Kicukiro Primary Court were that she was charged with serious crimes and that her release would present a risk of interference with the investigation, destruction of evidence or flight from justice. The Intermediate Court reiterated that Kicukiro Primary Court's denial of bail was based on the serious grounds to suspect that Ms. Ingabire had committed the alleged crimes, which were punishable by imprisonment for more than five years. The courts disregarded Ms. Ingabire's arguments about the need to support her ill husband abroad, her compliance with all the conditions since her pardon or the recent summons, that she had a known residence and the unlikelihood of flight or interference with evidence, as the investigation was already completed. Those facts are uncontested. The Working Group finds, as a result, that the relevant authorities failed to conduct a periodic re-evaluation of the justification for continuing the detention of Ms. Ingabire, as is required by article 9 (3) of the Covenant.

82. For these reasons, the Working Group considers that the deprivation of liberty of Ms. Ingabire lacks a legal basis and is thus arbitrary within the meaning of category I.

(c) Category II

83. The source asserts that Ms. Ingabire's detention resulted from the peaceful exercise of her rights to freedom of opinion, expression, peaceful assembly and association and participation in public affairs and that none of the recognized exceptions to these freedoms apply in the case at hand.

84. According to the source, since her return from exile, Ms. Ingabire exercised her aforementioned rights through her leadership of DALFA-Umurinzi, her memoir about her experiences as a prisoner of conscience and articles criticizing the Government's policies. The source argues that these activities have triggered a campaign of persecution against her, including surveillance, misinformation, explicit threats by the President and the arbitrary detention of both her and other members of the party.

85. The Working Group notes that, under article 19 (2) of the Covenant, everyone has the right to freedom of expression, which includes political discourse, commentary on public affairs and discussion of human rights.²¹ The right to freedom of expression also includes the right of individuals to criticize or openly and publicly evaluate their Governments without fear of interference or punishment.²² The Human Rights Committee has emphasized that

¹⁸ Opinion No. 56/2017, para. 68.

¹⁹ Human Rights Committee, general comment No. 35 (2014), para. 38.

²⁰ *Ibid.*, para. 12.

²¹ Human Rights Committee, general comment No. 34 (2011), para. 11; and opinions No. 79/2017, para. 55; and No. 22/2024, para. 78.

²² *Marques de Moraes v. Angola* (CCPR/C/83/D/1128/2002), para. 6.7.

public order and national security may never be invoked as a justification for the muzzling of any advocacy of multiparty democracy, democratic tenets and human rights.²³ Moreover, given that peaceful assemblies often have expressive functions and that political speech enjoys particular protection as a form of expression, it follows that assemblies with a political message should enjoy a heightened level of accommodation and protection.²⁴ Furthermore, article 25 of the Covenant recognizes and protects the right of all citizens to take part in the conduct of public affairs and to exert influence through public debate and dialogue or through their capacity to organize themselves.²⁵

86. While articles 19 (3), 21 and 22 (2) of the Covenant allow restrictions on the right to freedom of expression, peaceful assembly and association, the Working Group recalls that such restrictions must not be used to stifle the expression of political opposition, challenges to authority, including calls for democratic changes, or human rights advocacy.²⁶

87. There is nothing to suggest that the permissible restrictions would apply in the present case. In the absence of a convincing explanation from the Government to the contrary, the Working Group concludes that the conduct of Ms. Ingabire fell within her exercise of the rights to freedom of expression, of assembly and of association and the right to take part in the conduct of public affairs, under articles 19, 20 and 21 (1) of the Universal Declaration of Human Rights and articles 19, 21, 22 and 25 of the Covenant, and that she was arrested and detained for exercising those rights. Her deprivation of liberty is therefore arbitrary under category II.

(d) Category III

88. Given its finding that the detention of Ms. Ingabire was arbitrary under category II, the Working Group emphasizes that no trial should take place. Nevertheless, given that Ms. Ingabire remains deprived of her liberty and that the proceedings against her are ongoing, the Working Group will proceed with examination of the source's submissions concerning the denial of fair trial rights.

89. The source claims a number of violations of the right to legal assistance and adequate facilities for the preparation of a defence and the right to communicate with counsel of her choosing. These include the Rwanda Bar Association rejecting a request by Ms. Ingabire's Kenyan lawyer to represent her, citing the absence of domestic legislation implementing the Treaty for the Establishment of the East African Community, which the source argues is inconsistent with article 79 of the internal rules and regulations of the Rwanda Bar Association. Furthermore, the source alleges that, from her arrest until 10 July 2025, Ms. Ingabire's communication with her lawyer was restricted to 30-minute slots, and that an official listened to their confidential conversations. Moreover, Ms. Ingabire has still not been allowed to contact her international legal team.

90. The Working Group underlines that legal representation is a core guarantee of the right to a fair trial. Denial of access to a lawyer substantially undermines and compromises a person's capacity to defend him or herself from accusations in any judicial proceedings, potentially enabling further fair trial violations. Moreover, all persons deprived of their liberty have the right to legal assistance by counsel of their choice at any time during their detention, including immediately after their apprehension, and such access must be provided

²³ General comment No. 34 (2011), para. 23.

²⁴ Human Rights Committee, general comment No. 37 (2020), para. 32.

²⁵ Human Rights Committee, general comment No. 25 (1996), paras. 1 and 8.

²⁶ Human Rights Committee, general comment No. 37 (2020), para. 49.

without delay.²⁷ Legal consultations may be within the sight but not within the hearing of the authorities, and all communications with counsel must remain confidential.²⁸

91. In the absence of a response from the Government, the Working Group is satisfied that sufficient information has been presented to show that Ms. Ingabire did not benefit from confidential legal assistance, and thus considers that the Government violated her right to have adequate time and facilities for the preparation of her defence and to communicate with a lawyer pursuant to article 14 (3) (b) of the Covenant.

92. The Working Group notes the absence of a response by the Government in relation to allegations made by the source concerning the denial of contact by Ms. Ingabire with her family. The Working Group therefore finds a violation of principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

93. Further, the source asserts, and the Government does not contest, that the High Court ordered the prosecution to launch an investigation into Ms. Ingabire's role and indicated that it expected Ms. Ingabire to be prosecuted, thus improperly interfering with the prosecution's discretion to charge suspects. Kicukiro Primary Court also failed to consider detailed arguments supporting Ms. Ingabire's bail request. The same High Court judges who ordered the investigation will preside over Ms. Ingabire's trial. Ms. Ingabire is detained in a cell with a convicted inmate.

94. The Working Group reiterates in this regard that the right to be tried by a competent, independent and impartial tribunal, which is protected under article 10 of the Universal Declaration of Human Rights and article 14 of the Covenant, is an absolute right that is not subject to any exception.²⁹ In the present case, on the facts presented and uncontested by the Government, the Working Group considers that the source has provided sufficient information to allow a finding that this right was denied to Ms. Ingabire.

95. The Working Group recalls that, under articles 11 (1) of the Universal Declaration of Human Rights and 14 (2) of the Covenant, everyone has the right to be presumed innocent until proved guilty. The presumption of innocence is one of the fundamental principles of fair trial and is thus non-derogable.³⁰ It guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt.³¹ To establish the guilt of the accused, the burden of proof lies with the prosecutor; public authorities must refrain from prejudging the outcome of the proceedings.³² Further, article 10 (2) (a) of the Covenant and rule 11 (b) of the Nelson Mandela Rules require that those in pretrial detention be held separately from convicted persons. As previously noted by the Working Group, detaining unconvinced persons in the same facility as convicted persons violates the presumption of innocence.³³ Given the lack of response from the Government, the Working Group considers that the source has presented sufficient evidence to conclude that the aforementioned provisions were ignored in the present case, thus violating Ms. Ingabire's right to presumption of innocence.

96. Finally, the Working Group notes with concern the uncontested submission that Ms. Ingabire was held in solitary confinement from 19 June 2025 to 18 July 2025. The Working Group has held that, according to rule 45 of the Nelson Mandela Rules, the imposition of solitary confinement must be accompanied by certain safeguards.³⁴ Solitary confinement

²⁷ A/HRC/45/16, paras. 51 and 52; United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, principle 9 and guideline 8; Basic Principles on the Role of Lawyers, paras. 16–22; Opinion No. 76/2021, para. 58; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 18 (3); and the Nelson Mandela Rules, rule 61 (1).

²⁸ The Nelson Mandela Rules, rule 61 (1); Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 18; and United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, guideline 8.

²⁹ Human Rights Committee, general comment No. 32 (2007), para. 19.

³⁰ *Ibid.*, para. 6.

³¹ *Ibid.*, para. 30.

³² Opinion No. 55/2025, para. 111.

³³ Opinion No. 57/2017, para. 61 (e).

³⁴ Opinion No. 83/2018, para. 60.

must be used only in exceptional cases as a last resort, for as short a time as possible, subject to independent review and authorized by a competent authority. Prolonged solitary confinement in excess of 15 consecutive days is prohibited under rules 43 (1) (b) and 44 of the Nelson Mandela Rules. In the present case, the Working Group considers that Ms. Ingabire was subjected to solitary confinement for one month without any proper justification and in a manner that appears an attempt to circumvent rules 43 (1) (b) and 44 of the Nelson Mandela Rules. The Working Group therefore concludes there has been a breach of these provisions.

97. The Working Group therefore finds that the violations of Ms. Ingabire's right to a fair trial are of such gravity as to give her deprivation of liberty an arbitrary character and concludes that her detention is arbitrary under category III.

(e) Category V

98. The source contends that Ms. Ingabire's deprivation of liberty is discriminatory and stems from her political opinions and leadership of DALFA-Umurinzi. The Government has chosen not to challenge this assertion.

99. The Working Group recalls several non-cumulative indicators that serve to establish the discriminatory nature of detention. These include: the deprivation of liberty was part of a pattern of persecution against the detained person, including through previous detention; other persons with similarly distinguishing characteristics have also been persecuted; or the context suggests that the authorities have detained a person on discriminatory grounds or to prevent them from exercising their human rights.³⁵

100. With regard to these non-cumulative indicators, the Working Group notes a clear pattern of harassment and intimidation against Ms. Ingabire in relation to her activities. She was previously convicted after a trial that was internationally condemned as punishment for her political opposition. In 2020, several DALFA-Umurinzi members were convicted for "offences against the State". The Working Group has previously found that they were detained on discriminatory grounds based on their political opinion.³⁶ It reiterates its call upon the Government to remedy their situation by releasing them immediately and according them an enforceable right to compensation and other reparations, in accordance with international law.

101. In the discussion above concerning category II, the Working Group has established that Ms. Ingabire's detention resulted from the peaceful exercise of her rights under international law. When detention results from the active exercise of civil and political rights, there is a strong presumption that the detention also constitutes a violation of international law on the grounds of discrimination based on political or other views.³⁷

102. For these reasons, the Working Group finds that Ms. Ingabire was deprived of her liberty on discriminatory grounds based on her political opinions. The deprivation of her liberty violated articles 2 and 7 of the Universal Declaration of Human Rights and articles 2 (1) and 26 of the Covenant and is arbitrary under category V.

3. Disposition

103. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Victoire Ingabire Umuhuza, being in contravention of articles 2, 3, 7, 8, 9, 10, 11, 19, 20, 21 of the Universal Declaration of Human Rights and articles 2, 9, 14, 19, 21, 22, 25 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II, III and V.

104. The Working Group requests the Government of Rwanda to take the steps necessary to remedy the situation of Ms. Ingabire without delay and bring it into conformity with the

³⁵ A/HRC/36/37, para. 48.

³⁶ Opinion No. 25/2024, paras. 126 and 127.

³⁷ Opinions No. 88/2017, para. 43; No. 13/2018, para. 34; and No. 59/2019, para. 79.

relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

105. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Ms. Ingabire immediately and accord her an enforceable right to compensation and other reparations, in accordance with international law.

106. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Ms. Ingabire and to take appropriate measures against those responsible for the violation of her rights.

107. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

4. Follow-up procedure

108. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

- (a) Whether Ms. Ingabire has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Ms. Ingabire;
- (c) Whether an investigation has been conducted into the violation of Ms. Ingabire's rights and, if so, the outcome of the investigation;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Rwanda with its international obligations in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

109. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

110. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as of any failure to take action.

111. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.³⁸

[Adopted on 23 March 2026]

³⁸ Human Rights Council resolution 60/8, paras. 6 and 9.