



National Commission for Human Rights

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PRESS RELEASE ON MUGESERA'S HUMAN RIGHTS CONCERNS

Pursuant to the Constitution of the Republic of Rwanda of June 2003 as revised in 2015, especially in its Article 42 and law no 25/2013 of 19/3/2013 which entrust the Commission with the mandate to receive, examine and investigate complaints relating to human rights violations; as well as to monitor the respect of human rights of detainees,

After learning through the media of Mugesera's human rights concerns, including access to medical care, access to legal counsel, proper nutrition, family visits...

The Commission conducted an independent investigation and physically visited Nyanza prison on 29/12/2017. The Commission physically met with Mr. Mugesera and had a free discussion with him on each of the human rights issues he was concerned about, in the presence of his lawyer Me Rudakemwa Felix.

The visit was conducted in all prison's cells where non-Rwandan prisoners and Rwandans transferred from other countries are accommodated. In this specific wing, the Commission established that:

1. Inmate's wellbeing is maintained as there is adequate food and accommodation. Sleeping accommodation is in individual rooms that meet minimum international standards with toilets, water, table and chair, proper bed and mattress, clean air, mosquito net and other sanitary installations;
2. Health services are provided to all prisoners without any form of discrimination. Complicated cases that cannot be handled at the level of the facility in prison are referred to District hospitals or tertiary hospitals based on the nature of the case;

Specific to Mugesera,

3. The Commission established that contrary to the allegation of the alleged denied access to health services, including 8 missed appointment with ophthalmologists at King Faysal

hospital (between March 2016-present) as well as other missed appointments with his internal medical doctor, MUGESERA Léon received medical treatment at King Faysal on the said date.

4. The Commission also established that Mugesera is treated like any other prisoners at the facility health centre; and received medical treatment 8 times between June 2017 to date as it is the practice that all cases are first treated in the facility's health centre before being referred to hospitals in accordance with referral procedure. This is not based on the patient's wish but when the service provider finds appropriate based on the case;
5. On the allegation of denied contact with his family and lawyer, the Commission established through the prison visit registry that between June 16-24 December 2017, Mugesera was visited 13 times by family, relatives and friends. The same records show that for the period from 4th May 2016 to 29th December 2017 Mugesera had 28 meetings with his lawyer. Regarding the frequency and duration of the visits, the Commission found that existing national guidelines that allow one visit per week were properly followed.
6. Among other things, the Commission recommended that RCS avails private booths/facilities that can allow private conversation between inmates and their lawyers; that RCS conduct awareness campaigns to inmates regarding prison rules and guidelines, including visit regulations; to provide Mr Mugesera with dietary nutrition recommended by his doctor and to respect follow up appointments with his medical doctors.

The Commission will keep close track of the protection and preservation of Mugesera's human rights concerns as it does for other Rwandans.

End