

PUBLIC

AI Index: AFR 47/009/2007

09 July 2007

Further Information on UA 106/07 (AFR 47/007/2007, 10 May 2007) and follow-up (AFR 47/008/2007, 23 May 2007) - Fear for safety/legal concern

RWANDA **Francois-Xavier Byuma (m)**

Francois-Xavier Byuma was sentenced to 19 years' imprisonment on 27 May, for participating in weapons training during the 1994 genocide, after an unfair trial. He has lodged an appeal, which is due to be heard on 14 July, at the same court.

The judge who presided over the trial, at the *gacaca* community court in the Bilyogo *secteur* of the capital, Kigali, has been under investigation by François-Xavier Byuma's NGO, *Turengere Abana* (the Rwandan Association for the Protection and Promotion of the Child - *l'Association Rwandaise pour la Protection et la Promotion de l'Enfant*) as he is alleged to have raped a 17-year-old girl. The *gacaca* court is part of a nationwide community-based justice system intended to try those suspected of the 1994 genocide. The judge's conflict of interest denied Francois-Xavier Byuma his right to receive a fair trial before an independent and impartial tribunal.

Most of the testimony used during the trial was reportedly hearsay and, in some instances, contradictory. According to local sources, Francois-Xavier Byuma remained silent during the first hearing of the trial in protest at the judge's presiding over the trial. During the second hearing, he presented a defence. However, the judge reportedly cut him and other defence witnesses short as they were testifying. Francois Xavier-Byuma was also found guilty of charges that were not originally stated at the start of the trial, including the abduction and assault of a woman.

BACKGROUND INFORMATION

Amnesty International and other human rights organizations have raised serious concerns over the *gacaca* justice system, which fails to meet international standards for fair trial and lacks independence, impartiality and transparency. Article 4 of the Organic Law No 10/2007 of 01/03/2007 covers the dismissal of judges from *gacaca* courts. It clearly states that "Any person elected as a member of the organs for *gacaca* courts shall be replaced...[if he does] any act incompatible with the quality of a person of integrity."

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, French or your own language:

- expressing concern that François-Xavier Byuma has been sentenced to 19 years' imprisonment after an unfair trial by the *gacaca* court in the Bilyogo *secteur* of Kigali;
- urging the authorities to overturn the verdict and sentence passed on François-Xavier Byuma, and provide him with a retrial which complies fully with international standards for fair trial.

APPEALS TO:

Executive Secretary of the National Service of Gacaca Jurisdictions
Mme Domitile Mukantaganzwa
National Service of Gacaca Jurisdictions
BP 1874
Kigali

Rwanda

Fax: +250 586 647

Salutation: **Madame la Secrétaire Exécutive/Dear Executive Secretary**

Minister of Justice

Mr Tharcisse Karugarama

Ministry of Justice

BP 160

Kigali

Rwanda

Fax: +250 586 509

Salutation: **Monsieur le Ministre/Dear Minister**

Public Prosecutor

Mr Martin Ngoga

Procureur Général de Kigali

Parquet Général de la République de Rwanda

BP 1328

Kigali

Rwanda

Fax: +250 589 501

Salutation: **Monsieur le Procureur/Dear Public Prosecutor**

COPIES TO: diplomatic representatives of Rwanda accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 August 2007.