

EXTERNAL (for general distribution)

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Death penalty

16 May 1995

RWANDA

Captain David RWAPAPA  
Second Lieutenant Innocent NGOGA

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On 11 May 1995 two officers of the Rwandese Patriotic Army (RPA) were sentenced to death by a *conseil de guerre* (court martial). Amnesty International fears that their death sentences - the first passed by a military tribunal since the present government came to power - may herald a widespread use of the death penalty through military and civilian courts in Rwanda.

Captain David Rwapapa and Second Lieutenant Innocent Ngoga were sentenced to death on charges of involvement in an attack in late 1994 on the Tanzanian Embassy in Kigali, during which two nightguards were killed and vehicles and other items were stolen. Three other defendants of lower military rank were sentenced to three years' imprisonment in the same case.

Under Rwanda's constitution, the defendants have the right to appeal first to a *cour militaire* (military court), then to the *cour suprême* (Supreme Court), which is a civilian court. Their initial appeal must be lodged within 30 days.

Clear indications by senior government officials that they are in favour of enforcing the death penalty have fuelled fears that it may come into widespread use in Rwanda. President Pasteur Bizimungu recently stated that justice has to be adapted to the mentality of the country and claimed that the death penalty will prevent people from taking the law into their own hands.

Amnesty International opposes the death penalty in all cases without reservation. It considers the death penalty to be incompatible with the right to life and the right not to be subjected to cruel, inhuman or degrading punishment as proclaimed in the Universal Declaration of Human Rights. The organization believes that the use of the death penalty in Rwanda would serve only to perpetuate the cycle of violence in that country by officially sanctioning the use of violence.

#### **BACKGROUND INFORMATION**

After the Rwandese Patriotic Front-led government came to power in July 1994, some of its soldiers and supporters carried out deliberate and arbitrary killings of people accused of involvement in the April to July 1994 genocide.

At least 400 members of the RPA are believed to be awaiting trial accused of extrajudicial executions and other crimes. The real figure may be much higher. Two members of the RPA were executed in public in August 1994. They were accused of carrying out reprisal killings for atrocities committed after April 1994 by the former government and its supporters.

Over 35,000 civilians are currently in detention without charge or trial in various locations in Rwanda, on the basis of vague accusations of having participated in the genocide. Amnesty International is urging that their cases be processed without delay so that those who may be innocent may be released.

Under the Rwandese constitution, those found guilty of crimes against humanity may be sentenced to death by firing squad.

**RECOMMENDED ACTION:** Please send telegrams/faxes/express/airmail letters in

**French, English or your own language:**

- expressing grave concern at the passing of the two death sentences on 11 May 1995;
- urging that these death sentences be commuted;
- stating that Amnesty International, while it does not condone the crimes for which the soldiers were convicted, is unconditionally opposed to the death penalty in all cases on the grounds that it is a cruel, inhuman and degrading punishment which violates the right to life and which is shown to have no special deterrent effect;
- urging the government to refrain from applying the death penalty in all cases;
- expressing the belief that the use of the death penalty will only perpetuate the cycle of violence in Rwanda by officially sanctioning the use of violence.

**APPEALS TO**

Président Pasteur Bizimungu  
Présidence de la République  
BP 15, KIGALI, Rwanda

**Faxes: + 250 83975; 84769;**

**Telegrams: President Bizimungu, Kigali, Rwanda**

**Salutation: Monsieur le Président de la République / Dear President**

Vice President Paul Kagame  
Présidence de la République  
BP 15, KIGALI, Rwanda

**Faxes: + 250 83980; 84769;**

**Telegrams: Vice President Kagame, Kigali, Rwanda**

**Salutation: Monsieur le Vice Président / Dear Vice President**

Maître Alphonse Nkubito  
Ministre de la Justice  
Ministère de la Justice  
KIGALI, Rwanda

**Faxes: + 250 86396; 74915; 74583**

**Telegrams: Ministre de la Justice, Kigali, Rwanda**

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

Monsieur Seth Sendashonga  
Ministre de l'Intérieur  
Ministère de l'Intérieur  
KIGALI, Rwanda

**Faxes: +250 85477**

**Telegrams: Ministre de l'Interieur, Kigali, Rwanda**

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

*NOTE: You may experience difficulty in getting through to Rwanda by fax (it sometimes can be easier via the international operator)*

*Please also organize some appeals via Rwandese embassies in your country or in neighbouring countries. Mark them for forwarding by the embassies to the relevant authorities in Rwanda.*

**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 30 June 1995.