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Rwanda: Government slams door on political life and civil society

The sentencing of former Rwandese president Pasteur Bizimungu and seven co-defendants is further proof of the government's willingness to subvert the Rwandese criminal justice system in an attempt to eliminate all potential political opposition.

The trial and judgment of these men combined with other recent events demonstrate the government's readiness to deny the civil and political rights of individuals and civil society organizations that dare to criticize the RPF-controlled government.

"Through these actions, the Rwandese government is closing the door to any form of free and open political debate and discussion," Amnesty International said.

Pasteur Bizimungu was sentenced to fifteen years for inciting civil disobedience (five years), associating with criminal elements (five years) and embezzlement of state funds (five years). Co-defendant and former Minister of Public Works, Charles Ntakirutinka, received a ten-year sentence for inciting civil disobedience and for association with criminal elements.

"Pasteur Bizimungu and Charles Ntakirutinka are political prisoners and possible prisoners of conscience and should therefore either be released or retried promptly and according to international standards for fair trial" Amnesty International urged.

Each of the six remaining co-defendants - Philémon Munyaneza, Valens Munyaneza, Joseph Gasisira, Emmanuel Ngayaberura, Damascène Nsengimana and Grégoire Uzabakiriho - received five-year sentences for criminal association. Amnesty International urges that these individuals receive a fair trial on recognisably criminal charges or be released.

The underlying motive for the trial of Pasteur Bizimungu and his seven co-defendants was Pasteur Bizimungu's launch of a new political party, the Democratic Party for Renewal (PDR-Ubuyanja), *Parti Démocratique de Renouveau* in May 2001. He and his co-defendants allegedly organized clandestine meetings whose purpose was to disturb public order, provoke civil conflict and target certain government authorities for assassination. To Amnesty International's knowledge, no evidence exists that the six co-defendants participated in any meetings with Mr. Bizimungu.

The conditions of their arrest and detention, and the trial itself, fell far short of international standards of fairness. In spite of the gravity of the alleged offences, the trial of the eight men occurred in a scant 12-days spread out between 20 April and 19 May 2004. The defendants were only allowed to present a limited number of witnesses. The trial was further marred by lack of corroborating evidence against the defendants and by the judges' refusal to allow the defence a full cross-examination of prosecution

witnesses. Prosecution witnesses either ignored or were told to ignore questions that the defence posed during their cross-examination.

The defence attorney for Pasteur Bizimungu and Charles Ntakirutinka was detained for 24 hours for "contempt of court" after pointing out that Charles Ntakirutinka had not been allowed to address an issue that had been raised by Pasteur Bizimungu. The court had ruled that once an issue had been discussed it could not be revisited.

"The trial procedures and outcome undermine the Rwandan government's claim that it is fostering an open society and that the judiciary is capable of operating independently from government interests," the organization said.

The standards of evidence in the trial in general appeared to be very low, and witness statements were sometimes reportedly extracted under duress or during torture. The testimony of individual prosecution witnesses contradicted testimony they had previously provided and/or contradicted the testimony of other prosecution witnesses. One prosecution witness told the court that he had lied to the police and Public Prosecutor's office out of fear, because he had been under considerable duress. Another prosecution witness relayed hearsay evidence that he had overheard in a bar.

All five of the defence witnesses reported that none of the six co-defendants who received five-year sentences had undertaken any of the alleged actions against them. They also maintained that the chief prosecution witness had no personal knowledge of Pasteur Bizimungu or Charles Ntakirutinka and could therefore not have been a witness to any of the events that he alleged took place.

Background

In addition to the well-documented crackdown on political opposition, the space for any kind of debate in Rwanda is rapidly diminishing. Civil society organizations are coming under increasing pressure from the government, to the point where they are sometimes forced to curtail their activities in order to avoid being shut down entirely.

LIPRODHOR, one of the few remaining local independent human rights organizations in Rwanda, and a number of other non-governmental organizations were summoned by the Commission for National Unity and Reconciliation and the Ministry of Local Government and Social Affairs to respond to allegations that they were acting against national unity and reconciliation.