

PUBLIC

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Fear for safety/Legal concern

9 May 2007

RWANDA

François-Xavier Byuma (m)

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Human rights defender François-Xavier Byuma has been summoned to appear before a *gacaca* community court. There are serious concerns that he may receive a lengthy prison sentence after a grossly unfair trial.

François-Xavier Byuma is the President of 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*). The organisation promotes the rights of the child; including freedom from sexual violence and forced labour.

Turengere Abana recently started investigations into the rape of a 17-year-old girl. Turengere Abana alleges that it has followed leads suggesting that the rapist was the presiding judge of a local *gacaca* court.

After Turengere Abana commenced its investigations, the presiding judge from the local *gacaca* court issued a summons to François-Xavier Byuma. The *gacaca* court is part of a nationwide community-based justice system intended to try suspects of the 1994 genocide.

The *gacaca* court, in the Bilyogo *secteur* (district) of the capital, Kigali, did not specify the charges against François-Xavier Byuma in the summons, which he received on 3 May. He is thus unable to prepare a defence. The trial was originally scheduled for 6 May. It has been postponed to 13 May, as another trial was already in progress on 6 May.

## 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 human rights defender François-Xavier Byuma has been summoned to appear before a *gacaca* community court in the Bilyogo *secteur* of Kigali on 3 May;
- urging the authorities to immediately inform François-Xavier Byuma of the charges against him;
- urging the authorities ensure that he and his lawyer are provided with access to all the appropriate information necessary to the preparation of their case, and adequate time and facilities to prepare their defence at all stages of the proceedings;
- urging the authorities to halt all legal proceedings if they cannot formally charge him with a recognisably criminal offence;
- urging the authorities, if a trial is held, to transfer François-Xavier Byuma's case file to another *gacaca* *siège* ("bench");
- urging the authorities to guarantee that the proceedings will comply fully with international standards for fair trial and be carried out by a competent, independent and impartial court.

**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 21 June 2007.