

EXTERNAL

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Death penalty / Unfair trial

3 January 1997

**RWANDA** Deogratias Bizimana, former medical assistant  
Egide Gatanazi, former local government administrator

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On 3 January 1997 the High Court (*Tribunal de première instance*) in Kibungo sentenced Deogratias Bizimana and Egide Gatanazi to death after finding them guilty of genocide and crimes against humanity committed in 1994. They have 15 days in which to appeal against their sentences and conviction, although it is unclear when the appeal would be heard.

The trials were grossly unfair. Their trial on 27 December 1996 lasted only about four hours and the defendants had no access to legal counsel either before or during their trial. The defendants were not given adequate time to prepare their defence. They were not allowed to summon witnesses for their defence or to cross-examine prosecution witnesses. It has been reported that defendants were booed and prosecutors applauded during the trial, without any intervention by the presiding judge. Prosecutors were seen passing notes to the judges during the trial.

A number of other trials in connection with the genocide and crimes against humanity have begun since 27 December 1996, following the passing in August 1996 of a new law on genocide and crimes against humanity. In addition to concerns about the unfairness depicted in the trial of Deogratias Bizimana and Egide Gatanazi, Amnesty International is deeply concerned about the imposition of the death penalty which, if carried out, would be a violation of the ultimate right to life.

Most of the judicial officials, including prosecutors and judges have received only up to four months' training. The impartiality and independence of many of the judicial officials is questionable, following statements by some judicial and government officials that defendants should not request legal counsel.

#### **BACKGROUND INFORMATION**

About 90,000 detainees accused of genocide and crimes against humanity carried out between April and July 1994 are being held throughout Rwanda. As many as one million people were massacred during the period. Many of the detainees have been formally charged, but many others have no case files and hardly any of them have defence lawyers - there are only 16 defence lawyers currently practising in Rwanda.

Around 26 other people suspected of involvement in genocide and crimes against humanity are currently held in Arusha, Tanzania awaiting trial by the UN International Criminal Tribunal for Rwanda (ICTR). Several trials by the ICTR began towards the end of 1996 and will resume in early 1997. The ICTR will not impose the death penalty.

The last recorded executions ordered by a Rwandese civilian court took place in September 1982. Several soldiers of the Rwandese Patriotic Army (RPA) were executed in mid-1994.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English/French or your own language:**

- expressing deep concern about the sentencing to death of Deogratias Bizimana and Egide Gatanazi following an unfair trial on 27 December 1996;

- demanding that the authorities order a new trial of the two people which does not resort to the death penalty, and which conforms to international standards of fairness, including ensuring that the defendants have adequate time to prepare their defence, are assisted by legal counsel and are allowed to call witnesses in their defence, and have an opportunity to cross-examine prosecution witness;
  - seeking assurances that the defendants are given adequate time to appeal to a competent, independent and impartial higher court of law against their sentences and convictions;
  - explaining that the death penalty is a violation of the ultimate right to life and urging it to be commuted to a more humane punishment if confirmed by the court of appeal;
- if possible, also:**
- appeal to the authorities to take all measures necessary to ensure that all trials taking place in Rwanda conform to international standards of fairness as required by international human rights treaties to which Rwanda is a party, including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR).

**APPEALS TO:**

**President**

Son Excellence Pasteur BIZIMUNGU  
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KIGALI, Rwanda

**Fax: +250-84390**

**Telegrams: President, Kigali, Rwanda**

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

**Prime Minister**

Monsieur Pierre-Célestin RWIGEMA  
Premier Ministre  
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KIGALI, Rwanda

**Fax: +250-83714**

**Telegrams: Premier Ministre, Kigali, Rwanda**

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

**Minister of Justice**

Faustin NTEZIRYAYO  
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Ministère de la Justice  
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**Telegrams: Justice Minister, Kigali, Rwanda**

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

**COPIES TO:**

**Vice-President and Minister of Defence**

Général-Major Paul KAGAME  
Vice-Président de la République et Ministre de la Défense  
Présidence de la République

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**Fax: 250-72431/76969**

Procurator General  
Monsieur Siméon RWAGASORE  
Procureur général  
Parquet général  
BP 2886, KIGALI, RWANDA

and 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 23 February 1997.