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RWANDA: FIRST DEFENDANTS FACED UNFAIR TRIALS

The conduct of the first trials in Rwanda has raised grave doubts about their fairness, prompting fears that in the future a large number of people may be executed after unfair trials, Amnesty International said today.

The crimes committed during the genocide in 1994 devastated the lives of millions of Rwandese and shocked the world. The human rights organization has since called for those responsible to be identified and held accountable for their actions. The organization therefore welcomes efforts made by the Rwandese Government to bring to trial those suspected of these heinous crimes, and recognizes the enormous difficulties facing a country still trying to reconstruct its institutions in the wake of genocide.

“However, for the government’s efforts and the trials themselves to be effective, they need to conform to international standards,” Amnesty International said. “Otherwise, justice will not be seen to be done and public confidence in the judiciary will not be restored”.

The first trials commenced in Kibungo on 27 December 1996. Deogratias Bizimana, a former medical assistant, and Egide Gatanazi, a former local government administrator, were tried on charges of genocide and crimes against humanity committed in 1994. The trials lasted only about four hours. The defendants had no access to legal counsel either before or during their trial. They were neither given the opportunity to summon witnesses for their defence nor to cross-examine prosecution witnesses.

The atmosphere in the court was reportedly hostile to the defendants. It has been reported that defendants were booed and prosecutors applauded during the trial.

On 3 January 1997 the two men were pronounced guilty and sentenced to death. They have two weeks in which to submit an appeal.

On 9 January, in a separate trial in Byumba, the prosecution asked for the death sentence for François Bizumutima, a former teacher. The sentence will be announced on 17 January.

Most of the judicial officials, including prosecutors and judges, have received only up to four months’ training. Many of these officials have had no prior legal training.

“The use of judicial officials who are not adequately trained could seriously jeopardize the process and outcome of trials, especially in view of their complexity, the gravity of the crimes and the severity of the punishment,” Amnesty International said.

Amnesty International recommended to the government of Rwanda that it should ensure that the trials conform to international standards of fairness, including ensuring that the defendants have access to the court file and adequate time to prepare their defence, are assisted by legal counsel, including foreign lawyers, and are allowed to call witnesses in their defence and have an opportunity to cross-examine prosecution witnesses.

Today in Rwanda, there are only 16 defence lawyers practising, and in the present climate of hostility to those accused of genocide, few Rwandese lawyers would be willing to provide defence assistance to the more than 90,000 defendants in prison accused of participating in the genocide.

“In a climate of bitterness and suspicion, there is a risk that those accused of genocide will be considered guilty unless proven innocent,” Amnesty International said. “This is a negation of a fundamental principle of justice which states that all defendants are presumed innocent until proven guilty.”

The organization has noticed that the anger and desire for retribution felt by many people in Rwanda means support for the death penalty is inevitably widespread. However, the irrevocability of the death penalty is of particular concern in a country whose judicial system has been virtually destroyed, where popular feeling against defendants accused of genocide runs high, and where many normal legal safeguards are not yet in place.

“The death penalty is a form of official violence, and violent retribution is not justice,” Amnesty International said.

Amnesty International today issued a report: *Rwanda: Human rights overlooked in mass repatriation*, raising concerns about the forcible repatriation of refugees from Tanzania, Zaire and Burundi and the risk that they may face further serious human rights violations in Rwanda. Already more than 5,000 returnees are reported to have been arrested within days of their return. Arbitrary arrests, life-threatening prison conditions, and unfair trials are among Amnesty International’s main concerns. Some returnees have “disappeared”, others have been killed.

“Many returnees are viewed with suspicion because of the presence of perpetrators of the genocide in the refugee camps. However, individuals who took no part in the genocide should not be victimized simply because they fled Rwanda in 1994,” Amnesty International said.

The first trials in Rwanda have also indicated that returnees arrested on suspicion of participation in the genocide stand little or no chance of receiving a fair trial in accordance with international standards. Many may be sentenced to death.

In this report, Amnesty International also criticized the way in which the international community, notably the UNHCR, cooperated in the mass expulsion of refugees to Rwanda from neighbouring countries, especially in the forced return of hundreds of thousands from Tanzania in December.

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