

EXTERNAL

AI Index: AFR 47/04/97

13 January 1997

Further information on UA 02/97 (AFR 47/01/97, 3 January 1997) - Death penalty / Unfair trial

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

new names: François Bizumutima, former teacher from Byumba, aged 32
Augustin Ngendahayo, former teacher from Butare
Faustin Niyonzima, former teacher from Butare
Ignace Nsengiyumva, former teacher from Butare

More trials have been taking place in Rwanda for defendants accused of participation in the 1994 genocide.

At a trial in Byumba, which began on 31 December 1996, the prosecution called for a death sentence against a former teacher accused of genocide, François Bizumutima. The prosecution also reportedly asked for damages of 500 million Rwandese francs (about US\$1.6 million) to be paid to the victims of a massacre in Byumba in 1994.

Amnesty International is concerned that the trial of François Bizumutima was grossly unfair. The defendant had been unable to obtain a lawyer. When he asked for a defence lawyer, he was asked by the judge why he needed one. The witnesses asked for by François Bizumutima did not appear in court. The sentence is due to be announced on 17 January.

In a trial in Butare on 10 January, the prosecution called for the death sentence for three defendants, Augustin Ngendahayo, Faustin Niyonzima and Ignace Nsengiyumva, all former teachers from Butare accused of participation in the genocide. There was no defence lawyer present at their trial. The defendants' request for the trial to be adjourned was rejected. Their sentence is also due to be announced on 17 January.

Deogratias Bizimana and Egide Gatanazi, sentenced to death in Kibungo on 3 January 1997, have said that they will be lodging appeals against their sentences and are looking for defence lawyers. The appeal period expires on 18 January.

If their appeal is rejected, they will have three months to ask for presidential grace or commutation of their sentences.

At least six further trials of genocide suspects are due to start in other parts of Rwanda in January.

Please continue appeals on behalf of Deogratias Bizimana and Egide Gatanazi as outlined in the original UA to the addresses previously listed (the addresses for this update differ from those on the original UA).

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

- referring to the trials in Kibungo of Deogratias Bizimana and Egide Gatanazi, where death sentences were passed, expressing concern that future trials are likely to be unfair and to similarly violate fundamental human rights;
- expressing concern that the trials of François Bizumutima in Byumba and of Augustin Ngendahayo, Faustin Niyonzima and Ignace Nsengiyumva in Butare were

unfair, as there were no defence lawyers present at the trial and witnesses failed to appear;

- urging the authorities to refrain from applying the death penalty, as it constitutes a violation of the right to life;
- calling for a retrial of François Bizumutima, Augustin Ngendahayo, Faustin Niyonzima and Ignace Nsengiyumva in the light of the above concerns; this retrial should conform to international standards of fairness, including ensuring that the defendants are assisted by legal counsel, and should not impose the death penalty.

APPEALS TO:

For Byumba cases only

Maître Tigrius CUICREDDI
Procureur près le parquet de la République
Parquet de Byumba
Préfecture de Byumba, Rwanda
Telegrams: Procureur Cuicredidi, Byumba, Rwanda
Tel/fax: +250 64157 / 64287
Salutation: Monsieur Procureur

Maître François MUSUHUKE
Premier substitut procureur près le parquet de la République
Parquet de Byumba
Préfecture de Byumba, Rwanda
Telegrams: Substitut procureur, Byumba, Rwanda
Tel/fax: +250 64157 / 64287
Salutation: Monsieur le Substitut Procureur

For Butare cases only

Maître Libanje GASHEMEZA
Procureur près le parquet de la République
Parquet de Butare
Préfecture de Butare, Rwanda
Telegrams: Procureur Gashemeza, Butare, Rwanda
Tel/fax: +250 30226 / 30367
Salutation: Monsieur Procureur

Maître Kibibi KAMANZI
Premier substitut procureur près le parquet de la République
Parquet de Butare
Préfecture de Butare, Rwanda
Telegrams: Substitut procureur, Butare, Rwanda
Tel/fax: +250 30226 / 30367
Salutation: Monsieur le Substitut Procureur

For all cases

Justice Minister
Faustin NTEZIRYAYO
Ministre de la Justice
Ministère de la Justice
BP 160, Kigali, Rwanda
Fax: +250 86509
Telegrams: Justice Minister, Kigali, Rwanda
Salutation: Monsieur le Ministre / Dear Minister

President

Son Excellence Pasteur BIZIMUNGU
Président de la République
Présidence de la République
BP 15, Kigali, Rwanda
Fax: +250 84390
Telegrams: President, Kigali, Rwanda
Salutation: Monsieur le President / Dear President

COPIES TO:

Procurator General
Siméon RWAGASORE
Procureur général
Parquet général
BP 2886, Kigali, Rwanda

Prime Minister
Monsieur Pierre-Célestin RWIGEMA
Premier Ministre
BP 15, Kigali, Rwanda
Fax: +250 83714

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 28 February 1997.