

## **RWANDA: THE TROUBLED COURSE OF JUSTICE**

Rwanda has faced enormous challenges in attempting to bring to justice the perpetrators of the 1994 genocide while rebuilding a judicial system that was all but destroyed by the massacres and civil war. Today there are around 125,000 people held in prisons and detention centres in Rwanda, the vast majority of whom are accused of taking part in the genocide. Many have been in detention for several years, without trial and often without any discernible progress towards trial. The conditions in many of Rwanda's prisons and detention centres are so harsh they are life-threatening. Ill-treatment of detainees is common, especially in local detention centres and military sites.

Among this prison population are many who should not be there: those against whom there is no evidence; those who were arbitrarily arrested; those -- the very young and the very old -- whom the government has repeatedly promised to release on compassionate grounds. Some detainees have been acquitted by the courts but are still behind bars. Others have been found guilty, and some sentenced to death, after grossly unfair trials which leave their guilt in doubt.

In an attempt to clear the huge backlog of cases, the government is preparing to introduce a system of local tribunals, made up of lay judges, to try the majority of those accused of acts of genocide. However this new system, called *gacaca*, will fall short of international standards for fair trial unless urgent reforms are introduced into the proposals.

Amnesty International believes that it is essential to bring the perpetrators of the genocide to justice. But unfair trials, arbitrary arrests, unlawful detentions and other abusive practices serve only to undermine and prolong this process.

Amnesty International is therefore calling on the Rwandese government to release without delay those who should not be in detention and to implement a series of measures which will improve the administration of justice in Rwanda. Only in this way can real progress be made in prosecuting those against whom there is solid evidence of participation in the genocide and other human rights violations.

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Amnesty International  
Public

April 2000  
AI Index: AFR 47/11/00

**Théodore Munyangabe**

## **RWANDA: THE TROUBLED COURSE OF JUSTICE**

### **TRIED, ACQUITTED... AND STILL IN GAOL**

Amnesty International is concerned about a number of cases in which individuals who had been released from detention were re-arrested within a very short time. In some cases, the re-arrests took place after the individuals had been tried and acquitted by the courts. Some individuals were held ostensibly for their own protection, even though they had not believed themselves threatened. Others were re-arrested on the basis of the same accusations or faced fresh charges which were brought within a period too short for the authorities to have been able credibly to investigate and prepare a new case.

Théodore  
Munyangabe, a **amnesty international**  
*sous-préfet* (local government official) in Cyangugu *préfecture*, was arrested on

10 March 1995 on accusations of participation in the 1994 genocide. After an unfair trial, during which he was denied access to a lawyer and defence witnesses were not heard by the court, he was found guilty and sentenced to death. On 6 July 1999, however, the appeal court overturned this verdict, ruling that there had been blatant errors of fact and procedure in his trial and that there was insufficient evidence against him. On 8 July Théodore Munyangabe was set free.

Almost immediately, Théodore Munyangabe was placed under house arrest, purportedly for his own protection. But Théodore Munyangabe himself insists that he had not been threatened and had no need of protection. For several weeks he was held under military guard until, on 17 September, he was re-arrested on a new charge relating to the killing of three Tutsi in 1992. By early 2000, Théodore Munyangabe was still being held in Cyangugu central prison awaiting trial on the new charge.

### **Canisius Shyirambere and Aloys Havugimana**

Canisius Shyirambere and Aloys Havugimana are former employees of the *Office rwandais du tourisme et des parc nationaux*, Rwandese Office of Tourism and National Parks, who worked at the Birunga National Park in Ruhengeri, northwestern Rwanda. The men were arrested by the military, for the second time, on 4 January 1997. The two men were tried by the high court in Ruhengeri on charges of having taken part in killings of Tutsi in 1991. They were not represented by a lawyer at the trial. On 28 October 1998 they were found guilty and sentenced to death. However, on 25 August 1999 the appeal court overturned this verdict and acquitted the two men. Despite this decision, the two men were kept in detention following protests at their acquittal.

When Amnesty International delegates visited Ruhengeri in October 1999 they were informed that the regional authorities and the National Human Rights Commission had agreed that the two men should be released and that this principle had to be explained clearly to those who had tried to prevent their release. Despite these assurances, by February 2000 Canisius Shyirambere and Aloys Havugimana were still being held in Ruhengeri central prison.

### **Ignace Banyaga**

## ***RWANDA: THE TROUBLED COURSE OF JUSTICE***

Ignace Banyaga, aged 46, a local government official in Kibuye, western Rwanda, was first arrested on 14 March 1997 after being accused of participation in the genocide. His trial began in November 1998 and he was found not guilty on 26 April 1999. Released on 27 April, he was re-arrested the next day. Judicial officials claimed that they had uncovered new evidence about his participation in the genocide, but in May 1999 an order for his preventive detention was issued, based - at least in part - on a claim that he should be detained "for his own security". By February 2000 he was still detained in Kibuye central prison.

### **PLEASE WRITE.**

Express your concern at the re-arrests of Théodore Munyangabe, Canisius Shyirambere, Aloys Havugimana and Ignace Banyaga following their acquittals by the Rwandese courts. Call for an urgent review of their cases, pointing out that individuals who are held after their release has been ordered by a judicial authority are unlawfully detained, in violation of Article 6 of the African Charter on Human and Peoples' Rights.

Ask that all relevant officials be instructed that individuals released from detention should only be re-arrested if substantial new evidence comes to light, and only after thorough and independent investigations have been carried out. No individual who has been acquitted should be re-arrested on the basis of the same accusations.

Urge that, in cases where the authorities are aware of possible threats against released individuals, measures should be taken to ensure their protection. The existence of such threats should not be used as a justification to keep the individuals in detention.

### **Send letters to:**

Monsieur Jean de Dieu Mucyo, Minister of Justice, Ministry of Justice, BP 160, KIGALI, Rwanda -- fax: +250 86509

and a copy to the Rwandese diplomatic representative in your country.

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The conditions in many of Rwanda's prisons and detention centres are so harsh they are life-threatening. Ill-treatment of detainees is common, especially in local detention centres and military sites.

Among this prison population are many who should not be there: those against whom there is no evidence; those who were arbitrarily arrested; those -- the very young and the very old -- whom the government has repeatedly promised to release on compassionate grounds. Some detainees have been acquitted by the courts but are still behind bars. Others have been found guilty, and some sentenced to death, after grossly unfair trials which leave their guilt in doubt.

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Amnesty International  
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Detainees in Rwanda's *cachots communaux* (local detention centres), military detention centres and in some *brigades* (gendarmierie detention centres) are often subjected to ill-treatment which in some cases amounts to torture. Testimony gathered by Amnesty International suggests that detainees consider beatings as "normal" by virtue of their frequency, particularly at the time of arrest or in the early stages of detention. Detainees are not usually ill-treated once they are transferred to central civilian prisons.

On 24 October 1999 Emmanuel Hakizimana, aged 26, a detainee at Musambira *cachot communal*, in Gitarama *préfecture*, was severely beaten by a soldier as

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## **ILL-TREATMENT AND TORTURE OF DETAINEES**

he was taken outside to perform work duties. The soldier had reportedly accused him of walking too slowly. In the same *cachot*, detainees who had "misbehaved" were locked up for several days or weeks as a punishment, with no possibility of leaving a crowded cell which at times held as many as 30 or 40 detainees. At the time of Amnesty International's visit in October 1999, three men in this punishment block bore the signs of having been beaten.

In some cases the ill-treatment is so severe that the detainee dies. Félicien Gasana, aged 35, a construction worker, died on 10 August 1999 as a result of beatings inflicted in the *brigade* of Nyamirambo in Kigali. His body bore

visible wounds indicating that he had been severely beaten around the head. On 11 November 1999, Frodouald Ngaboyisonga, a driver and mechanic in his late thirties, died as a result of torture in Mukamira military camp, Ruhengeri *préfecture*. He and fellow workers from a tea factory had been arrested and beaten by soldiers in an attempt to force them to confess to theft.

An unknown number of civilians are unlawfully held in military custody throughout Rwanda. One unofficial military detention centre is a facility known as MULPOC in Gisenyi, northwestern Rwanda. In one case, a 64-year-old woman from Rubavu *commune*, Gisenyi *préfecture*, was detained at MULPOC. She reported that a number of other civilians were detained there with her, accused of collaboration with an armed opposition group. The civilians were beaten with wires, including one mother who appears to have been singled out for beatings because she could not prevent her baby from crying.

Conditions in most prisons and detention centres in Rwanda themselves amount to cruel, inhuman or degrading treatment, in clear violation of international law and standards. Tens of thousands of detainees suffer from extreme overcrowding, lack of hygiene facilities, insufficient food and inadequate medical care. In many cases, detainees barely have space to sleep.

In Cyangugu central prison, in November 1999, some detainees had to crawl under the lowest bunk, in an extremely narrow space known as *la mine* (the mine) where they could hardly move, to find a place to lie down. Conditions are especially severe in the *cachots communaux*, where the state does not provide any food to detainees, who are wholly dependent on their families to bring them food, or on other detainees to share their supply.

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### **PLEASE WRITE.**

Ask the Rwandese government to:

Investigate all reported cases of ill-treatment and torture by state officials and ensure that those suspected of committing such violations are brought to justice, in accordance with international standards for fair trial and without recourse to the death penalty. Provide compensation to the victims.

Ensure that detainees who have been tortured or ill-treated and those suffering ill-health as a result of prison conditions are immediately transferred to a hospital or medical centre for appropriate treatment.

Stop the practice of detaining civilians in military detention centres. Immediately transfer all detainees to officially recognized places of detention. Allow the families and lawyers of detainees, and independent human rights and humanitarian organizations, immediate and unrestricted access to all those held in military custody.

Ensure that detainees held in *cachots communaux* are provided with food by the state.

### **Send letters to:**

Major General Paul Kagame, Vice-President and Minister of Defence, Ministry of Defence, BP 23 KIGALI, Rwanda - fax: +250 72431/76969

Monsieur Théobald Gakwaya Rwaka, Minister of Internal Security, Ministry of Internal Security, BP 446 KIGALI, Rwanda - fax: +250 82071

and a copy to the Rwandese diplomatic representative in your country.

release on compassionate grounds. Some detainees have been acquitted by the courts but are still behind bars. Others have been found guilty, and some sentenced to death, after grossly unfair trials which leave their guilt in doubt.

In an attempt to clear the huge backlog of cases, the government is preparing to introduce a system of local tribunals, made up of lay judges, to try the majority of those accused of acts of genocide. However this new system, called *gacaca*, will fall short of international standards for fair trial unless urgent reforms are introduced into the proposals.

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Amnesty International

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## **THE VERY YOUNG AND THE VERY OLD: AN UNEVEN POLICY OF RELEASE**

The Rwandese government has repeatedly announced that it will release child and elderly detainees who are held in pre-trial detention. Some releases have taken place under this policy, but thousands more remain in detention without any explanation as to why they too have not benefited from release.

In early 2000 more than 4,400 children who were under 18 at the time of the crime of which they are accused were still held in detention, in contravention of Article 37(b) of the UN Convention on the Rights of the Child. Théoneste Niyonziza, aged 16, has been detained in Kimironko prison in Kigali since December 1996, accused of taking part in the genocide even though he was only 11 in 1994. Two others, Ayabagabo and Vénuste Vuguziga, both aged 15, have been held in pre-trial detention in Kimironko prison since August and October 1998 respectively, accused of common crimes.

Amongst the elderly, some of those released on the grounds of old age are younger than others still being detained. At least 50 male prisoners over the age of 70 and several elderly female prisoners were being held when Amnesty International delegates visited Cyangugu central prison in November 1999. Some had been in detention since 1994 or 1995. The *cachot communal* (local detention centre) in Taba, Gitarama *préfecture*, in central Rwanda held more than 20 detainees over the age of 70 in October 1999. One, Evariste Munyakazi, was aged 96. He was being held in a cell with more than 50 detainees.

Dorothee Mukangaramba, aged 70, was arrested in May 1995 and spent over four years in detention without trial in the *cachot communal* of Muhazi, Kibungo. She was accused of genocide, but believes that the real reason for her arrest was a dispute over her property. She was released in July 1999. During her detention the land which she owned was occupied by other families. Several months after her release, she still did not feel she could begin the procedure to reclaim it as she was afraid of being seen as a trouble-maker and risking re-arrest.

Pierre Byingingo, a trader aged 72 and father of seven, was held in detention in Gisenyi, accused of taking part in the genocide, for more than two years before he was conditionally released in October 1999. Under the conditions of his release he is not allowed to leave his home area, and he has been refused permission to travel to the capital, Kigali, to receive medical treatment he requires.

Many former detainees continue to experience problems after their release. In a few cases released detainees or members of their family have been killed soon after their release. A study conducted by the independent local human rights organization, the *Ligue rwandaise pour la promotion et la defense des droits de l'homme* (LIPRODHOR), Rwandese league for the promotion and defence of human rights, has found many former detainees enduring extreme poverty, homelessness, and poor health after ill-treatment or years of living in harsh conditions in detention. Others find that their land has been taken or that

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they are unable to find employment. Many child former detainees find it impossible to resume education.

LIPRODHOR has made a number of recommendations to the Rwandese government aimed at protecting detainees from abuse while in detention and at facilitating the reintegration of former detainees into their communities. These recommendations include training of officials in correct arrest and release procedures, enforcement of international standards for the treatment of detainees, official support for released detainees as they seek work or to resume schooling, and enhanced human rights education programs among the Rwandese population.

### PLEASE WRITE.

Welcome the Rwandese Government's previous promises to release from pre-trial detention children, the elderly and the sick.

Ask the government to proceed with a systematic, accelerated review of cases of pre-trial detention and to establish clear and objective criteria to determine the order in which cases are processed. Priority should be given to those who have been detained for longer periods, children, the sick and the very elderly.

Ask the government to continue and intensify its campaign to raise awareness among the population of the importance of respecting the decisions of the courts and the rights of detainees and those who are released, in order to prevent further killings and insecurity.

### Send letters to:

Dr Joseph Mutaboba, Minister in the President's Office, President's Office, BP 15 KIGALI, Rwanda - fax: + 250 84769 or 84390

Monsieur Jean de Dieu Mucyo, Minister of Justice, Ministry of Justice, BP 160, KIGALI, Rwanda - fax: +250 86509

and a copy to the Rwandese diplomatic representative in your country.

destroyed by the massacres and civil war. Today there are around 125,000 people held in prisons and detention centres in Rwanda, the vast majority of whom are accused of taking part in the genocide. Many have been in detention for several years, without trial and often without any discernible progress towards trial. The conditions in many of Rwanda's prisons and detention centres are so harsh

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## ARBITRARY ARRESTS AND UNLAWFUL DETENTIONS

Amnesty International has documented a pattern of arbitrary arrests in Rwanda. Accusations of participation in the 1994 genocide are frequently levelled at people without evidence of their individual involvement in massacres.

Amnesty International is not in a position to judge whether specific individuals are guilty or innocent of the accusations against them in relation to the genocide. However, testimonies from a range of sources confirm that in many cases, arrests have taken place without supporting evidence. Many detainees appear not to have been told why they have been arrested.

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Most typically such accusations are used as a way to ensure the arrest of people who own property or land, to prevent them from reclaiming it, or as a way of settling scores. On 10 October 1999 **Josepha Uwera**, aged 22, her mother, **Domitile Nyirahabimana**, and another relative, **Goretti Nyirabavakure**, travelled to Kigali to try to reclaim a house owned by the family which had

been illegally occupied. When they arrived at the property, several members of the Local Defence Force (a quasi-official force made up of civilians armed and trained by the government to ensure the security of local populations) beat the women, told them to forget about their house and threatened to kill them. They were then taken to the *brigade* (gendarmerie detention centre) at

Nyamirambo. When the gendarmerie commander asked the reason for the arrest, the men alleged that Josepha's father (Domitile Nyirahabimana's husband) had participated in the genocide. The women were then unlawfully detained at the gendarmerie: Josepha Uwera and Gorette Nyirabavakure for three days, Domitile Nyirahabimana for more than two months before she was released without charge on 22 December.

Josepha's father, Joseph Munyagisenyi, meanwhile, was arrested on 19 October, in his home area of Kanama, Gisenyi, accused of participation in the genocide. He was initially detained at the *cachot* (local detention centre) in Kanama, then in the *brigade* at Gisenyi, before being transferred to Gisenyi central prison. On 7 February 2000 he was reportedly transferred to Kigali. The occupiers of the family's house have since been evicted by the authorities, but the family has not dared return to reclaim it.

Arbitrary arrests have also frequently taken place on the basis of accusations not related to the genocide. On 1 November 1999 the local authorities of Mukingo *commune*, Ruhengeri *préfecture*, called a public meeting in response to a spate of illnesses or deaths believed by some of the local population to have been caused by poisoning. The *bourgmestre* (local government official) asked those attending the meeting to write down the names of individuals they suspected of being responsible for the poisoning. On the basis of their denunciations, and apparently without any further investigation, more than 15 people were arrested and detained in the *cachot communal* of Mukingo. Many of them were women, including **Nyiraruhengeri, Mukamana, Ntagahinguka, Bangiriyeyo, Uwimana, Nibagwire** and her daughter **Tenesi**. Some of those arrested were reportedly beaten in the *cachot*. They were all released in mid November without charge.

## PLEASE WRITE.

Express your concern at the continuing pattern of arbitrary arrests in Rwanda. Ask the government to release without delay all those unlawfully arrested or detained. Ask the government to prevent further arbitrary arrests and ensure that arrests are only carried out on the basis of substantial evidence and by competent authorities who have legal powers of arrest.

Ask the authorities to ensure, in accordance with Article 9(2) of the International Covenant on Civil and Political Rights (ICCPR), that all those arrested are informed, at the time of their arrest, of the reasons for the arrest and that they are promptly informed of any charges against them.

Ask the authorities to ensure, in accordance with Article 9(3) of the ICCPR, that all those arrested are brought promptly before a judge or other judicial officer to

assess whether sufficient legal reason exists for the arrest and whether detention before trial is necessary.

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**Sylvestre Kamali**

## **RWANDA: THE TROUBLED COURSE OF JUSTICE**

### **LONG-TERM DETENTIONS WITHOUT TRIAL**

Many thousands of detainees in Rwanda's prisons and detention centres have been held for prolonged periods without trial and often without charge. Many do not have a case-file. A significant number are among those who were arrested immediately after the genocide in 1994, and who have therefore spent more than five years in detention, often in life-threatening conditions. Such

prolonged periods of pre-trial detention are a violation of Article 7(1) (d) of the African Charter of Human and Peoples' Rights, which affirms the right of an individual to be tried within a reasonable time by an impartial court or tribunal.

Sylvestre Kamali,  
a former diplomat **amnesty international**

and former president of the Gisenyi branch of the *Mouvement démocratique républicain* (MDR), Republican Democratic Movement, has been detained in Kigali Central Prison since 14 July 1994 on accusations of participation in the 1994 genocide. After several years of absence of any progress on his case-file, he was questioned by judicial officials in July 1999. He was told on several occasions that he would be conditionally released in the following weeks after his case-file had been sent to the prosecutor's office.

During 1999 it was confirmed that one of the people he was accused of killing during the genocide was alive. On 14 January 2000, in response to appeals from Sylvestre Kamali's family, the Minister of Justice wrote to the prosecutor asking for details of the progress of the case and calling for Sylvestre Kamali to be either released or brought to trial. However, by March 2000, he was still detained in Kigali Central Prison, five-and-a-half years since his arrest.

### **Athanase Semana**

Athanase Semana, aged 37, a former employee of the Ministry of Post and Communications, was first arrested in Kigali in July 1994. He was released in August 1994 and re-arrested in February 1995 when he went to the *commune* (local government office) to reclaim his two houses which had been unlawfully occupied. He remains in Kimironko prison, accused of participation in the genocide. He has been questioned, but by early 2000 his case-file was not known to have progressed and he had not been given any indication as to when his trial might begin.

### **Claude Ndayisabye**

When Amnesty International visited Cyangugu central prison in November 1999, Claude Ndayisabye had been in the prison since February 1995 but had only received a copy of his arrest warrant on 9 October 1999. He was then questioned by the judicial authorities, given a preventive detention order and told he had to remain in prison until the authorities had finished their investigations.

In October 1998, the Rwandese Government announced that detainees without a case-file or against whom there was insufficient evidence would be released.

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However, only a relatively small number of detainees in these categories have so far been set free. On the other hand, the government has three times amended national laws governing the length of pre-trial detention. The cumulative effect of these amendments has been to give supposed legal validity to pre-trial detention for up to seven years. As the law now stands, the situation of all those currently held in pre-trial detention must be regularized by June 2001. These successive amendments are a violation of international standards such as Article 9(3) of the International Covenant on Civil and Political Rights (ICCPR) which provides for the right to a trial within a reasonable time or to be released from detention.

### **PLEASE WRITE.**

Raise the cases of Sylvestre Kamali, Athanase Semana and Claude Ndayisabye. Ask the government to:

Fulfil its October 1998 promise and release without delay detainees who are without a case-file or against whom there is no evidence.

For all other cases, to proceed with a systematic, accelerated review of cases of pre-trial detention, establishing clear and objective criteria to determine the order in which cases are processed. Priority should be given to cases of individuals who have been detained for longer periods, to children and the very elderly.

Respect the right of detainees to be tried within a reasonable time or be released pending trial, and ensure that all pre-trial detainees have the opportunity to take proceedings before a court to challenge the basis and legality of their detention.

### **Send letters to:**

Major General Paul Kagame, Vice President and Minister of Defence, Ministry of Defence, BP 23 KIGALI, Rwanda - fax: +250 72431/76969

Monsieur Jean de Dieu Mucyo, Minister of Justice, Ministry of Justice, BP 160, KIGALI, Rwanda - fax: +250 86509

and a copy to the Rwandese diplomatic representative in your country.

people held in prisons and detention centres in Rwanda, the vast majority of whom are accused of taking part in the genocide. Many have been in detention for several years, without trial and often without any discernible progress towards trial. The conditions in many of Rwanda's prisons and detention centres are so harsh they are life-threatening. Ill-treatment of detainees is common, especially in local detention centres and military sites.

Among this prison population are many who should not be there: those against whom there is no evidence; those who were arbitrarily arrested; those -- the very young and the very old -- whom the government has repeatedly promised to release on compassionate grounds. Some detainees have been acquitted by the courts but are still behind bars. Others have been found guilty, and some sentenced to death, after grossly unfair trials which leave their guilt in doubt.

In an attempt to clear the huge backlog of cases, the government is preparing to introduce a system of local tribunals, made up of lay judges, to try the majority of those accused of acts of genocide. However this new system, called *gacaca*, will fall short of international standards for fair trial unless urgent reforms are introduced into the proposals.

Amnesty International believes that it is essential to bring the perpetrators of the genocide to justice. But unfair trials, arbitrary arrests, unlawful detentions and other abusive practices serve only to undermine and prolong this process.

Amnesty International is therefore calling on the Rwandese government to release without delay those who should not be in detention and to implement a series of measures which will improve the administration of justice in Rwanda. Only in this way can real progress be made in prosecuting those against whom there is solid evidence of participation in the genocide and other human rights violations.

*This appeal case accompanies Amnesty International's report, RWANDA: The troubled course of justice (AI Index: AFR 47/11/00, April 2000). Copies are available from: International Secretariat, 1 Easton Street, London WC1X 0DW, United Kingdom or from national Amnesty International sections.*

Amnesty International  
Public

April 2000  
AI Index: AFR 47/11/00

Astérie Nyirarusatsi was arrested on 25 December 1995, accused of killing her husband. She was tried on 23 February 1999 and sentenced to death. She also was not represented by legal counsel.

### **Déogratias Bazabazwa**

## ***RWANDA: THE TROUBLED COURSE OF JUSTICE***

### **DEATH PENALTY AFTER UNFAIR TRIALS**

At least 350 prisoners are held under sentence of death in Rwanda's prisons, many of whom were victims of unfair trials. Twenty-two people were publicly executed in April 1998. Although no judicial executions have taken place since then, Rwanda's retention of the death penalty, and the persistence with which Rwandese courts continue to hand down death sentences, raise the possibility that these detainees may also one day face death by firing squad.

#### **Marceline Musabyemariya, Faina Nyabyenda, Damase Nyanzira and Astérie Nyirarusatsi**

Several women detainees in Cyangugu central prison are among those sentenced to death after manifestly unfair trials.

Marceline Musabyemariya, aged 23, was arrested on 14 February 1997, accused of being a member of an armed opposition group. She was tried on 26 June 1998 and sentenced to death. On 6 July 1999 the appeal court confirmed the death sentence. She was not represented by a lawyer at any stage of these proceedings, although the prosecutor had reportedly promised to request one for her.

Faina Nyabyenda, aged 49, and Damase Nyanzira, aged 67, were both arrested in 1995, accused of poisoning, and sentenced to death on 26 January 1999. They too were not represented by a lawyer. They claimed that although defence witnesses were present at the trial, they were not heard by the court. Both women have appealed.

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Déogratias Bazabazwa, a 51-year-old schoolteacher, was found guilty after an unfair appeal hearing of participating in the genocide, a charge of which he had previously been acquitted.

The public prosecutor appealed against this verdict and on 30 September 1999 the Appeal Court heard the case. Déogratias Bazabazwa was not informed of this new hearing and neither he nor his lawyer were present to defend his case.

On 7 October the Appeal Court sentenced Déogratias Bazabazwa to death. The first Déogratias Bazabazwa knew about the verdict was when police arrested him at the primary school in Gishoma *commune*, Cyangugu, where he had resumed work.

### **PLEASE WRITE.**

Point out that Amnesty International takes no view on the guilt or innocence of Marceline Musabyemariya, Faina Nyabyenda, Damase Nyanzira, Astérie Nyirarusatsi, but is concerned that they were denied the right to a fair trial. Similarly, Amnesty International takes no view on the guilt or innocence of Déogratias Bazabazwa, but is concerned that his appeal hearing failed to abide by international standards for fair trial. Persons charged with crimes punishable by death are entitled to the strictest observance of fair trial guarantees.

Ask that these individuals be re-tried by the courts with their full rights respected. These includes the right of the accused to have access to a defence lawyer in the investigation and pre-trial stages, as well as throughout their trial and appeal. Defence lawyers and their clients should be given adequate time to prepare a defence and advance notice of hearings, including appeal hearings.

Ask that the judiciary be reminded of the absolute necessity to observe international standards for fair trial, especially in cases where the accused face the death penalty.

Urge the Rwandese authorities to stop imposing death sentences and instead to institute a moratorium on executions. The death penalty is the ultimate violation of the right to life and the right not to suffer this cruel, inhuman and degrading punishment.

Send letters to:

Monsieur Jean de Dieu Mucyo, Minister of Justice, Ministry of Justice,  
BP 160 KIGALI, Rwandafax: +250 86509

and a copy to the Rwandese diplomatic representative in your country.

Déogratias Bazabazwa was first arrested on genocide charges in August 1996 and provisionally released in October 1997. In May 1998 he was re-arrested on these charges and additionally accused of collaborating with armed opposition groups. He was tried by the high court in Cyangugu, acquitted of both charges and released in August 1998.