

PUBLIC

AI Index: AFR 47/13/99

18 August 1999

Further information on UA 52/99 (AFR 47/08/99, 22 March 1999) and follow-ups (AFR 47/09/99, 22 March 1999; AFR 47/10/99, 8 April 1999 and AFR 47/11/99, 12 April 1999) - Fear for safety and new concerns: Death penalty / Unfair trial

RWANDA Bonaventure Ubalijoro, former leader of the political party *Mouvement démocratique républicain* (MDR), Democratic Republican Movement

Eustache Nkerinka] Members of parliament
Jacques Maniraguha] for the MDR
Jean-Léonard Bizimana]

The trial of Bonaventure Ubalijoro, the former leader of the MDR political party, is reportedly due to begin on 19 August 1999 in the capital, Kigali. He is believed to be charged with *atteinte à la sûreté intérieure de l'Etat* (endangering the internal security of the State) and embezzlement. Amnesty International fears he may face an unfair trial, possibly resulting in a death sentence.

Bonaventure Ubalijoro, who is detained in Kimironko prison in Kigali, is thought to be facing charges under three articles of the Rwandese Penal Code. Article 164 provides for the death penalty for charges of terrorism, use of armed force and other forms of violence aimed at endangering the State and constitutional principles, as well as endangering the life of the Head of State. Article 166 provides for a prison sentence of between two and 10 years for a range of other offences connected with inciting the population against the State and causing unrest. Article 220 provides for a prison sentence of between five and 20 years for embezzlement.

Amnesty International has not been able to confirm exactly what crimes he is charged with in relation to endangering State security. Since his arrest on 27 February 1999, he has been accused of a range of offences, including sympathies with armed opposition groups, organizing an underground insurgency with a view to overthrowing the government, and ordering killings of Tutsi when he served under the government of President Kayibanda in 1963. It is not known which of these have been retained as formal charges in his case-file.

In view of the possible political motives behind his arrest and trial (before his arrest, Bonaventure Ubalijoro was a prominent critic of the government), there are serious concerns that his trial may be unfair. Although he has a defence lawyer, the judiciary has reportedly come under pressure from members of the government to ensure that he is found guilty.

Eustache Nkerinka, a member of parliament for the MDR party, has been under house arrest in Kigali since March 1999. He is not known to have been officially charged with any criminal offence. Although he can receive visitors his house remains guarded by soldiers.

There have been no major developments relating to Jacques Maniraguha and Jean-Léonard Bizimana.

BACKGROUND INFORMATION

Amnesty International became concerned for the safety of Eustache Nkerinka, Jacques Maniraguha and Jean-Léonard Bizimana when they were dismissed from parliament (the Transitional National Assembly) on 9 March after a number of public political disagreements with members of the government. Eustache Nkerinka escaped an apparent assassination attempt in Kigali in June 1997 and his home has been attacked and searched on several occasions since 1995.

All of the men named above are outspoken critics of the government. All have been the subject of hostile articles in the Rwandese press over several months.

The MDR is one of several political parties that sit in the Transitional National Assembly, which was set up after the current government came to power in Rwanda in July 1994. The MDR is effectively split into two factions, one of which has been critical of the government and gradually marginalised, while the other, led by Prime Minister Pierre-Célestin Rwigema, broadly supports the policies of the government.

For several years, critics of the government have been subjected to human rights violations ranging from harassment to arrest, "disappearance" and extrajudicial execution. Evariste Burakali, an MP of the *Parti Libéral* (Liberal Party), was shot dead by a soldier in the northern region of Byumba in January 1997. At least one other MP has fled the country, fearing for his safety.

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

- appealing to the authorities to ensure that Bonaventure Ubalijoro receives a fair trial and that all his rights as a defendant are respected;
- asking for clarification as to the precise crimes of which he is accused;
- expressing concern that he may be sentenced to death if found guilty of endangering state security;
- expressing your unconditional opposition to the use of the death penalty as a state-sanctioned violation of the right to life and urging the authorities to refrain from imposing a death sentence;
- asking for the legal justification for keeping Eustache Nkerinka under house arrest for five months and calling for his release unless he is charged with a recognizably criminal offence and brought to trial in accordance with international standards.

APPEALS TO:

Son Excellence Pasteur BIZIMUNGU
Président de la République
Présidence de la République
BP 15, Kigali, Rwanda

Telegrams: President, Kigali, Rwanda

Faxes: + 250 84390

Salutation: Monsieur le Président / Dear President Bizimungu

Jean-de-Dieu MUCYO
Ministre de la Justice
Ministère de la Justice
BP 160, Kigali, Rwanda

Telegrams: Ministre Justice, Kigali, Rwanda

Faxes: + 250 86509

Salutation: Dear Minister / Monsieur le Ministre

Monsieur Pierre-Célestin RWIGEMA

Premier Ministre
BP 1334, Kigali, Rwanda
Telegrams:Prime Minister, Kigali, Rwanda
Faxes:+ 250 83714
Salutation:Monsieur le Premier Ministre / Dear Prime Minister

Général Major Paul KAGAME
Vice-Président de la République
et Ministre de la Défense
Ministère de la Défense
BP 23, Kigali, Rwanda
Telegrams:Vice-President, Kigali, Rwanda
Faxes:+ 250 72431 / 76969
Salutation:Monsieur le Vice-Président / Dear Vice-President

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 15 September 1999.