

3 June 1997

Further information on UA 02/97 (AFR 47/01/97, 3 January 1997) and follow-up (AFR 47/04/97, 13 January 1997 and AFR 47/05/97, 20 January 1997) - Death penalty / unfair trial

RWANDA Deogratias Bizimana
Egide Gatanazi

The Court of Appeal in Kigali confirmed the convictions and death sentences of Deogratias Bizimana and Egide Gatanazi in April 1997. The defendants had appealed on several grounds, including that they had been denied access to legal defence and had had insufficient time to prepare their defence in advance of their trial in Kibungo on 3 January 1997.

The Court of Appeal reportedly did not acknowledge that their trial had been unfair. It denied that the defendants had been refused access to a defence lawyer and claimed that they had had adequate time to prepare their defence.

The defendants were not present at the appeal hearing, neither were the lawyers who had acted on their behalf during the appeal procedure. The defendants had reportedly not been given advance notice by the authorities of the date of the appeal hearing.

Deogratias Bizimana and Egide Gatanazi were the first two people to be tried in Rwanda on charges of participation in the genocide in 1994. Theirs were also the first two genocide cases to be heard by a court of appeal.

Under the Organic Law 8/96 of 30 August 1996 - which governs the trials of those accused of genocide and crimes against humanity - the decision of the court of appeal is not subject to appeal or review. A further judicial review may only be possible if the Prosecutor General of the Supreme Court decides to refer a case to the court of cassation in the interests of the law, within three months. As a last resort, the defendants can appeal to the President for clemency.

It is not known when executions may take place in Rwanda. However, on 19 May, the government issued a decree outlining some of the modalities for execution, indicating that preparations may be underway for executions to begin in the near future.

François Bizumutima, Augustin Ngendahayo, Faustin Niyonzima and Ignace Nsengiyumva (the other defendants featured in this Urgent Action) have also filed appeals. To Amnesty International's knowledge, their appeals have not yet been heard.

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

- expressing grave concern that the Court of Appeal confirmed the death sentences of Deogratias Bizimana and Egide Gatanazi and did not acknowledge that their trial had been unfair;
- restating Amnesty International's concerns about the unfairness of their trial in Kibungo on 3 January 1997, in particular that they had not had access to a defence lawyer and had had insufficient time to prepare their case;
- reiterating Amnesty International's unconditional opposition to the death penalty for all crimes as a state-sanctioned violation of the right to life; appealing for Deogratias Bizimana's and Egide Gatanazi's death sentences to

be commuted and for them to be given a prison sentence appropriate to the gravity of the crime.

APPEALS TO:

President

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

Fax: +250 84390

Telegrams: Président Bizimungu, Kigali, Rwanda

Salutation: Monsieur le Président / Dear President

Minister of Justice

Faustin NTEZIRYAYO
Ministre de la Justice
Ministère de la Justice
BP 160, KIGALI, Rwanda

Fax: +250 86509

Telegrams: Ministre Justice, Kigali, Rwanda

Salutation: Monsieur le Ministre / Dear Minister

Procurator General

Monsieur Siméon RWAGASORE
Procureur général
Parquet général
BP 2886, KIGALI, Rwanda

Telegrams: Procureur Général, Kigali, Rwanda

Salutation: Monsieur le Procureur Général / Dear Procurator General

COPIES TO:

Prime Minister

Monsieur Pierre-Célestin RWIGEMA
Premier Ministre
BP 1334, KIGALI, Rwanda

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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 15 July 1997.