

UA 117/96

Fear for safety / Fear of ill-treatment

3 May 1996

RWANDA Célestin Kayibanda, prosecutor of Butare
Fidèle Makombe, prosecutor of Kibuye

Amnesty International is concerned for the safety of Célestin Kayibanda, prosecutor in the southern *préfecture* of Butare, and Fidèle Makombe, prosecutor in the western *préfecture* of Kibuye.

Célestin Kayibanda was arrested during the night of 1-2 May and is being held at the *gendarmerie* headquarters (brigade) in Butare. The authorities have not disclosed the reasons for his arrest but it is thought that he was arrested in connection with allegations that he participated in the genocide against Tutsis in 1994. He had been previously threatened with denunciation by a local trader, who was himself under suspicion of participating in massacres during 1994.

It is not known whether Célestin Kayibanda has been ill-treated. However, Amnesty International has documented a persistent pattern of ill-treatment and torture of detainees in military detention centres, before they are transferred to official prisons.

Célestin Kayibanda is a member of the *Association rwandaise pour la défense des droits de l'homme* (ARDHO), Rwandese Association for the Defence of Human Rights. He was acting prosecutor in the central *préfecture* of Gitarama before being transferred to Butare.

Fidèle Makombe was reportedly injured when he was beaten by soldiers on 1 May. He had received threats during the days leading up to this attack. One of the possible reasons for his victimization is that he had reportedly refused to order the arrest and imprisonment of individuals suspected of involvement in the genocide, because of a lack of sufficient evidence.

These two cases illustrate a pattern of victimization and harassment of judicial officials in Rwanda since the present government came to power in July 1994. Several other members of the judiciary who have attempted to exercise an independent judgment or who have protested against military interference in the process of justice have suffered harassment, arrest and unlawful detention without charge or trial. For example, Silas Munyagishali, assistant prosecutor of Kigali, was arrested in February 1996 for alleged participation in the genocide. The prosecutor of Kigali, François-Xavier Nsanzuwera, whom he had replaced, fled Rwanda in 1995 after repeated threats and interference by the military in his duties. Other judicial officials, such as Bernard Nikuze, a judge in Butare, have been assassinated in circumstances which suggested the involvement of members of government forces.

Amnesty International considers that these attacks on members of the judiciary, which have increased in frequency in recent months, constitute a clear assault on the independence and impartiality of the judiciary in Rwanda - at a critical time in the run-up to the trials of tens of thousands of detainees suspected of having participated in the genocide.

BACKGROUND INFORMATION

Members of the judiciary are not alone in having suffered persistent intimidation and human rights abuses since July 1994. Other individuals who

have spoken out against human rights violations by the Rwandese Patriotic Army (RPA) or who are perceived as opponents or critics of the government have also been targeted. Human rights activists are especially at risk (see UA 268/95, AFR 47/23/95, 30 November 1995 and updates). Journalists, local government officials and members of the clergy have also been targeted.

Amnesty International remains deeply concerned about the pattern of arbitrary arrests of such individuals, often on the basis of unsubstantiated denunciations. Once arrested, they are held for prolonged periods in grossly overcrowded prisons and detention centres, where the conditions often amount to cruel, inhuman and degrading treatment. They are detained without charge or trial, as the Rwandese judiciary is still not functioning.

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

- expressing concern at the apparently arbitrary arrest of Célestin Kayibanda and at the ill-treatment of Fidèle Makombe by members of the military;
- asking for assurances that Célestin Kayibanda is not being ill-treated and asking for information on the exact reasons for his arrest;
- asking the authorities to publicly condemn the attack on Fidèle Makombe and to launch an investigation into the attack;

if possible, also:

- call for protection for members of the judiciary from further attacks, arbitrary arrests, threats and intimidation and for assurances that they can carry out their duties without threats or interference
- remind the authorities that Amnesty International is appealing for those responsible for crimes during the genocide to be brought to justice, but arbitrary arrests on the basis of insufficient evidence should not be accepted.

APPEALS TO:

Mme Marthe Mukamurenzi
Ministre de la Justice
Ministère de la Justice
BP 160, Kigali, Rwanda

FAXES: +250 86509

Telegrams: Ministre de la Justice, Kigali, Rwanda

Salutation: Madame le Ministre / Dear Minister

Président Pasteur Bizimungu
Présidence de la République
BP 15, Kigali, Rwanda

FAXES: +250 83975; 84769

Telexes: 22502

Telegrams: President Bizimungu, Kigali, Rwanda

Salutation: Monsieur le Président / Dear President

Général Major Paul Kagame
Vice-Président de la République et Ministre de la Défense
Présidence de la République
BP 15, Kigali, Rwanda

FAXES: +250 83980; 84769; 72431

Telexes: 22502

Telegrams: Vice-President Kagame, Kigali, Rwanda

Salutation: Monsieur le Vice-Président / Dear Vice-President

Colonel Alexis Kanyarengwe
Vice-Premier Ministre et Ministre de l'Intérieur
Ministère de l'Intérieur
BP 446, Kigali, Rwanda

FAXES: +250 85714

Telegrams: Ministre de l'Intérieur, Kigali, Rwanda

Salutation: Monsieur le Ministre / Dear Minister

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 30 June 1996.