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**Why the death sentences imposed on prisoners found guilty of genocide should be commuted in Rwanda.**

- Amnesty International holds that, as a matter of fundamental principle of human rights, no state should have the right to take the life of a prisoner, for whatever reason and no matter how heinous the crime for which the prisoner was convicted. Amnesty International is not saying that convicted prisoners should not be punished; on the contrary Amnesty International has repeatedly called for those who commit serious human rights violations to be brought to justice. This must be done, both because impunity for human rights violators undermines the rule of law, and because if human rights violators are not punished, they may remain free to commit further crimes. But the death penalty should be excluded in all cases. There are other appropriate penalties, commensurate with the seriousness of the crimes which do not violate the right to life and the right not to be subjected to cruel, inhuman and degrading punishment.
- The death penalty does not bring justice. All around the world, experience has shown that executions have a brutalizing effect on a country. The execution of a prisoner is a form of official violence. Violent retribution for crimes committed is vengeance disguised as justice. A government and people that is committed to end human rights abuses must rise above vengeance and promote and protect human rights, particularly the right to life. Exclusion of the death penalty is in keeping with the desire of the Rwandese people to see an end to death and violence in their country.
- Many of the first trials in Rwanda for those accused of genocide have been marked by grave irregularities, for example some defendants have been denied legal counsel. Amnesty International believes that most of those convicted of genocide and sentenced to death so far have received unfair trials in contravention of international standards for a fair trial.
- The current genocide law<sup>1</sup> does not allow the courts any discretion, making the death penalty mandatory for all category one offenders. Mitigating factors therefore have no impact on the sentencing to death of category one offenders. One of the strongest arguments against the death penalty is that it is irrevocable. Once an execution is carried out, a mistake can never be rectified.

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<sup>1</sup>Organic Law on the Organization of Prosecutions for Offences Constituting the Crime of Genocide or Crimes Against Humanity Committed Since 1 October 1990, No. 8/96 of 30 August 1996.