

PUBLIC

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Further Information on UA 106/07 (AFR 47/007/2007, 10 May 2007) Fear for safety/Legal concern

RWANDA

François-Xavier Byuma (m)

The verdict in the trial of human rights defender François-Xavier Byuma is reportedly due to be given on 27 May. The charges relate to his alleged involvement in the 1994 genocide; however the proceedings appear to have been unfair.

The judge presiding over the trial, at the *gacaca* community court in the Bilyogo *secteur* of the capital, Kigali, has been under investigation by François-Xavier Byuma's NGO, *Turengere Abana* (the Rwandan Association for the Protection and Promotion of the Child - *l'Association Rwandaise pour la Protection et la Promotion de l'Enfant*) as he is alleged to have raped a 17-year-old girl.

The *gacaca* court is part of a nationwide community-based justice system intended to try those suspected of the 1994 genocide. The judge has reportedly charged François-Xavier Byuma with involvement in the genocide. Most of the testimony used during the trial was reportedly hearsay.

François-Xavier Byuma objected to the judge being allowed to preside over the trial. He stated that he did not have confidence in the court and refused to testify. The *siège* (bench) ruled that *gacaca* judges could only be withdrawn from a case if they were related to the accused. Byuma asked to lodge an appeal against the decision to refuse his application for the judge to recuse himself from presiding over the trial, but this was denied. He was told that he could only appeal against the verdict of the trial.

BACKGROUND INFORMATION

Amnesty International and other human rights organizations have expressed serious concern about the *gacaca* justice system, which fails to meet international standards for fair trial and lacks independence, impartiality and transparency.

Article 4 of the Organic Law No 10/2007 of 01/03/2007 covers the dismissal of judges from *gacaca* courts. It clearly states that: "Any person elected as a member of the organs for *gacaca* courts shall be replaced...[if he does] any act incompatible with the quality of a person of integrity."

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, French or your own language:

- expressing concern that the trial of François-Xavier Byuma by the *gacaca* court in the Bilyogo *secteur* of Kigali on 3 May is being presided over by the same judge whom his organisation is investigating for allegedly raping a 17-year-old girl;
- urging the authorities to halt all legal proceedings in order to transfer François-Xavier Byuma's case file to another *gacaca* *siège*;
- urging the authorities to guarantee that the proceedings will comply fully with international standards for fair trial and be carried out by a competent, independent and impartial court.

APPEALS TO:

Executive Secretary of the National Service of Gacaca Jurisdictions

Mme Domitile Mukantaganzwa
National Service of Gacaca Jurisdictions
BP 1874

Kigali
Rwanda

Fax: +250 586 647

Salutation: Madame la Secrétaire Exécutive/Dear Executive Secretary

Minister of Justice

Mr Tharcisse Karugarama
Ministry of Justice
BP 160

Kigali
Rwanda

Fax: +250 586 509

Salutation: Monsieur le Ministre/Dear Minister

Public Prosecutor

Mr Martin Ngoga
Procureur Général de Kigali
Parquet Général de la République de Rwanda
BP 1328

Kigali
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Fax: +250 589 501

Salutation: Monsieur le Procureur/Dear Public Prosecutor

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 4 July 2007.