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Rwanda: The troubled course of justice

Six years after the 1994 genocide which claimed as many as one million lives in Rwanda, around 125,000 detainees are still languishing in inhuman conditions, Amnesty International said in its report, *Rwanda: The troubled course of justice*, published today.

“The Rwandese Government has taken some steps to tackle the huge number of cases awaiting trial but has still not fulfilled its pledges to release all those against whom there is no evidence or who have been unlawfully detained,” Amnesty International said. “Instead, it has introduced legal amendments repeatedly extending the period of pre-trial detention, in clear breach of international law.”

This report, which includes information collected during a visit to Rwanda at the end of 1999, documents the following patterns of detention in Rwanda:

detention without trial for several years: among others, Sylvestre Kamali, a former diplomat, arrested in July 1994, has been held for more than five and a half years in Kigali Central Prison, without trial.

re-arrest soon after release, sometimes after formal acquittal by a court: cases include Théodore Munyangabe, a former local government official in Cyangugu detained since 1995, who was acquitted in July 1999 but placed under house arrest almost immediately afterwards; in September, he was transferred back to Cyangugu central prison where he remains to date.

Canisius Shyirambere and Aloys Havugimana, former employees of the Rwandese Office of Tourism and National Parks, were sentenced to death in October 1998 but acquitted by the court of appeal in August 1999. However, they were not released and as of early 2000, were still held in Ruhengeri central prison.

conditions of detention often amounting to cruel, inhuman or degrading treatment: Gross overcrowding, poor hygiene and inadequate medical care continue to cause widespread disease and deaths in detention. In the *cachots communaux* (local detention centres) detainees are not even provided with food by the state and are entirely dependent on their families to feed them. Yet in many cases, they have no living relatives or their surviving relatives are themselves in prison.

torture and ill-treatment: these violations are especially prevalent in the *cachots communaux* and military detention centres, where detainees are routinely beaten. In some cases the torture has been so severe that the some detainees died. For example, Félicien Gasana, a worker at a construction company, died in August 1999 as a result of ill-treatment in the *brigade* (gendarmerie detention centre) of Nyamirambo, in Kigali. Frodouald Ngaboyisonga, a driver and mechanic in a tea factory in Gisenyi, died in November 1999 as a result of torture during his detention at Mukamira military camp. Despite Amnesty International raising these incidents of torture and ill-treatment with the Rwandese authorities the organization has not been informed of any action taken to bring those responsible to justice.

unlawful detention of civilians in military custody, sometimes in unofficial or secret detention centres: access to detainees by relatives and human rights and humanitarian organizations is almost

invariably denied. Those detained in military custody include civilian men and women arrested across the border in the Democratic Republic of Congo, who have been accused of spying for the Congolese government.*

Amnesty International also expressed concern about aspects of the judicial system in Rwanda, particularly with regard to the imposition of the death penalty after unfair trials. “We are appealing to the Rwandese Government to build on the improvements in trial standards which we have seen since 1998 and to ensure fair trials for all and to declare a moratorium on executions.”

The *gacaca* system

The government is planning to introduce a new system, known as *gacaca*, to deal with the majority of genocide cases. This system would be loosely based on what the authorities describe as a traditional system of justice involving the local population in trying people accused of participation in the genocide.

Although the *gacaca* system of holding trials at the grassroots level could encourage people to testify to events they witnessed personally during the genocide, Amnesty International remains concerned that:

the accused in the *gacaca* trials will not be allowed representation by a defence lawyer; those judging these extremely complex and serious cases will have no legal training or may have a personal interest in the verdict, thus potentially undermining the competence, independence and impartiality of these courts;

- fundamental aspects of the *gacaca* proposals do not conform to basic international standards for fair trials guaranteed in international treaties which Rwanda has ratified;

“The draft law on *gacaca* must be amended to ensure that standards of justice in Rwanda are not further undermined,” Amnesty International said.

* The armed opposition in the Democratic Republic of Congo is supported by Burundi, Rwanda, and Uganda while the government forces are supported by Angola, Namibia, Zimbabwe and reportedly Sudan.

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