

EXTERNAL (for general distribution)

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Death penalty

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RWANDA: Jean Chrysostome Karuranga, a driver

Jean Chrysostome Karuranga was sentenced to death on 7 January 1991 when Rwanda's State Security Court convicted him of recruiting and training people to take part in a rebellion to overthrow the government of President Juvénal Habyarimana. A violent attack was launched on northeast Rwanda in October 1990 by Uganda-based exiles and rebel bands are said to be still active in parts of northern Rwanda.

He was tried with 12 others, nine of whom were sentenced to prison terms of between 15 and 20 years for agreeing to be recruited by Jean Chrysostome Karuranga and failing to report the offence to the authorities. One was acquitted while two others received shorter prison sentences. When the case came to court on 3 January, the prosecution requested death sentences for 12 of the accused, including a 16-year-old boy.

An Amnesty International representative observed the trial of the 13 people on 3 January and concluded that the trial was summary and unfair in many respects. The hearing lasted less than five hours. Although 12 faced capital charges, none was assisted by legal counsel. Most of the accused told the court that they were beaten or threatened into making admissions of guilt while in pre-trial custody but the court did not investigate these claims or rule such evidence inadmissible. Prosecution accusations against Jean Chrysostome Karuranga were not supported by material evidence; in particular, although the prosecution said he had hidden a firearm, this had not been found at the site where it was said to have been buried.

The court's judges did not appear to be fully independent or impartial. Four out of the five judges who heard the case were closely linked to the armed forces or the government and only two of them had significant legal training. The court's composition has since been changed.

Under the terms of Rwandese law, prisoners convicted by the State Security Court have no general right of appeal to a higher court but they can petition the Cassation Court on points of law within 10 days. In practice, however, those convicted who have no legal counsel rarely submit such petitions as they are unaware of the procedure, have no legal expertise and fear that lodging an appeal will be interpreted as a further challenge to the government's authority. It seems that none of those convicted on 7 January have appealed to the Cassation Court. It is feared that an execution could take place at any time.

There have been no judicial executions in Rwanda since 1982 when 43 people were shot by firing squad. However, the courts have continued to impose hundreds of death sentences. More than 1500 death sentences have been commuted since since 1987, 480 of them in September 1990. The government said in December 1990 that 1,566 people were to be tried in connection with the rebel incursion and the trial on 3 January took place in an atmosphere of vengeance with recordings of songs celebrating the victory of government soldiers over rebels in recent months being played in court before and after the trial. According to press reports, the court was criticized for sentencing only one defendant to death.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading punishment. The death penalty is the premeditated and cold-blooded killing of a human being by the state. It is a violent and brutalizing act.

Rwanda acceded in 1975 to the International Covenant on Civil and Political Rights whose Article 14 guarantees everyone's right to fair trial, including assistance by legal counsel, and the right to appeal to a higher court. Its Article 6 prohibits the sentencing of persons less than 18 years old to death.

RECOMMENDED ACTION: Telexes/telegrams/faxes/express and airmail letters, in French if possible:

- expressing concern that Jean Chrysostome Karurunga was sentenced to death by the State Security Court on 7 January 1991;
- expressing concern at reports that he and 12 others tried with him were convicted after a summary trial which did not meet internationally recognized standards for fair trial; as examples refer to allegations by the defendants that they were beaten and threatened into confessing their guilt, which were not investigated or considered by the court; and to the absence of any legal counsel for the accused, although they faced capital charges;
- urging that all those convicted be allowed to appeal against their conviction and sentence to a higher court and, if the death sentence is confirmed, that Jean Chrysostome Karurunga be given a full opportunity to petition the Head of State for clemency;
- welcoming the commutation of death sentences over the past seven years and urging the President, if the sentence is referred to him, to exercise his prerogative of mercy as he has done since 1983, and to commute it to a different and more humane form of punishment;
- explaining that executions are a violation of human rights which not only deprive of a human being of his right to life but are also a form of cruel, inhuman and degrading punishment, the use of which contravenes the Universal Declaration of Human Rights.

APPEALS TO:

Son Excellence
Président HABYARIMANA Juvénal
Président de la République
BP 15

Kigali, République Rwandaise

**Telegrams: President Habyarimana,
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Monsieur MUGEMANA Jean-Marie Vianney
Ministre de l'Intérieur et du développement
communal

Ministère de l'Intérieur

BP 446,

Kigali, République Rwandaise

**Telegrams: Ministre Mugemana, Kigali,
Rwanda**

Telexes: 22502

Monsieur MUJYANAMA Théoneste
Ministre de la Justice
Ministère de la Justice
BP 160

Kigali, République Rwandaise

**Telegrams: Ministre Mujyanama,
Kigali, Rwanda**

Telexes: 22502

Monsieur le Docteur BIZIMUNGU Casimir
Ministre des Affaires étrangères et de
la coopération

Ministère des Affaires étrangères

BP 179

Kigali, République Rwandaise

**Telegrams: Ministre des Affaires
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COPIES TO:

Monsieur le Rédacteur-en-Chef, Imvaho, BP 83, Kigali, République Rwandaise

Monsieur le Rédacteur-en-Chef, Kinyamateka, BP 76, Kigali, République Rwandaise

Monsieur le Rédacteur-en-Chef, La Relève, Office rwandaise d'information, BP 83, Kigali, République Rwandaise

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat or your section office if sending appeals after 28 February 1991.