

UA 17/98

Fear of executions

19 January 1998

RWANDAGaspard Mutabazi, sergeant in the Rwandese Patriotic Army (RPA)

(executed)

Mfizi Muhirwa, RPA soldier

Isidore Bishogo, RPA soldier

Ernest Gakire, RPA soldier

Kami Mutangana, RPA soldier

Further executions are feared in Rwanda, after four soldiers of the Rwandese Patriotic Army (RPA) were sentenced to death on 16 January and another RPA soldier was summarily and extrajudicially executed on 17 January. These events, which have occurred against a background of increasing violence in Rwanda, appear to be an attempt by military officials to show that they are dealing firmly with criminality and human rights abuses within their own ranks.

On 17 January 1997, Gaspard Mutabazi, an RPA sergeant, was summarily executed in public in Ruhengeri, northwestern Rwanda, after being arrested in connection with a murder the previous day.

According to reports broadcast on Radio Rwanda, the national state-controlled radio, Gaspard Mutabazi was arrested near the Ugandan border on the morning of 17 January and confessed to murdering Noel Twagirayesu, a veterinarian in Kigombe *commune*, and stealing his motorbike on 16 January. In the early afternoon of 17 January, just hours after his arrest, he was reportedly shot dead by RPA soldiers, without a trial or any judicial procedures. The execution took place in public, at Ruhengeri stadium, and was reportedly attended by a large crowd. Several senior civilian and military authorities were reportedly present, including the RPA commander in charge of operations in Ruhengeri, the gendarmerie commander for Ruhengeri, and the *préfet* (regional civilian administrator) of Ruhengeri.

Radio Rwanda reportedly stated that Gaspard Mutabazi was executed so that the punishment would serve as an example to other soldiers who may attempt to commit similar offences.

In a separate development, the four RPA soldiers named above were sentenced to death on 16 January by a military court in Gitarama, for their role in the assassination on 24 October 1997 of Captain Théoneste Hategekimana, a soldier of the former Rwandese armed forces who had been integrated in the RPA and was serving as commander of the gendarmerie in the Gitarama-Kibuye area. The lower military court had initially sentenced the four to life imprisonment on 20 November. However, the court of appeal subsequently judged that a life sentence was insufficient and sentenced all four to death on 16 January.

BACKGROUND INFORMATION

Scores of death sentences were handed down in 1997, mostly in trials by civilian courts of people accused of participation in the genocide in 1994. None of those sentenced to death in these trials are known to have been executed yet.

However, cases handled by the military courts are generally processed more quickly.

Amnesty International has documented a pattern of serious human rights violations by RPA soldiers, in particular thousands of extrajudicial executions in the context of armed conflict in the northwest. Armed opposition groups believed to include members of the former armed forces of Rwanda and militia

responsible for the genocide in 1994 have also carried out deliberate and arbitrary killings of unarmed civilians. In the majority of cases, those responsible for these abuses have not been brought to justice.

In recent months, pressure has been mounting on the Rwandese authorities to prevent further unlawful killings. Several RPA soldiers have been arrested in connection with their alleged role in extrajudicial executions or excessive use of force. If tried and found guilty, they could face the death penalty.

There have been at least six cases of public summary executions of alleged murder suspects by RPA soldiers in December 1996 and January 1997.

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

- deploring the summary and extrajudicial execution of Sergeant Gaspard Mutabazi on 17 January 1998;
- appealing for immediate measures to be taken at the highest level to prevent any further summary executions;
- explaining Amnesty International's unconditional opposition to the death penalty in all circumstances as a state-sanctioned violation of the right to life;
- stressing the gravity of the above case in view of the fact that Gaspard Mutabazi was executed without trial or any form of judicial procedure;
- expressing particular concern at reports that the execution took place in public, in the presence of several senior military and civilian authorities;
- expressing concern at the decision by the military court of appeal in Gitarama on 16 January to sentence to death the four RPA soldiers named above;
- agreeing that those found responsible for recognizably criminal offences, such as the assassination of Théoneste Hategekimana, should be brought to justice, but calling for the commutation of any death sentences imposed by the courts to punishment that safeguards the physical integrity of all persons.

APPEALS TO:

Général Major Paul KAGAME
Vice-Président de la République et Ministre de la Défense
BP 23, Kigali, Rwanda

Telegrams: Vice-President, Kigali, Rwanda

Faxes: +250 72431; 76969

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

Son Excellence Président Pasteur BIZIMUNGU
Présidence de la République
BP 15, Kigali, Rwanda

Telegrams: Président, Kigali, Rwanda

Faxes: +250 84390

Salutation: Monsieur le Président de la République / Dear President

Colonel Kayumba NYAMWASA
Chief of Staff
Rwandese Patriotic Army (RPA) Headquarters
Kigali, Rwanda

Telegrams: Chief of Staff RPA, Kigali, Rwanda

Faxes: (c/o Ministry of Defence) +250 72431; 76969

Salutation: Monsieur le Chef d'Etat Major/Dear Chief of Staff

Lieutenant-Colonel Kadafi KAZINTWARI

RPA Commander

Ruhengeri, Rwanda

Telegrams: Lieutenant-Colonel Kadafi, Kigali, Rwanda

Salutation: Monsieur le Commandant / Dear Commander

COPIES TO:

Faustin NTEZILYAYO

Ministre de la Justice

Ministère de la Justice

BP 160, Kigali, Rwanda

Telegrams: Ministre Justice, Kigali, Rwanda

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Salutation: Monsieur le Ministre/Dear Minister

and 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 2 March 1998.