

REPUBLIC OF RWANDA



MINISTRY OF JUSTICE
P.O. BOX 160, KIGALI

The Rt. Hon. the Baroness D'Souza CMG
House of Lords
London SW1A 0PW, UK

Dear Baroness D'Souza,

I write further to your letter dated 4 November 2019.

Tom Byabagamba and Frank Rusagara were convicted on 31 March 2016 of serious crimes under Rwandan law and were sentenced to 21 and 20 years imprisonment respectively.

The defendants filed a communication with the UN Working Group on Arbitrary Detention on 14 July 2017. A non-binding opinion was issued by the UN Working Group on 21 December 2017. As the United Kingdom Government recently noted in the case of *Assange v. United Kingdom*, opinions of the UN Working Group are not judicial in nature and are non-binding on domestic courts.

Notwithstanding this position, the Government of Rwanda responded to the UN Working Group Opinion on 19 February 2018, explaining that it had not become aware of the communication asking for a Government response until after the opinion had been adopted, and that in any case the matter was still *sub judice*. Mr Byabagamba and Mr Rusagara's cases are presently on appeal to the Court of Appeal. The matter therefore remains *sub judice*.

As a matter of Rwandan law, there are limited circumstances in which the Government can intervene in a criminal case. Unless and until invited to do so in accordance with the relevant laws and procedures, it would be inappropriate for the Executive to comment on any pending case, seek to influence the outcome, or intervene as proposed in your letter. Any such action would constitute improper interference with an independent judicial process.

Rwandan law provides a clear procedure for requesting clemency, which Mr Byabagamba and Mr Rusagara are entitled to pursue, in accordance with relevant law.

Sincerely,

BUSINGYE Johnston
Minister of Justice/Attorney General

Cc: Lord Steel of Aikwood, Baroness Northover, Dr Matthew Offord MP, Ivan Lewis MP,
Rosie Duffield MP

Kigali..... 06 NOV 2019
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