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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

RWANDA 1/

[27 May 1986]

1. ... It should first be stressed that, since Rwanda's initial report, the Government of the Rwandese Republic has adopted no new legislative, judicial, administrative or other measures relating to Rwanda's national and international commitment to combat apartheid until its ultimate elimination. The range of legislative and other provisions, as set forth in that report, has proved thus far to be so comprehensive, so satisfactory and so well suited to the object to be attained that any new measure would have been superfluous. There was no new matter requiring legislation so far as the Rwandese Republic is concerned and there is still none. In other words, the content of the previous report will be fully reflected in this second periodic report of Rwanda.

1/ The initial report submitted by the Government of Rwanda (E/CN.4/1984/36/Add.6) was considered by the Group of Three at its 1984 session.

2. It should also be stressed in this introductory part that the present report seeks to abide by the guidelines for submission of reports, both as to form and as to content, which were laid down at the 1978 session of the Group of Three set up under article IX of the Convention.

Information regarding the legislative, administrative or other measures which have been adopted to give effect to the following provisions of the Convention

Article I, paragraph 1

3. The Rwandese Government remains deeply convinced that apartheid is a crime against humanity and a threat to international peace and security. Its views have been echoed in all international forums, and more particularly before the United Nations, where its most experienced representatives have unfailingly castigated apartheid and similar policies and practices of racial segregation and discrimination. Internally, the Rwandese Government has, since the dawn of independence, undertaken suitable political action, through political institutions, the media, school curricula and other consciousness-raising methods, to alert national public opinion to the inequities of the doctrine of apartheid and its grave consequences for the harmonious co-existence of the various races on this planet.

4. The Rwandese Government has, therefore, always strongly condemned all inhuman acts designed to institute or maintain the domination by one racial group of people over another racial group and to oppress them systematically.

5. For instance, Rwanda has signed and ratified all international conventions against racial discrimination, including the International Convention on the Suppression and Punishment of the Crime of Apartheid.

6. The Rwandese Government has also incorporated in its national Constitution the provisions of the Universal Declaration of Human Rights, which has thus become part of its internal law in the same way as other legal provisions formulated by the Rwandese legislature.

7. The preamble of the Constitution of the Rwandese Republic reaffirms that the people of Rwanda are committed "to democratic principles", and are concerned "to ensure the protection of the individual and to promote respect for fundamental freedoms in accordance with the Universal Declaration of Human Rights" and the principles laid down in the Charter of the United Nations.

8. Furthermore, the Constitution declares and guarantees freedom of the individual under article 12, paragraph 2, which stipulates that: "No one may be prosecuted, arrested, detained or sentenced except in the cases provided for by the law in force at the time when the act was committed and according to the procedures prescribed by law".

9. The Constitution also provides (art. 16) that all citizens are equal before the law and prohibits any discrimination on such grounds as race, colour, origin, ethnic group, clan, sex, opinion, religion or social position.

Article I, paragraph 2

10. The Rwandese Criminal Code treats as a criminal and punishes any one found guilty of discrimination against any person or group of persons. For instance, article 393 of the Code stipulates:

"Anyone who, by defamation or public insult, expresses aversion to or hatred of a group of persons belonging by origin to a particular race or religion, or commits an act likely to provoke such aversion or hatred, shall be liable to a term of imprisonment of between 1 and 12 months and/or a fine not exceeding 5,000 francs (para. 1).

"The following shall also be liable to one or both of the above penalties (para. 2):

(1) Anyone holding public authority or any citizen responsible for a public function who, because of a person's origin or because he belongs or does not belong to a particular ethnic group, region, nation, race or religion, knowingly refuses him the benefit of a right which he could claim.

(2) Anyone furnishing or offering to furnish goods or services who, either personally or through his agent, refuses to do so, unless on lawful grounds, because of the origin of the person requesting such goods or services or because he belongs or does not belong to a particular ethnic group, region, nation, race or religion, or who makes his offer conditional on a person's origin or the fact that he belongs or does not belong to a particular ethnic group, region, nation, race or religion.

(3) Anyone who, in the functions referred to in paragraph 2, refuses goods or services to an association or a society or to any of its members on the grounds of the origin of those members or a part thereof, or because they belong or do not belong to a particular ethnic group, region, nation, race or religion.

(4) Anyone whose profession or duties lead him to employ for himself or for others one or more agents, and who, unless on lawful grounds, refuses to recruit or dismisses, a person because of his origin or because he belongs or does not belong to a particular ethnic group, region, nation, race or religion or who makes an offer subject to a condition based on origin or on belonging or not belonging to a particular ethnic group, region, nation, race or religion."

11. The Rwandese Criminal Code also punishes torture which, it is recognized, can be used to jeopardize the physical or mental integrity, freedom, or dignity of members of one or more racial groups.

12. Under the terms of article 388 of the Code:

"Anyone who, by violence, deception or threats, arbitrarily abducts or causes to be abducted, arrests or causes to be arrested, or detains or causes to be detained any person whomsoever shall be liable to a term of imprisonment of five to ten years" (para. 1).

"If the person abducted, arrested or detained is subjected to physical torture, the offender shall be liable to imprisonment for life" (para. 4).

"If the torture results in death, the offender shall be sentenced to death" (para. 5).

"Any person who loans premises for the purposes of detention or false imprisonment shall be liable to the same penalties" (para. 6).

Articles III and IV (b)

13. As to steps taken to prosecute bring to trial and punish persons responsible for, or accused of, the acts defined in article II of the said Convention, or persons who directly abet, encourage or co-operate in the commission of the crime of apartheid, whether or not such persons reside in the territory of Rwanda or are nationals of Rwanda or of some other State or are stateless persons, the measures referred to above are equally valid in giving effect to the provisions of article III and article IV, paragraph (b), of the Convention.

Article IV (a)

14. In order to prevent any possible encouragement of the crime of apartheid or other similar policies on Rwandese territory, further measures have been adopted.

15. For instance, Presidential Decree No. 15/10 of 1 February 1964, concerning political and economic sanctions against South Africa, not only provides that no diplomatic or consular relations shall be established between the Republic of Rwanda and South Africa, but also that no goods may be imported from that country and that South African aircraft are forbidden access to Rwandese airports and are not permitted to fly over Rwandese territory.

16. The Rwandese Government makes a point of alerting the Rwandese people to the horrors of the policy of apartheid through appropriate political action via political institutions, school curricula and the media. On occasions such as "International Day for the Elimination of Racial Discrimination" and "the Day of Action against Apartheid", special political statements are addressed both to the Rwandese people and to the international community as a whole.

Article VI

17. It is a matter of common knowledge that the Rwandese Government has always joined with other countries which are fighting against apartheid in accepting and carrying out, in accordance with the Charter of the United Nations, the decisions taken by the Security Council or by other competent bodies of the United Nations aimed at the prevention, suppression and punishment of the crime of apartheid.

18. Lastly, the Rwandese Government for its part is particularly gratified to note the intensification of resistance to apartheid and the world-wide campaign against the abhorrent policy of apartheid. In this connection, the convening, on the proposal of the member countries of the Organization of African Unity (OAU), of a World Conference on Sanctions against Racist South Africa - to be held in Paris from 16 to 20 June 1986 - is very timely and Rwanda expresses the sincere hope that the Conference will mark a decisive turning-point.