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COMMISSION ON HUMAN RIGHTS
Fifty-first session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Austria, Belgium*, Denmark*, Finland, France, Germany,
Greece*, Hungary, Ireland*, Italy, Netherlands, Norway*,
Portugal*, Spain*, Sweden, United Kingdom of Great Britain
and Northern Ireland: draft resolution

1995/... Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of
Human Rights and the International Covenants on Human Rights,

Recalling that, under articles 55 and 56 of the Charter of the
United Nations, all Member States of the Organization have an obligation to
promote and protect human rights and fundamental freedoms and to cooperate for
that purpose,

Bearing in mind its resolution 1994/87 of 9 March 1994,

* In accordance with rule 69, paragraph 3, of the rules of procedure of
the functional commissions of the Economic and Social Council.

Recalling that, from 1985 to 1989 and from 1991 to 1993, it examined the situation of human rights in Zaire under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the report of the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1995/67) and the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1995/36),

Recognizing that some progress has been achieved by the Government of Zaire with respect to human rights,

Concerned, however, at the persistent seriousness of the situation of human rights in Zaire, in particular at arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, notably those which are administered by the army and security services, serious shortcomings in the administration of justice, which is unable to function independently, the impunity of human rights violators, and forced population displacements,

Seriously concerned in this connection by persistent acts of intimidation and harassment directed at persons belonging to ethnic minorities in the province of Shaba,

Also seriously concerned at the worsening of ethnic confrontations in Kivu, following the arrival of new Rwandese refugees,

Reiterating its loathing of all forms of racial or ethnic discrimination,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation, in particular that of the most vulnerable groups in the population, the greater part of which cannot satisfy essential needs,

Re-emphasizing the need to put an end to the impunity of persons responsible for human rights violations,

Greatly concerned about the serious obstacles which still stand in the way of the process of democratic transition and wishing to encourage the efforts being made to guarantee the continuation of this process, in full

respect for human rights and fundamental freedoms, so that the transition period can come to an end in conformity with the Constitutional Act of Transition, after free and multi-party elections,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1995/67) and assures the Special Rapporteur of its full support for the work undertaken by him within the framework of his mandate;

2. Deplores the continuing serious violations of human rights and fundamental freedoms in Zaire, particularly the practice of torture and cruel, inhuman and degrading treatment or punishment, arbitrary detention and solitary confinement, inhuman and degrading prison conditions, especially in the detention centres administered by the army and security services, enforced disappearances, and denial of the right to a fair trial;

3. Notes with concern that the army and the security forces continue to use force against civilians and to enjoy great impunity;

4. Urges that the persons responsible for intimidation measures and reprisals, in particular against prominent political figures and against journalists, be prosecuted;

5. Condemns all discriminatory measures affecting persons belonging to minority groups;

6. Expresses appreciation for the cooperation of the Government of Zaire with the Special Rapporteur in the discharge of his mission, while regretting that he did not receive any answer to his requests for information on certain alleged cases of human rights violations;

7. Encourages the Government of Zaire to renew its efforts so that acts of violence against persons originating from Kasai do not occur any more in the province of Shaba and to combat the impunity of the persons responsible for these acts;

8. Recalls the agreements reached between the Government of Zaire and the Office of the High Commissioner for Refugees aimed at assuring order and security in the Rwandese refugee camps in Zaire and the voluntary repatriation of these refugees to their country of origin;

9. Calls, in particular with a view to the holding of elections with universal suffrage, for continued and broadened efforts to assure full respect for the right to freedom of opinion and expression, in particular for all mass media, as well as freedom of association, assembly and peaceful demonstration;

10. Calls upon the Government of Zaire to take all necessary measures with a view to reinforcing the judiciary and its independence;

11. Welcomes the liberation of political prisoners by the Government of Zaire;

12. Urges strongly that all Zairian political forces respect the peaceful aspect of the democratic transition so that it be completed through the organization of free elections, taking into account the prerequisites set forth in the Constitutional Act of Transition;

13. Invites the High Commissioner for Human Rights to consider, within existing resources, the recommendation by the Special Rapporteur to send, in consultation with the Government of Zaire, two experts in the field of human rights to Kinshasa, where they would establish themselves in order to monitor the situation of human rights and to give advice to the governmental authorities as well as to the non-governmental organizations;

14. Decides to extend the mandate of the Special Rapporteur for an additional year;

15. Requests the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

16. Also requests the Special Rapporteur to prepare for its fifty-second session a report in which he will, inter alia, indicate how the Government of Zaire has taken into account his recommendations;

17. Decides to consider the question again at its fifty-second session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories", drawing on the reports of the Special Rapporteur and the thematic special rapporteurs and working groups of the Commission on Human Rights.

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