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COMMISSION ON HUMAN RIGHTS
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Agenda item 10

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*, Bulgaria, Cyprus*, Czech Republic*, Denmark, Finland*,
France, Germany, Greece*, Hungary, Ireland*, Italy, Lithuania*,
Luxembourg*, Netherlands, Norway*, Portugal*, San Marino*, Slovakia*,
Spain*, Sweden*, Switzerland and the United Kingdom of Great Britain
and Northern Ireland: draft resolution

1996/... 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, in accordance with its Charter, the United Nations
fosters and encourages respect for human rights and for fundamental freedoms
for all, and that the Universal Declaration of Human Rights stipulates that
the will of the people is the basis of the authority of government,

Also 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,

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

Bearing in mind its resolution 1995/69 of 8 March 1995,

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.4/1996/66), the report of the Special Rapporteur on torture (E/CN.4/1996/35 and Add.1), the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1996/38), the report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/1996/37) and the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4),

Bearing in mind the Cairo and Geneva agreements on Zaire's commitment to suspend forced repatriations of refugees,

Recognizing that some progress has been achieved by the Government of Zaire with respect to human rights, while regretting that certain major recommendations made by the Special Rapporteur in this area have not yet been implemented,

Concerned, however, at the persistence of violations of human rights in Zaire, in particular at cases of 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, the rape of women in detention or during looting, and forced population displacements,

Recognizing the heavy burden imposed on the host country and local populations in accepting large numbers of refugees from Rwanda and Burundi, and seriously concerned at the worsening of ethnic confrontations in Kivu following this inflow,

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, including members of the army and security forces,

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,

Greatly concerned also at the delay in preparations for the elections resulting from the political deadlock,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1996/66) 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 violations of human rights and fundamental freedoms in Zaire, particularly cases of torture and cruel, inhuman or degrading treatment, violence against women, arbitrary detention, summary executions and solitary confinement, inhuman and degrading prison conditions, particularly for children, 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, which remains one of the principal causes of human rights violations in Zaire;

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

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

6. Expresses appreciation of the cooperation of the Government of Zaire with the Special Rapporteur in the discharge of his mission, which he was able to perform completely freely, while regretting that he did not benefit from such cooperation in respect of his requests for information;

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. Exhorts all Zairian political forces to respect the peaceful aspect of the democratic transition, and strongly urges the competent Zairian authorities to speed up the process of preparing for and organizing democratic, free and regular elections on the basis of the provisions contained in the basic agreements on the transition, drawing on assistance from the international community;

12. Welcomes the establishment of the National Electoral Commission and of the Standing Interministerial Commission to ensure contacts between the Government and the CNE;

13. Deplores the fact the Government of Zaire has not yet signed the agreement for the establishment of an office of the High Commissioner for Human Rights in Kinshasa composed of two experts entrusted with the task of monitoring the situation of human rights and giving advice to the governmental authorities and non-governmental organizations, and encourages it to follow up the commitment it has already entered into;

14. Recalls the importance of continuing to apply a gender perspective to a greater extent in drawing up the reports of the Special Rapporteur, including the collection of information and recommendations;

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

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

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

18. Decides to consider the question again at its fifty-third session under the agenda item entitled "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.
