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COMMISSION ON HUMAN RIGHTS
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Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

Australia*, Canada, Japan, New Zealand* and Nigeria (on behalf of
States members of the African Group): draft resolution

2000/... Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,
the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable
human rights and humanitarian law standards,

Recalling its resolution 1999/20 of 23 April 1999 and relevant previous resolutions and
noting General Assembly resolution 54/188 of 17 December 1999,

Reaffirming that the promotion and protection of human rights are necessary for
sustaining the process of national reconstruction and reconciliation in Rwanda,

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

Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibilities of States for the promotion and protection of human rights,

Noting with satisfaction the commitment of the Government of Rwanda to promote and protect respect for human rights and fundamental freedoms, as well as to eliminate impunity, the progress made towards the development of a State governed on the basis of the rule of law, and efforts undertaken to consolidate peace and stability and promote unity and reconciliation,

Welcoming the progress made by the Government of Rwanda in rebuilding the country's system of administration of justice and the efforts made to address the problem of the very large number of detainees awaiting trial,

1. Takes note with appreciation of the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda (E/CN.4/2000/41);
2. Welcomes the cooperation and assistance extended by the Government of Rwanda to the Special Representative;
3. Also welcomes the continuing efforts of the Government of Rwanda to build a State based on the rule of law and the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international human rights instruments;
4. Reiterates its strong condemnation of the crime of genocide and the crimes against humanity which were committed in Rwanda in 1994;
5. Notes the report of the independent inquiry into the actions of the United Nations during the 1994 genocide in Rwanda (S/1999/1257, annex), submitted pursuant to the mandate given by the Secretary-General and approved by the Security Council;
6. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of human rights and international humanitarian law are individually responsible and accountable for those violations;
7. Expresses concern that most of the perpetrators of the genocide and other gross violations of human rights continue to evade justice;
8. Reiterates its request that all States cooperate fully with the Government of Rwanda and the International Tribunal for Rwanda in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are

brought to justice in accordance with international principles of due process, and expresses its appreciation to the States which have already cooperated in prosecutions and in implementing the relevant Security Council resolution in this regard;

9. Notes the efforts which the International Tribunal for Rwanda has made to improve its performance and encourages further measures to enhance its efficiency;

10. Expresses its concern over the effectiveness of the witness protection programme of the International Tribunal for Rwanda and calls for the improvement of the witness protection programme as a matter of urgency;

11. Notes the indications of improvement in the human rights situation in Rwanda since the previous session of the Commission, expresses concern at continued violations of human rights and international humanitarian law and urges the Government of Rwanda to continue to investigate and prosecute such violations;

12. Recognizes that the promotion and protection of human rights for all are essential for achieving stability and security in the Great Lakes region;

13. Reiterates its sympathy and solidarity with genocide survivors, commends the Government of Rwanda for establishing a fund to assist them, commends those Governments that have contributed to the fund and again urges the international community to contribute generously;

14. Takes note with great concern of:

(a) The report of the International Commission of Inquiry (Rwanda) on the sale, supply and shipment of arms and related material in the Great Lakes region of Central Africa (S/1998/1096, annex);

(b) The report of the Investigative Team of the Secretary-General (S/1998/581, annex) and calls again upon the Government of Rwanda to respond to this report;

15. Condemns the illegal sale and distribution of arms and all other forms of assistance to former members of the Rwandan armed forces, Interahamwe and other insurgent groups which have a negative impact on human rights and undermine peace and stability in Rwanda and the region;

16. Notes that the Government of Rwanda is regrouping scattered rural populations in the country, including in the north-west, and urges the Government of Rwanda to respect human rights principles and not to use any elements of coercion in the implementation of the resettlement programme;

17. Takes note with interest of the establishment of grass-roots organizations for the reconstruction of society and calls upon the Government of Rwanda to ensure that they are properly trained, controlled and accountable;

18. Reiterates its concern at the conditions of detention in many communal detention centres and some prisons in Rwanda, calls on the Government of Rwanda to continue in its efforts to ensure that persons in detention are treated in a manner which respects their human rights and emphasizes the need for greater attention and resources to be directed to this problem, and again urges the international community to assist the Government of Rwanda in this area;

19. Encourages the continuing efforts of the Government of Rwanda to reduce the prison population by releasing minors, elderly prisoners, prisoners suffering from terminal illness and suspects with incomplete files who were detained for their alleged involvement in genocide and other abuses of human rights, and reaffirms the urgent need to complete a dossier for every detainee with a view to identifying those who should be released immediately, early or conditionally, while expressing concern at the high number of detainees still awaiting trial;

20. Welcomes the continuation of domestic trials of those suspected of genocide and crimes against humanity and the improvements that have been made in the trial process, and encourages the Government of Rwanda, with the support of the international community, to strengthen the capacity of the independent judicial system in conformity with international standards;

21. Urges the Government of Rwanda and invites the International Tribunal for Rwanda to continue to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Representative on violence against women, and welcomes the decision of the International Tribunal for Rwanda to give a broad definition to acts of sexual violence;

22. Takes note with interest of the efforts of the Government of Rwanda, supported by the Special Representative, to institute the gacaca system of justice based on traditional justice in Rwanda with the aim of speeding up the handling of the large caseload of detainees awaiting trial and allowing all the people of Rwanda to participate in the judicial process, consistent with international human rights standards, which will promote national reconciliation and unity;

23. Encourages the Government of Rwanda in its campaign of sensitization aimed at promoting the rule of law, respect for human rights and reconciliation;

24. Reiterates its appeal to the international community to provide financial and technical assistance to the Government of Rwanda within a mutually agreed framework of cooperation to help strengthen the protection of genocide survivors and witnesses and the administration of justice, including with regard to adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation assistance already provided by some members of the donor community;

25. Welcomes the new law on matrimonial property and succession, which ensures full real access by women to their husbands' and parents' property;

26. Commends the Government of Rwanda on its continued efforts to improve the situation of children and encourages it to continue with these efforts, including further coordinating them in close collaboration with the United Nations Children's Fund, guided by a concern for the best interests of children, as specified in the Convention on the Rights of the Child;

27. Encourages the Government of Rwanda, in cooperation with the Office of the United Nations High Commissioner for Refugees, to continue to provide protection and assistance to returnees to Rwanda;

28. Commends the Government of Rwanda on the establishment of the National Human Rights Commission and the support provided for its work;

29. Expresses its appreciation to the members of the National Human Rights Commission for the round table organized with the collaboration of the United Nations High Commissioner for Human Rights, the Government of Rwanda and the assistance of the Special Representative and the international community, which enabled the National Commission to develop a plan of action for the promotion and better protection of human rights in Rwanda;

30. Encourages the Government of Rwanda to provide its full support to the mandate of the National Human Rights Commission, including adequate funding, to enable it to investigate violations of human rights and to sensitize and train the Rwandese population, and invites the international community to assist the Government of Rwanda in this regard;

31. Welcomes the establishment of the Legal and Constitutional Commission as required and mandated under the Arusha Peace Agreement of August 1993 and urges the Government of Rwanda to provide it with the necessary support;

32. Urges the Government of Rwanda to work with interested Governments and the United Nations High Commissioner for Human Rights to facilitate the development of a national human rights monitoring capacity, including the training of national human rights monitors;

33. Welcomes the commitment of the Government of Rwanda to promoting national unity and reconciliation, encourages the Government of Rwanda to continue its efforts in that field, commends the establishment of the National Commission for Unity and Reconciliation and urges that international support be provided to enable the Commission to achieve its objectives;

34. Recommends that the international community continue to provide development assistance for the reconstruction and long-term stability of Rwanda;

35. Commends the Special Representative for his work, decides to extend his mandate for a further year, requests him to report to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-seventh session, in accordance with his mandate, and requests the High Commissioner for Human Rights to provide him with such financial assistance as he may require;

36. Calls for close regular consultation between the Special Representative and the Government of Rwanda, the National Human Rights Commission and all relevant national institutions;

37. Encourages the Government of Rwanda, other Governments, the United Nations High Commissioner for Human Rights, international organizations and non-governmental organizations to provide, within a mutually agreed framework of cooperation, support for the reconstruction of the human rights infrastructure in Rwanda, including a strong civil society;

38. Recommends the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/... of .. April 2000, endorses the Commission’s decision to extend for a further year the mandate of the Special Representative on the situation of human rights in Rwanda, to make recommendations on the situation of human rights in Rwanda, to facilitate the effective and independent functioning of the National Human Rights Commission and to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate.

“The Council also approves the Commission’s request to the Special Representative to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session, in accordance with his mandate, and its request to the United Nations High Commissioner for Human Rights to provide the Special Representative with such financial assistance as he may require to discharge his mandate.”

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