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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
FIFTY-SEVENTH SESSION OF THE COMMISSION**

Draft report of the Commission

Rapporteur: Mr. Imtiaz HUSSAIN (Pakistan)

CONTENTS*

<i>Chapter</i>		<i>Page</i>
II.	Resolutions and decisions adopted by the Commission at its fifty-seventh session	
A.	<u>Resolutions</u>	
	2001/17. Situation of human rights in the Islamic Republic of Iran	3
	2001/18. Situation of human rights in the Sudan	6

* Documents E/CN.4/2001/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/2001/L.11 and addenda.

CONTENTS (continued)

<i>Chapter</i>		<i>Page</i>
II.	A. <u>Resolutions (continued)</u>	
	2001/19. Situation of human rights in the Democratic Republic of the Congo	14
	2001/20. Situation of human rights in Sierra Leone	23
	2001/21. Situation of human rights in Burundi	31
	2001/22. Situation in Equatorial Guinea and assistance in the field of human rights	36
	2001/23. Situation of human rights in Rwanda	40
	2001/24. Situation in the Republic of Chechnya of the Russian Federation	41

2001/17. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

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

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which are Assembly resolution 55/114 of 4 December 2000 and Commission resolution 2000/28 of 18 April 2000,

1. *Welcomes* the report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2001/39);
2. *Notes with interest* the assessment of the Special Representative that certain foundational improvements have taken place in areas such as women's education, democracy, and health, and that the trend is now irreversible and hopes that this trend will be further consolidated and also include other areas during the coming year;
3. *Deeply regrets* that, since 1996, no invitation has been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country and strongly urges the Government to invite the Special Representative and resume its full cooperation with him, in particular so that he can, through direct contacts with all sectors of society, observe the evolution of the human rights situation in the country and assess future needs, including in the area of technical cooperation in the field of human rights;
4. *Welcomes* improvements in the field of women's education, health and democratic participation in the Islamic Republic of Iran and the efforts made by the Sixth Majlis to improve the status of women and girls, in particular a bill to raise the age of marriage and a bill to remove the existing ban on unmarried women studying abroad, but is deeply concerned that many of these efforts have not yet been promulgated as law, which would be a step towards ending the systemic discrimination against women and girls in law and in practice and the obstacles to the full and equal enjoyment by women and girls of their human rights;

5. *Warmly welcomes* the positive developments regarding the situation of Iranian children in the fields of education, health and juvenile justice, as reported by the United Nations Children's Fund and the Special Representative, and strongly encourages the Government of the Islamic Republic of Iran to implement the recommendations made by the Committee on the Rights of the Child (CRC/C/15/Add.123) as a matter of priority, as well as to consider ratifying International Labour Organization Convention (No. 182) on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

6. *Also welcomes* the reports that religion will no longer be requested in the registration of births, marriages, divorces or deaths;

7. *Notes with interest* the announcement that the Office of the Public Prosecutor will be re-established, as well as the work of the so-called Article 90 Commission of the Iranian Parliament which investigates, among other things, complaints against the judiciary, has taken the initiative in following up some cases with a political background and demands due process of law;

8. *Notes* that government agents accused of involvement in the suspicious deaths and killings of intellectuals and political activists have been convicted, while regretting that all the circumstances surrounding the killings have still not been fully clarified, and urges the Government of the Islamic Republic of Iran to continue the process of investigation and to bring alleged perpetrators to justice in accordance with due process of law;

9. *Notes* recent positive steps regarding the situation of the Baha'is, including the report that they will be allowed to re-establish their cemetery in Tehran, but expresses its concern at the still-existing discrimination against persons belonging to minorities, in particular against Baha'is, and calls upon the Government of the Islamic Republic of Iran to eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities and to address this matter in an open manner with the full participation of the minorities themselves, as well as to implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and other minority groups until they are completely emancipated;

10. *Calls upon* the Islamic Republic of Iran to continue its efforts to consolidate respect for human rights and the rule of law and to abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights;

11. *Recognizes* the efforts made by the Government of the Islamic Republic of Iran to strengthen the respect for human rights in the country, but expresses its continuing concern at the violations of human rights in the Islamic Republic of Iran, in particular the recent deterioration of the situation with regard to freedom of opinion and expression, especially attacks against the freedom of the press, the harsh sentences imposed on those who participated in the Berlin Conference, the imprisonment of journalists and the harsh reactions to student demonstrations, including their imprisonment and mistreatment, and urges all Iranian authorities to ensure full respect for freedom of expression;

12. *Deplores* the continued executions in the apparent absence of respect for internationally recognized safeguards, in particular public and especially cruel executions, and urges the Government of the Islamic Republic of Iran to ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations it has assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards, and to provide the Special Representative with relevant statistics on this matter;

13. *Calls upon* the Government of the Islamic Republic of Iran to take all necessary steps to end the use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation, and to carry out penitentiary reform;

14. *Expresses its concern* over the still unsatisfactory compliance with international standards in the administration of justice and the absence of due process of law and the use of national security laws to deny the rights of the individual, and strongly urges the Government of the Islamic Republic of Iran to expedite the judicial reform, to guarantee the dignity of the individual and to ensure the full application of due process of law and fair and transparent procedures by an independent and impartial judiciary and, in this context, to ensure respect for the rights of the defence and the equity of verdicts in all instances, including for members of religious minority groups; in this context the fate of the convicted in the Shiraz trial is still a matter of concern;

15. *Encourages* the Islamic Human Rights Commission to continue and increase its essential work to enhance the human rights situation in the Islamic Republic of Iran;

16. *Calls upon* the Government of the Islamic Republic of Iran to give effect, in the near future, to its invitation to the Working Group on Enforced or Involuntary Disappearances to visit the Islamic Republic of Iran, as well as to consider extending invitations to other relevant thematic mechanisms to visit the country;

17. *Decides* to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session, and also to keep a gender perspective in mind when seeking and analysing information;

18. *Requests* the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

19. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran, paying particular attention to further developments, including the situation of the Baha'is and other minority groups, at its fifty-eighth session under the same agenda item.

68th meeting

20 April 2001

[Adopted by a roll-call vote of 21 votes to 17,
with 15 abstentions. See chap. IX.]

2001/18. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the Geneva Conventions, of 12 August 1949, on the protection of war victims,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the situation of human rights in the Sudan, most recently Commission resolution 2000/27 of 18 April 2000, and noting Assembly resolution 55/116 of 4 December 2000,

Welcoming the Peace Agreement of 1997 for the Sudan, the acceptance of the Declaration of Principles as a basis for negotiations and the renewal of the declaration of a comprehensive ceasefire in January 2000, while deeply concerned at the breakdown of the ceasefire in June 2000, at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Movement/Army on the situation of human rights, and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Aware of the urgent need for the Government of the Sudan to implement effective additional measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the context of the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment for the respect of human rights in the Sudan, and taking note of the initiative by Egypt and the Libyan Arab Jamahiriya for achieving a negotiated and lasting peace in the country,

1. *Welcomes:*

(a) The interim report of the former Special Rapporteur on the situation of human rights in the Sudan submitted to the General Assembly at its fifty-fifth session (A/55/374) and the recent appointment of a new Special Rapporteur;

(b) The full cooperation extended by the Government of the Sudan to the former Special Rapporteur and to the new Special Rapporteur during his visit to the Sudan in March 2001, as well as the cooperation extended to other United Nations mandate holders in the field of human rights;

(c) The technical cooperation agreement signed by the Government of the Sudan and the Office of the High Commissioner for Human Rights on 29 March 2000, and the posting of an expert from the Office to the Sudan with the task of advising the Government on the development of national capacity to promote and protect human rights;

(d) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(e) The stipulation of basic human rights and freedoms in the Constitution of the Sudan and the establishment of the Constitutional Court, which has been in operation since April 1999;

(f) The activities of the Committee for the Eradication of Abduction of Women and Children as a constructive response on the part of the Government of the Sudan, and the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(g) The adoption of the Associations and Political Parties Act of 2000;

(h) The efforts to implement the right to education;

(i) Leniency measures by the Government of the Sudan which led to the release of a large number of imprisoned women;

(j) The shelter given by the Sudan to refugees;

(k) The repeated statements by the Government of the Sudan in favour of a global, lasting and effectively monitored ceasefire in southern Sudan;

(l) The specific initiatives towards national reconciliation, including amnesty for soldiers of the National Democratic Alliance;

(m) The measures taken by the Government of the Sudan which resulted in the return of opposition members;

(n) The recent appointment of members of several political parties to the Cabinet of Ministers;

(o) The cooperation extended by the Government of the Sudan and the Sudan People's Liberation Movement/Army to United Nations humanitarian agencies, including within the context of Operation Lifeline Sudan, to mitigate the effects of war on civilians, and emphasizes the need to strengthen further the support to United Nations humanitarian agencies;

(p) The invitation to the Representative to the Secretary-General on internally displaced persons and the readiness of the Government of the Sudan to facilitate his planned visit, as well as the commitment to continue the efforts to address the problem of internally displaced persons;

(q) The constructive dialogue on human rights issues between the Government of the Sudan and various concerned parties;

2. *Expresses its deep concern:*

(a) At the impact of the ongoing armed conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and at continuing serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict, in particular:

- (i) The occurrence of cases of summary or arbitrary execution resulting from armed conflicts between members of the armed forces and their allies and armed insurgent groups within the country, including the Sudanese People's Liberation Army/Movement;
- (ii) The occurrence, within the framework of the conflict in southern Sudan, of the use of children as soldiers and combatants, forced conscription by the Sudanese People's Liberation Army, forced displacement, arbitrary detention, torture and ill-treatment of civilians, and of still-unresolved cases of enforced or involuntary disappearances;
- (iii) The increasing number of internally displaced persons, in particular women and children, and the alleged harassment of these vulnerable groups;
- (iv) The abduction of women and children to be subjected to forced labour or similar conditions;
- (v) The widespread and indiscriminate aerial bombardments by the Government of the Sudan, particularly bombings of schools and hospitals, which seriously and repeatedly affect the civilian population and civilian installations;
- (vi) The use by the Sudanese People's Liberation Army of civilian premises for military purposes;
- (vii) The use of weapons, including landmines, and indiscriminate artillery shelling against the civilian population;
- (viii) The forced displacements of populations, in particular in areas surrounding the oilfields, and notes the invitation extended by the Government of the Sudan to the Special Rapporteur to visit the oil-producing areas;

- (ix) The conditions, in contravention of humanitarian principles, imposed by the Sudanese People's Liberation Army on humanitarian organizations working in southern Sudan, which have seriously affected their safety and led to the withdrawal of many of them, with grave consequences on the already endangered situation of thousands of people living in areas under its control;
- (x) The difficulties encountered by United Nations and humanitarian staff in carrying out their mandate because of harassment, indiscriminate aerial bombings and the reopening of hostilities;
- (xi) The attacks on and use of force against United Nations as well as humanitarian personnel, by the Sudanese People's Liberation Army;

(b) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

- (i) Restrictions on the freedom of religion, as well as restrictions on freedom of expression, association and peaceful assembly;
- (ii) The arbitrary arrest and detention without trial, in particular of political opponents, human rights defenders and journalists, as well as acts of intimidation and harassment against the population by the security organs, and the provisional amendment, which came into force, in December 2000, of the National Security Forces Act, in which the period of detention without judicial review was extended to six months;
- (iii) The detention in precarious conditions, use of torture, and violations of human rights by the security organs, intelligence agencies and the police, while encouraging the judiciary to exercise more control over such agencies;
- (iv) The extent of the use of most cruel forms of corporal punishment in contravention of human rights norms and standards;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and

reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(b) To take immediate steps in order to put in place a global, lasting and effectively monitored ceasefire as a first step towards a negotiated settlement to the conflict;

(c) To stop immediately the use of weapons, including landmines and indiscriminate artillery shelling, against the civilian population, which run counter to principles of international humanitarian law;

(d) In particular the Government of the Sudan, to cease immediately all indiscriminate aerial bombardments of the civilian population and civilian installations, including schools and hospitals, which runs counter to fundamental principles of human rights and humanitarian law;

(e) In particular the Sudanese People's Liberation Army, to abstain from using civilian premises for military purposes and misappropriating humanitarian assistance and diverting relief supplies, including food, from their civilian recipients;

(f) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all possible means the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance, in particular in the Western Upper Nile, the Blue Nile State, Bahr-el-Ghazal and the Nuba Mountains, to continue to cooperate with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance, and urges in particular the Sudanese People's Liberation Army to lift as soon as possible conditions it has imposed on the work of international agencies and humanitarian organizations;

(g) To resume the peace talks immediately and to engage in accelerated and sustained peace negotiations under the auspices of the Intergovernmental Authority on Development;

(h) Not to use or recruit children under the age of eighteen as soldiers, encourages the process of demobilization of child soldiers currently being undertaken by the Sudanese People's Liberation Movement/Army together with the United Nations Children's Fund, and urges the Sudanese People's Liberation Movement/Army not to use or recruit children under the age of eighteen as soldiers and to refrain from the practice of forced conscription;

(i) To fulfil their commitments concerning the protection of children affected by war, such as to cease the use of anti-personnel landmines and attacks on sites where there is usually a

significant presence of children, as well as the abduction and exploitation of children, and to advance the demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors and reunify them with their families;

(j) To allow an independent investigation of the condemned murder of four Sudanese relief workers who were abducted on 18 February 1999 while travelling with a team from the International Committee of the Red Cross on a humanitarian mission and subsequently killed while in custody of the Sudanese People's Liberation Movement/Army, and urges the Sudanese People's Liberation Movement/Army to return their bodies to their families;

(k) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development and, in this context, urges the Sudanese People's Liberation Movement/Army to commit itself to a permanent ceasefire;

4. *Calls upon* the Government of the Sudan:

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) To undertake efforts towards signing and ratifying the Convention on the Elimination of All Forms of Discrimination against Women;

(d) To undertake efforts towards strengthening an environment which is more conducive to democratization and to improvements in the field of human rights by lifting the state of emergency;

(e) To strengthen its efforts to ensure the rule of law by bringing legislation more into line with the Constitution and into conformity with the applicable international human rights instruments to which the Sudan is a party, and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(f) To liberalize the legal provisions on public order and to continue assimilation into a regular criminal justice system;

(g) To ensure full respect for freedom of religion and, in this respect, consult fully with religious leaders and other parties concerned when considering any new legislation on religious activities, and to remove obstacles to permission for the construction of religious buildings;

- (h) To implement fully existing legislation, including the appeals procedures, that safeguards human rights and democracy, in particular the Associations and Political Parties Act;
- (i) To raise the age of the criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;
- (j) To implement the Standard Minimum Rules for the Treatment of Prisoners and to continue to give special consideration to imprisoned women and juveniles;
- (k) To take all effective measures to end and to prevent all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, and to investigate all reported human rights violations, including acts of torture, brought to its attention and to bring to justice those responsible for these violations;
- (l) To reinforce the action undertaken to prevent or stop abductions of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities and not cooperating with the efforts of the Committee for the Eradication of Abduction of Women and Children in addressing and preventing those activities, to facilitate the safe return of affected children to their families as a matter of priority and to take further measures to eradicate the practice of abduction of women and children, in particular through the Committee for the Eradication of Abduction of Women and Children with which all concerned have the responsibility and the duty to cooperate;
- (m) To make further efforts effectively to address the problem of internally displaced persons, including ensuring their access to effective protection and assistance;
- (n) To ensure full respect for freedom of expression, opinion, thought, conscience and religion, as well as freedom of association and assembly, throughout the territory of the Sudan;
- (o) To implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;
- (p) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of eighteen as soldiers;

5. *Urges* the relevant authorities to take all necessary measures to avoid and limit the most cruel forms of corporal punishment in particular by applying alternative punishment and taking into account attenuating circumstances to the maximum extent possible provided for in national legislation and consistent with international human rights norms and standards;

6. *Encourages* the Government of the Sudan to continue its cooperation with the United Nations in the field of human rights, through the Special Rapporteur and the Office of the High Commissioner for Human Rights and its expert in Khartoum entrusted with the task of advising the Government on the development of national capacity to promote and protect human rights;

7. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law;

8. *Decides:*

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.

*68th meeting
20 April 2001*

[Adopted by a roll-call vote of 28 votes to none,
with 25 abstentions. See chap. IX.]

2001/19. Situation of human rights in the Democratic Republic of the Congo

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Geneva Conventions, of 12 August 1949, for the protection of war victims and the first Additional Protocol of 1977 thereto, as well as to the African Charter on Human and Peoples' Rights,

Noting General Assembly resolution 55/117 of 4 December 2000 and previous resolutions of the General Assembly and the Commission on the subject, as well as Security Council resolutions 1304 of 16 June, 1332 (2000) of 14 December 2000 and 1341 (2001) of 22 February 2001,

Recalling the Lusaka Ceasefire Agreement, as well as the Kampala plan and Harare sub-plans for disengagement and redeployment,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by parties to the conflict, as mentioned in the reports of the Special Rapporteur, including acts of and incitement to ethnic hatred and violence,

Recognizing that promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region,

Recalling its decision to request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo, while regretting that the security situation in the country has not yet allowed such a mission,

Encouraging the Government of the Democratic Republic of the Congo to fulfil its earlier commitments, including to the United Nations High Commissioner for Human Rights, to restore and reform its judicial system in accordance with relevant international conventions, and to put an end to the trying of civilians by the Military Court,

Welcoming the dialogue initiated between the authorities of the Democratic Republic of the Congo and Burundi, urging them to continue their efforts and emphasizing in this respect that the settlement of the crisis in Burundi would contribute positively to the settlement of the conflict in the Democratic Republic of the Congo,

1. *Welcomes:*

(a) The commitments made by the parties in Lusaka on 15 February 2001, as well as at the meeting between members of the Political Committee of the Lusaka Ceasefire Agreement and the Security Council on 21 and 22 February 2001, and the recent progress made in achieving respect for the ceasefire, and urges all parties to respect their agreement to disengage and not to resume hostilities;

(b) The report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/2001/40 and Add.1);

(c) The visit by the Special Rapporteur to the country from 13 to 26 August 2000 at the invitation of the Government and the cooperation of the Government in this regard, and the recent mission undertaken by the Special Rapporteur from 11 to 21 March 2001 in order to evaluate the current situation in the country;

(d) The visit by the High Commissioner for Human Rights from 1 to 3 October 2000;

(e) The activities of the Human Rights Field Office in the Democratic Republic of the Congo, while encouraging the Government to work with and to strengthen further its cooperation with the Office;

(f) The commitment by the Government of the Democratic Republic of the Congo to cooperate with the United Nations agencies and non-governmental organizations in ensuring the demobilization and reintegration of child soldiers, and measures undertaken by the Government of the Democratic Republic of the Congo in this respect, and encourages other parties to the conflict to do the same;

(g) The release and repatriation, carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law, of persons at risk because of their ethnic origin, and of prisoners of war;

(h) The continued presence and increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in support of the implementation of the Lusaka Ceasefire Agreement;

(i) The expressed willingness of the authorities of the Democratic Republic of the Congo to proceed with the National Dialogue under the aegis of Sir Ketumile Masire, as neutral facilitator, provided for in the Lusaka Ceasefire Agreement;

(j) The work of the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Chief of the United Nations Organization Mission in the Democratic Republic of the Congo;

(k) The announcement by President Kabila that the Military Court shall no longer deal with civilian cases and that all detention centres not under the control of the Public Prosecutor's Office shall be closed, and urges continued progress to implement these commitments in full;

(l) The agreement reached between the leaders of the Hema and the Lendu communities in February 2001;

(m) President Kabila's recently stated commitment for change, including his participation at the fifty-seventh session of the Commission, while hoping that the announced national conference on the question of human rights will have broad-based participation and will result in concrete improvements in the human rights situation, and encourages him to translate his commitment into concrete action;

2. *Expresses its concern:*

(a) At the adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo, including the increase in the number of refugees and displaced persons, in particular in the eastern part of the country;

(b) At the preoccupying situation of human rights in the Democratic Republic of the Congo, particularly in the eastern parts of the country, and at the continuing violations of human rights and international humanitarian law, including atrocities against civilian populations, committed, often with impunity, by all parties in the conflict throughout the territory of the Democratic Republic of the Congo, while stressing in this context that occupying forces should be held responsible for human rights violations in territory under their control, and in particular condemns:

(i) The continued perpetration of massacres and atrocities in the Democratic Republic of the Congo, which constitute indiscriminate and

disproportionate use of force, in particular those occurring recently in Katogota, Kamanyola, Lubarika, Luberezi, Cidaho, Uvira, Shabunda, Lusenda-Lubumba, Lulingu and Butembo;

- (ii) The occurrence of cases of summary and arbitrary execution, disappearance, torture, beating, harassment, arbitrary arrest and detention without trial, including of journalists, opposition politicians, human rights defenders and people who have cooperated with the United Nations mechanisms;
- (iii) The widespread use of sexual violence against women and children, including as a means of warfare;
- (iv) The continued recruitment and use of child soldiers by armed forces and groups including cross-border recruitment and abduction of children throughout the territory of the Democratic Republic of the Congo, in particular in North and South Kivu and the Orientale Province;
- (v) The trial of civilians and the imposition and execution of the death penalty by the Military Court in disregard of the obligations the Democratic Republic of the Congo has assumed under the International Covenant on Civil and Political Rights;
- (vi) The summary sentencing to death, and executions carried out by the Congolese Rally for Democracy-Goma;
- (vii) The indiscriminate attacks on civilian populations, including on hospitals;
- (viii) The fighting in Kisangani between Ugandan and Rwandan forces, most recently in May and June 2000, which resulted in many civilian victims;

(c) The conflicts between the Hema and the Lendu ethnic groups in Orientale Province, where thousands of Congolese have already been killed and where Uganda, in de facto control of the area, is responsible for upholding respect for human rights;

(d) The excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

(e) The violations of the freedoms of expression, opinion, association and assembly in the whole territory of the Democratic Republic of the Congo;

(f) The harassment and persecution of human rights defenders and other members of civil society;

(g) Acts of intimidation and persecution of representatives of the Churches, as well as the killings of these persons in the eastern part of the country;

(h) The severe insecurity which seriously affects the ability of humanitarian organizations to secure access to affected populations;

(i) Reports of illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To facilitate the re-establishment, without delay, of the sovereignty and territorial integrity of the Democratic Republic of the Congo in accordance with the Lusaka Ceasefire Agreement and relevant Security Council resolutions;

(b) To implement fully the Lusaka Ceasefire Agreement, including the plan and subplans agreed in Kampala and Harare, in accordance with the new timetable agreed by the parties at the meeting between Members of the Political Committee of the Agreement and the Security Council on 21 and 22 February;

(c) To protect human rights and to respect international humanitarian law, in particular as applicable to them, the Geneva Conventions, of 12 August 1949, for the protection of war victims and the Additional Protocols thereto of 1977, the Hague Convention of 18 October 1907 concerning the Laws and Customs of War on Land, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country, regardless of their origin;

(d) To ensure the safety, security and freedom of movement of United Nations and associated personnel and the unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(e) To cease all military activity in the Democratic Republic of the Congo which is in breach of the Lusaka Ceasefire Agreement;

(f) To put an immediate end to the recruitment and use of child soldiers, which is in contravention of international human rights standards, and to extend full cooperation to the United Nations Organization Mission in the Democratic Republic of the Congo, the

United Nations Children's Fund, the Special Representative of the Secretary-General for Children and Armed Conflict and humanitarian organizations for the speedy demobilization, return and rehabilitation of such children;

(g) To take and implement all necessary measures to create conditions for the voluntary return, in safety and dignity, of all refugees and displaced persons and to ensure their fair and lawful treatment;

(h) To allow free and secure access to areas under their control in order to permit investigations of violations of human rights and international human rights law;

(i) To cooperate fully with the National Commission of Inquiry on the alleged massacres of a large number of refugees and displaced persons in the Democratic Republic of the Congo, and also with the Secretary-General and with the United Nations High Commissioner for Human Rights in addressing these allegations, with a view to the submission of a further report by the National Commission of Inquiry to the Secretary-General on the progress of its investigations on this question;

4. *Calls upon* the Government of the Democratic Republic of the Congo:

(a) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms throughout its entire territory, to fulfil its responsibility to protect the human rights of the population on its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across its border;

(b) To fulfil its commitments to reform and restore the judicial system, including its declared intention progressively to abolish the death penalty, and to reform military justice, in conformity with the provisions of the International Covenant on Civil and Political Rights;

(c) To put an end to impunity and to fulfil its responsibility to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(d) To create conditions, in accordance with its commitments as stipulated in the Lusaka Ceasefire Agreement, that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all people in the country, and to complete the procedures required to permit the activities of political parties and to prepare for the holding of democratic, transparent, free and fair elections;

(e) To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly, throughout the territory of the Democratic Republic of the Congo;

(f) To remove the restrictions that still affect the work of non-governmental organizations and to promote human rights awareness, including by strengthening cooperation with civil society, including all human rights organizations;

(g) To continue to facilitate and strengthen further its cooperation with the Human Rights Field Office in the Democratic Republic of the Congo;

(h) To cooperate fully with the International Tribunal for Rwanda in ensuring that all responsible for the genocide, crimes against humanity and violations of article 3 common to the Geneva Conventions, of 12 August 1949, and Additional Protocol II thereto are brought to justice in accordance with international principles of due process;

(i) To continue to facilitate the conditions for the safe deployment of the United Nations Organization Mission in the Democratic Republic of the Congo and ensure the security and freedom of movement of its personnel and other associated personnel;

5. *Decides:*

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year, to request him to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also to request the Special Rapporteur to continue to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities referred to in the most recent and in previous reports

of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session;

(c) To request the Secretary-General to give all necessary assistance to the Special Rapporteur and to the joint mission, to enable them to discharge their mandates fully;

(d) To request the High Commissioner for Human Rights to provide appropriate technical expertise to enable the joint mission to fulfil its mandate;

(e) To request the international community to support the Human Rights Field Office in the Democratic Republic of the Congo in order, in particular:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy, including supporting efforts by the Government of the Democratic Republic of the Congo towards strengthening the judicial system;

(ii) To strengthen its support for, and to continue to expand cooperation with, human rights non-governmental organizations in the Democratic Republic of the Congo, and to facilitate the activities of the joint mission, including through voluntary funding;

6. *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 2001/19 of 20 April 2001, endorses the Commission’s decisions:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year and to request him to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also to request the Special Rapporteur to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced and Involuntary Disappearances to carry out, as soon as security considerations permit and, where

appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out in the territory of the Democratic Republic of the Congo and other atrocities referred to in the most recent and in previous reports by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session.”

*68th meeting
20 April 2001*

[Adopted without a vote. See chap. IX.]

2001/20. Situation of human rights in Sierra Leone

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Sierra Leone is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Geneva Conventions of 12 August 1949, as well as to the African Charter on Human and Peoples' Rights, and that Sierra Leone has ratified the Convention on the Elimination of All Forms of Discrimination against Women and signed its Optional Protocol, and has ratified the Rome Statute of the International Criminal Court and signed the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment,

Taking note of Security Council resolutions 1265 (1999) of 17 September 1999, 1270 (1999) of 22 October 1999, 1289 (2000) of 7 February 2000, 1313 of 4 August 2000, 1315 of 14 August 2000 and 1346 of 30 March 2001, and recalling Commission resolution 2000/24 of 18 April 2000,

Taking note of the Peace Agreement signed at Lomé on 7 July 1999 and recalling that the Special Representative of the Secretary-General entered a reservation, attached to his signature of the Agreement, that the United Nations holds the understanding that the amnesty provisions of the Agreement shall not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law,

Expressing deep concern regarding the continuing violations of human rights and international humanitarian law perpetrated in Sierra Leone by the Revolutionary United Front and others, including other armed groups, particularly against civilians, including abducted women and children,

Expressing concern about the continuing fragile security and human rights situation in Sierra Leone and neighbouring States exacerbated by ongoing violence and tensions in border regions,

Taking into account the regional dimension of the human rights issues and stressing the importance of technical cooperation for the promotion and protection of human rights,

Recognizing that promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region,

1. *Welcomes:*

(a) The report of the United Nations High Commissioner for Human Rights to the General Assembly (A/55/36), the report of the United Nations High Commissioner for Human Rights to the Commission on the situation of human rights in Sierra Leone (E/CN.4/2001/35) and the fourth, fifth, sixth, seventh, eighth and ninth reports of the Secretary-General on the United Nations Mission in Sierra Leone (S/2000/455, S/2000/751, S/2000/832 and Add.1, S/2000/1055, S/2000/1199 and S/2001/228), in particular those findings and recommendations related to the human rights and humanitarian situation in Sierra Leone, as well as in neighbouring countries;

(b) The activities of the United Nations Mission in Sierra Leone, which was established by Security Council resolution 1270 (1999) of 22 October 1999 and expanded by Security Council resolution 1299 (2000) with the mandate, *inter alia*, to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, to assist the Government of Sierra Leone in its efforts to address the country's human rights needs;

(c) The Agreement signed on 10 November 2000 in Abuja between the Government of Sierra Leone and the Revolutionary United Front, including the responsibilities contained therein, which provides, *inter alia*, for the United Nations Mission in Sierra Leone to monitor the ceasefire declared under the Agreement and to have full liberty to deploy throughout the territory of Sierra Leone, and for the restoration of government authority and the unimpeded movement of humanitarian workers, goods and people throughout the entire territory of the country;

(d) The work of the human rights section of the United Nations Mission in Sierra Leone aimed at promoting a culture of human rights protection in Sierra Leone, including its activities with all forces that have been engaged in the conflict;

(e) The initiatives being taken by the Government of Sierra Leone and Sierra Leonean civil society in concert with the international community to prepare for the early establishment of an effectively functioning Truth and Reconciliation Commission, and reiterates the continued need for further efforts in this regard to promote peace, justice and national reconciliation and to foster accountability and respect for human rights;

(f) The steps taken by the Government of Sierra Leone and Sierra Leonean civil society in concert with the international community to build the human rights infrastructure in the country, including the establishment of an independent statutory National Human Rights Commission, and reiterates the continued need for greater capacity-building to further develop human rights institutions;

(g) The renewed efforts of the United Nations High Commissioner for Human Rights to implement the preparatory phase of the Truth and Reconciliation Commission and, in this regard, notes the recommendations of the National Workshop on the Truth and Reconciliation Commission held in Freetown on 16 and 17 November 2000;

(h) The draft agreement between the Secretary-General and the Government of Sierra Leone for the creation of an independent Special Court, pursuant to Security Council resolution 1315 (2000), to bring to justice those persons who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone since 30 November 1996, and stresses the need to ensure cooperation between the Special Court and the Truth and Reconciliation Commission, including

with respect to the involvement of juvenile offenders and child witnesses in their processes, and to ensure that a gender perspective is integrated into the work of the Truth and Reconciliation Commission and the Special Court;

(i) The appeal of the Secretary-General for contributions and pledges to the proposed United Nations Trust Fund for the Special Court;

(j) The expert round table facilitated by the United Nations High Commissioner for Human Rights to be held in Freetown to address the relationship between the proposed Special Court and the Truth and Reconciliation Commission;

(k) The work done by the National Commission on Disarmament, Demobilization and Reintegration, together with participating agencies, in facilitating measures that will help end the conflict and bring about the processes of reintegration and reconciliation within Sierra Leonean society;

(l) The continuing implementation of the Sierra Leone Human Rights Manifesto of June 1999 by the Government of Sierra Leone, the National Commission for Democracy and Human Rights, representatives of civil society, the Special Representative of the Secretary-General and the United Nations High Commissioner for Human Rights, recognizing that the Manifesto contains an important basic framework for the promotion of human rights;

(m) The human rights training, including specialized gender and child rights training, provided to national human rights monitors, police officers and military personnel of the United Nations Mission in Sierra Leone;

(n) The continued deployment of child protection advisers within the United Nations Mission in Sierra Leone to help to ensure the protection of children's rights, which is a priority throughout the peacekeeping process and the consolidation of peace in Sierra Leone, as well as the efforts of the United Nations Children's Fund in responding to the protection and assistance needs of children, and notes with encouragement the recent release of children from detention;

(o) The assistance provided by the United Nations High Commissioner for Human Rights, the United Nations Mission in Sierra Leone and the international community to the Government of Sierra Leone in addressing its human rights obligations;

(p) The activities carried out by the International Committee of the Red Cross and humanitarian organizations, especially those in the field of medical assistance and relief

activities focused on assistance to populations affected by the conflict, and efforts to rehabilitate the country's infrastructure to allow resettlement and reintegration of internally displaced persons and returning refugees;

(q) The visits of the International Committee of the Red Cross, pursuant to an agreement with the Government of Sierra Leone, to detained persons, as well as its efforts in promoting respect for international humanitarian law with all parties involved, and encourages further development of cooperation in these areas;

(r) The signature by the Government of Sierra Leone on 8 September 2000 of the Optional Protocols to the Convention on the Rights of the Child on involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography, as well as the commitment by the army of Sierra Leone prohibiting the recruitment and use of child soldiers;

2. *Expresses its grave concern:*

(a) At abuses of human rights and international humanitarian law that have been committed in Sierra Leone, generally with impunity, in particular atrocities against civilians, including women and children, perpetrated by the Revolutionary United Front and others, including other armed groups, including summary and extrajudicial executions, mutilations, abductions, arbitrary detention, hostage-taking, forced recruitment, forced labour, forced displacement, harassment, looting, destruction of property, attacks on and killings of journalists, and the continued detention of abductees;

(b) At the targeting and abuse of women and girls that have been committed in Sierra Leone by the Revolutionary United Front and others, including other armed groups, in particular murder, sexual violence, rape, including systematic rape, sexual slavery and forced marriages;

(c) At the continued slow pace of the disarmament, demobilization and reintegration programme, and the continuing trafficking and illegal supply of small arms and related material in contravention of Security Council resolution 1171 (1998), as well as the continued retention by certain ex-combatants of heavy weapons;

(d) At the dire humanitarian situation affecting the population, including refugees and internally displaced persons in Sierra Leone and neighbouring States, caused by ongoing violence and tensions in border regions and resulting in very limited humanitarian access to the

population, particularly in the most affected areas of the north and east of the country's border regions, as well as in border areas of neighbouring countries, and at impediments to the safe and voluntary return of affected populations to their homes;

(e) At the failure of the Revolutionary United Front to meet its obligations under the Lomé and Abuja Agreements, in particular those that would ensure the free movement of persons and goods throughout Sierra Leone and allow the unimpeded movement of humanitarian agencies;

3. *Deplores* the detention of, and attacks on, United Nations Mission in Sierra Leone and humanitarian personnel by the Revolutionary United Front and other rebel forces, in particular the incidents of May 2000 which resulted in the deaths of United Nations peacekeepers;

4. *Expresses concern* at the recruitment and continuing victimization and use of child combatants, contrary to international standards, by the Revolutionary United Front and others, including other armed groups, as well as at obstacles to the disarming, demobilization and reintegration of child combatants, and reiterates its call for the cessation of the recruitment and use of children as combatants contrary to international standards;

5. *Deplores* the ongoing atrocities committed by the rebels, including murders, rape, abductions and detentions, calls for an end to all such acts and reiterates its call for the cessation of all attacks on civilians;

6. *Takes note* of recent developments aimed at facilitating the forward movement and subsequent deployment of the United Nations Mission in Sierra Leone, demands that the Revolutionary United Front fulfil all of its commitments under the Abuja Agreement and calls upon all the parties to the conflict in Sierra Leone to intensify their efforts towards the full and peaceful implementation of the Abuja Agreement and the resumption of the peace process;

7. *Urges* all parties to the conflict in Sierra Leone:

(a) To respect human rights and international humanitarian law, including the human rights and welfare of women and children;

(b) To provide full and unconditional cooperation with the United Nations Mission in Sierra Leone, including the human rights section of the Mission and unconditional access for the Mission throughout the country;

(c) To work together to ensure full and early disarming of combatants in all areas, and to give special attention to child combatants in the disarming, demobilization and reintegration process;

(d) To ensure safe and unhindered access to all affected populations in accordance with international humanitarian law and that the status of the United Nations and associated personnel, including locally engaged staff, as well as humanitarian personnel, is fully respected by providing guarantees for their safety, security and freedom of movement;

(e) To cooperate with the Special Court for Sierra Leone, once established;

8. *Urges* all relevant parties in Sierra Leone and in the region to ensure full respect for human rights and fundamental freedoms in, and the civilian character of, refugee and internally displaced persons' camps, and to work towards the establishment of conditions which would permit the safe and voluntary return of affected populations to their homes;

9. *Calls upon* the Government of Sierra Leone to continue its efforts to meet its obligations to promote and protect human rights, including by:

(a) Continuing to work closely and to strengthen its cooperation in the area of human rights with the United Nations Mission in Sierra Leone and the Office of the United Nations High Commissioner for Human Rights;

(b) Responding positively to the requests of the Special Rapporteur on violence against women and the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Sierra Leone;

(c) Ensuring the effective functioning of the Truth and Reconciliation Commission in order to address the question of violations of human rights and international humanitarian law since the beginning of the conflict in Sierra Leone in 1991;

(d) Giving priority attention to the special needs of all mutilated victims and of women and children in its care, in particular those sexually abused, gravely traumatized and displaced as a result of the conflict, in cooperation with the international community;

(e) Working to restore civil authority by providing basic public and social services, including security and the administration of justice, in areas where the United Nations Mission in Sierra Leone is deployed;

(f) Encouraging the cooperation of Sierra Leonean civil society in the establishment and functioning of the Special Court;

10. *Reiterates* its call upon the Government of Sierra Leone to investigate reports of human rights violations and abuses and to end impunity, and its requests that the Secretary-General and the High Commissioner respond favourably to any requests from the Government of Sierra Leone for assistance with its investigation of reports of human rights abuses;

11. *Decides*:

(a) To reiterate its request that the High Commissioner and the international community continue to assist the Government of Sierra Leone to establish and maintain an effectively functioning Truth and Reconciliation Commission as soon as possible as an important healing process to contribute to peace and reconciliation in the country;

(b) To request the international community to participate in the strengthening of the courts and judicial system, in particular the juvenile justice system, of Sierra Leone, as well as in the creation of the National Human Rights Commission as soon as possible;

(c) To request the international community to support the Secretary-General's appeal for funds, personnel, equipment and services for the establishment and maintenance of the Special Court so that it may bring to justice those who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law, committed within the territory of Sierra Leone since 30 November 1996;

(d) To request the High Commissioner and the international community to make relevant technical assistance available to personnel of the Special Court, in particular to judicial, prosecutorial and protection personnel;

(e) To request the Secretary-General, the High Commissioner and the international community to give all necessary assistance to the human rights section of the United Nations Mission in Sierra Leone, including ensuring that the human rights section is fully integrated into the work of the Mission, to enable it to fulfil its mandate to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs, including:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes;

- (ii) To strengthen its support for, and to continue and expand its cooperation with, human rights non-governmental organizations and other groups doing human rights work in Sierra Leone, including within the framework of the National Forum on Human Rights;
- (f) To request the High Commissioner to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on the human rights situation in Sierra Leone, including with reference to reports from the United Nations Mission in Sierra Leone;
- (g) To consider this question at its fifty-eighth session under the same agenda item, as a matter of high priority.

69th meeting
20 April 2001
[Adopted without a vote. See chap. IX.]

2001/21. Situation of human rights in Burundi

The Commission on Human Rights,

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

Reaffirming its commitment to respect for the principles of the rule of law, which involve democracy, pluralism and respect for human rights and fundamental freedoms,

Stressing that all States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 2000/20 of 18 April 2000,

Considering Security Council resolutions 1072 (1996) of 30 August 1996 and 1286 (2000) of 19 January 2000 as well as the statement by the President of the Security Council (S/PRST/1999/32) of 12 November 1999,

Recalling that the primary responsibility for peace lies with the Government and people of Burundi,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundi crisis,

Mindful of the need to ensure the safety of all humanitarian workers in accordance with the principles of international law,

Acclaiming the decision of the Government of Burundi to launch a comprehensive peace process and initiate nationwide political negotiations open to all parties, and the progress made in negotiations among the political forces, including the signature of a political compact as part of the internal peace process,

Acclaiming also the signature of the Arusha Peace and Reconciliation Agreement on 28 August 2000,

Recalling Organization of African Unity decision CM/2164 (LXXII) b, statement No. S/PRST/2001/6 by the President of the Security Council and the statement on Burundi issued by the European Union on 6 March 2001,

Hailing the establishment of the Arusha Agreement Implementation Monitoring Committee and its ratification by the Burundian National Assembly,

Recognizing the personal contribution of the late Mr. Julius K. Nyerere to the Arusha negotiation process,

Taking into account the efforts made so far by the Government of Burundi and other parties to the Arusha talks to bring about lasting peace,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is essential to the stability and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and the search for peace, and urging the Government of Burundi to ensure the equal participation of women in Burundian society and to improve their living conditions,

Welcoming the invitation extended by the Facilitator to Burundi women's representatives to participate as observers in the Arusha negotiation process,

1. *Takes note* of the report by the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/2001/44);

2. *Supports* the political compact between the Government of Burundi and the National Assembly, and the dialogue among Burundians taking place under the Arusha peace process;

3. *Applauds* the facilitation work being performed by the former President of the Republic of South Africa, Mr. Nelson Mandela, which has already yielded tangible results, including the signature of the Peace and Reconciliation Agreement;
4. *Notes* the continuing need to make the negotiation process more inclusive;
5. *Encourages* the Government of Burundi to continue its actions aimed at associating all sectors of Burundian society in the work of national reconciliation and at the restoration of a safe, generally reassuring institutional order so as to bring back democracy and peace in the interest of the Burundian population;
6. *Remains concerned* at the ongoing violence and the security situation in parts of the country, forcing many people to leave their homes;
7. *Condemns* the intensifying violence, especially against civilians;
8. *Supports* continuing dialogue among the signatories of the Arusha Agreement and invites those Burundian groups that have not yet signed the Agreement to join the peace process;
9. *Enjoins* all parties, including the Government of Burundi, to negotiate towards agreement on a cease-fire and a transitional government in order to complete the execution of the Peace and Reconciliation Agreement;
10. *Invites* all signatories and international guarantors of the Agreement to consider ways in which the armed groups could be induced to cease hostilities forthwith and join the peace process;
11. *Deplores* the unacceptable living conditions in the displaced persons sites, and recommends that the Government, United Nations agencies and non-governmental organizations provide humanitarian assistance;
12. *Welcomes* the dismantling of the regroupment camps;
13. *Notes* the efforts by the Government of Burundi to ensure that established legal safeguards for human rights and international human rights standards are fully respected;
14. *Requests* the Government of Burundi to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Government to accelerate the specific procedures for investigations and prosecutions in case of such violations;
15. *Welcomes* the entry into force of the new code of penal procedure, exhorts the Government of Burundi to continue to carry out the government plan of legal reform better to

protect individual freedoms and to make its judicial institutions more effective and transparent, and urges the authorities to address the questions of the length of provisional detention and conditions in detention; in this context, also emphasizes how important it is that the commission investigating the existence and release of political prisoners, conditions in detention and the status of those held in pre-trial detention should operate effectively;

16. *Also welcomes* the continuing cooperation between the Government of Burundi and the International Committee of the Red Cross with regard to access and visits to detainees held in central prisons;

17. *Urges* all parties to the conflict to end the cycle of violence and killings, especially blind violence against the civilian population;

18. *Notes* the efforts in the struggle against impunity and for the promotion of human rights on the part of the Government of Burundi, including the establishment of a government commission on human rights;

19. *Supports* the continuation by the Office of the United Nations High Commissioner for Human Rights of the programme of assistance for members of the armed forces and the police in the field of human rights and legal assistance;

20. *Expresses its deep concern* at the continuing violations of human rights and international humanitarian law;

21. *Adjures* the parties to the conflict to abstain rigorously from any action liable to hamper operations by the International Committee of the Red Cross and other humanitarian assistance to those affected by the war;

22. *Condemns* all rebel attacks on humanitarian workers;

23. *Adjures* all parties to the conflict in Burundi to work constructively with the international mediators in the search for a lasting peace;

24. *Expresses its appreciation* of the efforts by the mediators of the United Nations, the Organization of African Unity and the European Union in the search for a lasting solution to the problems of Burundi;

25. *Encourages* the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing any further deterioration of the situation;

26. *Reaffirms* that respect for human rights and international humanitarian law as well as development contribute to peace, and thus welcomes the call made by the Security Council in its resolution 1234 (1999) of 9 April 1999 for an international conference on peace, security and stability in the Great Lakes region;

27. *Commends* the Human Rights Observer Mission in Burundi for the activities it is conducting in the field, welcomes the cooperation afforded to it by the Government of Burundi, and calls for the strengthening of that observer mission through voluntary contributions;

28. *Condemns* the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

29. *Requests* States not to allow their territories to be used as bases for incursions or attacks against another State in violation of the principles of international law, including the Charter of the United Nations;

30. *Exhorts* States and international, governmental and non-governmental organizations to coordinate planning initiatives so as to promote sustainable development when the political and security situation permits;

31. *Welcomes* the display of solidarity given by the international community at the Donors Conference staged in Paris in December 2000 at the initiative of President Mandela, backed by President Chirac;

32. *Exhorts* donors to deliver promptly on the commitments made at that Conference when conditions permit;

33. *Calls upon* the Government of Burundi to take action to establish a security environment conducive to the work of aid organizations, and invites the United Nations and donors to augment the flow of humanitarian assistance to those in need;

34. *Decides* to extend the mandate of the Special Rapporteur by one year and to request her to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-sixth session and a report to the Commission at its fifty-eighth session, giving her work a gender-specific dimension.

*69th meeting
20 April 2001*

[Adopted without a vote. See chap. IX.]

2001/22. Situation in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 2000/19 of 18 April 2000, in which it decided to renew the mandate of the Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea for one year,

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

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling that Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights,

Recalling also Economic and Social Council decision 1993/277 of 28 July 1993 and previous resolutions of the Commission on the subject,

Recalling further that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations and welcoming the will of the Government of Equatorial Guinea to cooperate with the Office of the United Nations High Commissioner for Human Rights and the appropriate United Nations agencies in this field,

Reaffirming that cooperation in the field of human rights, as one of the objectives of the Charter, should be guided by the principles of efficiency and transparency and of coordination of all activities for the promotion and protection of human rights within the United Nations system,

Recalling the recommendations made by the Special Representative in his previous report (E/CN.4/2000/40), especially concerning technical assistance to Equatorial Guinea,

Recognizing the political will repeatedly expressed by the Government of Equatorial Guinea to continue to make progress in the field of human rights and fundamental freedoms and its pledge to take definitive steps in this direction, as outlined in its national programme for good governance adopted in 2000, with the assistance of the United Nations Development Programme,

Encouraged that the Government of Equatorial Guinea, through a clemency decree issued on 30 December 2000, released fifty prisoners and considerably reduced the sentences of the remaining eighty-five prisoners held in its custody,

Noting with appreciation that the Government of Equatorial Guinea took steps to ensure the social and economic rights of its citizens through the ratification of numerous conventions of the International Labour Organization in the past year,

Noting that the Government of Equatorial Guinea held municipal elections on 28 May 2000,

Welcoming the steps taken by the Government of Equatorial Guinea to reinforce the independence of the Parliament and to strengthen the National Commission of Human Rights as an institution that has the capacity to protect and to defend human rights,

Taking note, however, that there continue to be deficiencies in technical support to Equatorial Guinea in the field of human rights,

1. *Expresses its gratitude* to the Special Representative of the Commission on Human Rights to monitor the situation of human rights in Equatorial Guinea for his efforts;
2. *Encourages* the Government of Equatorial Guinea to adopt further quick and effective measures in order to comply with the recommendations made previously by the Commission and the Special Representative, such as the following:

(a) To guarantee full enjoyment of the freedoms of movement and association by introducing new laws, where appropriate, or amending existing ones, of the right to physical integrity and of the right to human dignity of detainees by ensuring adequate sanitary conditions for them and by ordering an end to any practice of detention without judicial warrant and by prosecuting those responsible for such violations;

(b) To continue its cooperation with the International Committee of the Red Cross in the visits of its prison facilities and to follow up on its recommendations to improve the conditions of the detainees;

(c) To ensure further full enjoyment of the freedom of information, the freedom of opinion and expression and the right to a free press;

(d) To adhere to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination and to submit reports to the Human Rights Committee and to the Committee on the Rights of the Child;

(e) To safeguard the right to justice, the independence of the judiciary with respect to the executive branch and the restriction of the military jurisdiction, which should be limited strictly to military offences committed by military personnel and should not have competence with respect to civilians, and urges the Government of Equatorial Guinea to introduce its proposed legal reforms to this effect as soon as possible;

(f) To eliminate all forms of discrimination against women and to continue to promote the full enjoyment of their human rights, as proposed by the national plan to improve the status of women in Equatorial Guinea;

(g) To make further efforts to broaden the dialogue with opposition parties and groups so as to guarantee political rights, democracy and pluralism;

(h) To guarantee economic, social and cultural rights, including those of children and, especially, those that affect the population living in poverty, in order to realize the rights to education, to work and to a standard of living adequate for health and well-being, including food, clothing, housing and medical care;

(i) To promote and protect the rights of the child by implementing the Convention on the Rights of the Child;

3. *Welcomes* the willingness of the Government of Equatorial Guinea to implement a national human rights action plan as a complement to its programme of good governance submitted to the United Nations Development Programme and, for that purpose, encourages the Government to discuss and to agree on means for its early implementation, together with a comprehensive programme of technical assistance, with the Office of the United Nations High Commissioner for Human Rights;

4. *Calls upon* the specialized bodies and agencies of the United Nations, as well as donor countries and any other international institutions present in the country, to assist the Government of Equatorial Guinea in strengthening the national institutions on human rights;

5. *Welcomes* the recent invitations by the Government of Equatorial Guinea to the Special Representative and to the thematic rapporteurs of the Commission and looks forward to their early visits and their recommendations contributing to the implementation of the national plan of action on human rights;

6. *Notes with interest* the continuing financial efforts and the political will of the Government of Equatorial Guinea in the establishment of the Centre for the Promotion of Human Rights and Democracy in order to strengthen the national capacity in this field; and

encourages the Government of Equatorial Guinea in its efforts to support the functioning of the Centre, to seek the cooperation of international governmental and non-governmental organizations;

7. *Calls upon* the Government of Equatorial Guinea to continue to ensure the independence and effectiveness of the National Commission on Human Rights, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights, and to continue to authorize, without any undue restriction, the public registration and freedom of activity of non-governmental organizations in the field of human rights and social affairs;

8. *Decides* to renew the mandate of the Special Representative for one year and requests him to examine the situation of human rights in Equatorial Guinea, to hold a dialogue with the Government and, in particular, to assist the Office of the United Nations High Commissioner for Human Rights and the Government of Equatorial Guinea to establish a comprehensive programme of technical assistance for Equatorial Guinea in the field of human rights, to verify on behalf of the Commission that technical assistance provided to Equatorial Guinea supports its national plan of action on human rights and to report to the Commission at its fifty-eighth session;

9. *Requests* the Secretary-General to give the Special Representative all necessary assistance to enable him to discharge his mandate fully;

10. *Decides* to continue its examination of the question of human rights in Equatorial Guinea at its fifty-eighth session;

11. *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 2001/22 of 20 April 2001, endorses the Commission’s decision to extend the mandate of the Special Representative for a further year in order to examine the situation of human rights in Equatorial Guinea, to hold a dialogue with the Government and, in particular, to assist the Office of the United Nations High Commissioner for Human Rights and the Government of Equatorial Guinea to establish a comprehensive programme of technical assistance for Equatorial Guinea in the field of human rights, to verify on behalf of the Commission that technical assistance provided to

Equatorial Guinea supports its national plan of action on human rights, and to report to the Commission at its fifty-eighth session. The Council also approves the Commission's request to the Secretary-General to provide the Special Representative with such financial assistance as he may require to discharge his mandate."

*69th meeting
20 April 2001*

[Adopted without a vote. See chap. IX.]

2001/23. 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,

Condemning strongly once again the crime of genocide and crimes against humanity which were committed in Rwanda in 1994,

Recalling its resolutions 1997/66, in particular paragraph 20, and 2000/21, as well as previous relevant resolutions,

Taking into consideration the establishment and effective functioning of the National Commission for Human Rights of Rwanda,

Expressing its appreciation to the Government of Rwanda for the progress made in restoring the rule of law and the actions taken to consolidate peace and stability and to promote national unity and reconciliation,

1. *Takes note with great satisfaction* of the report of the Special Representative of the Commission to the General Assembly (A/55/269), and its addendum submitted to the Commission on Human Rights (E/CN.4/2001/45/Add.1);
2. *Expresses its profound appreciation* to the Special Representative for the activities carried out within the framework of his mandate;
3. *Takes note* of the agreement signed by the United Nations High Commissioner for Human Rights and the National Commission for Human Rights of Rwanda, and calls upon the Office of the High Commissioner to respond to any requests made by the Government of

Rwanda for technical assistance and advisory services in the field of human rights to develop and further strengthen national human rights capacities, including the National Commission for Human Rights of Rwanda;

4. *Recommends* that the international community continue to provide assistance for the development of Rwanda in order to ensure, in the long term, its recovery and stability;

5. *Decides* to end the mandate of the Special Representative of the Commission on the situation of human rights in Rwanda.

6. *Also decides* to end its consideration of the situation of human rights in Rwanda.

69th meeting

20 April 2001

[Adopted by a roll-call vote of 28 votes to 16,
with 9 abstentions. See. chap. IX.]

2001/24. Situation in the Republic of Chechnya of the Russian Federation

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular its articles 55 and 56, and the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Geneva Conventions, of 12 August 1949, in particular common article 3 thereof, and Additional Protocol II thereto, of 8 June 1977, as well as other instruments of international humanitarian law,

Recalling the provisions of the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights, in particular part I, paragraph 4, thereof,

Recalling also that the Russian Federation is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other regional human rights instruments, such as the European Convention on Human Rights,

Recalling further that the Russian Federation is a party to the Geneva Conventions, of 12 August 1949, and Additional Protocol II thereto,

Reaffirming its resolution 2000/58 of 25 April 2000, as well as earlier statements on the subject by the Chairperson of the Commission, of 27 February 1995 and 24 April 1996,

Deeply concerned at continued reports of widespread violence against civilians and on alleged violations of human rights and humanitarian law, in particular forced disappearances, extrajudicial, summary or arbitrary executions, torture, arbitrary detentions, ad hoc detention locations and continued abuses and harassment at checkpoints by Russian State agents in the Republic of Chechnya of the Russian Federation,

Gravely concerned at the continued violence in the Republic of Chechnya of the Russian Federation, and in particular at reports indicating disproportionate and indiscriminate use of Russian military force, which has led to a serious humanitarian situation,

Gravely concerned also at reports of attacks against civilians, terrorist acts and serious breaches of international humanitarian law, crimes and abuses committed by Chechen fighters,

Deploring the large number of victims and displaced persons and the suffering inflicted on the civilian population by all parties, including the serious and systematic destruction of installations and infrastructure, contrary to international humanitarian law, and expressing concern about the spillover effects of the conflict to other republics of the Russian Federation and neighbouring countries,

Concerned about the still unsatisfactory security situation in the Republic of Chechnya of the Russian Federation, which, *inter alia*, seriously hampers humanitarian relief efforts in the Republic and in the neighbouring republics of the Russian Federation by international, regional and national humanitarian organizations,

Welcoming the announced reduction of the United Army Group in the Republic of Chechnya of the Russian Federation and the number of checkpoints, and also welcoming the re-establishment of a judicial system with a supreme court, and regional and city courts in the Republic of Chechnya, the increased involvement of ethnic Chechens in the police forces as well as the mixed composition at checkpoints,

Welcoming also the cooperation and dialogue between the Russian Federation and the various bodies of the Council of Europe, including visits by the Council of Europe Commissioner for Human Rights and the Council of Europe Parliamentary Assembly Rapporteurs,

Noting the readiness expressed by the Organisation of the Islamic Conference to pursue contacts with the Government of the Russian Federation with a view to facilitating a peaceful solution of the crisis in the Republic of Chechnya of the Russian Federation,

Noting also the activities of the State Duma of the Russian Federation Commission on the normalization of the social and economic situation and the protection of human rights in the Chechen Republic,

Noting further the establishment of the National Public Commission on Investigation of Violations and Respect for Human Rights in the Northern Caucasus (the Krasheninnikov Commission),

Welcoming the extension of the memorandum of understanding between the Russian authorities and the Council of Europe on the provision of consultative experts to the Office of the Special Representative of the Russian Federation for Human and Civil Rights and Freedoms in the Chechen Republic, Mr. Vladimir Kalamonov, and the fact that they can and are required to cooperate towards the implementation of all the tasks of the Office, including monitoring of inquiries by competent Russian authorities on human rights violations, as well as supporting the restoration of the rule of law in the Republic of Chechnya of the Russian Federation,

Welcoming also the cooperation between the Russian authorities and international and regional humanitarian organizations on access to detention centres in the Republic of Chechnya of the Russian Federation,

Having considered the reports of the Special Representative of the Russian Federation for Human and Civil Rights and Freedoms in the Chechen Republic, Mr. Vladimir Kalamonov, the report of the National Public Commission on Investigation of Violations and Respect for Human Rights in the Northern Caucasus (the Krasheninnikov Commission) and the report of the Commissioner for Human Rights of the Council of Europe on his visit to the Russian Federation and the Republic of Chechnya from 25 February to 4 March 2001,

1. *Welcomes* the report of the High Commissioner for Human Rights on the situation in the Republic of Chechnya of the Russian Federation (E/CN.4/2001/36);
2. *Calls upon* all parties to the conflict to take immediate steps to halt the ongoing fighting and the indiscriminate use of force and to seek as a matter of urgency a political solution with the aim of achieving a peaceful outcome to the crisis which fully respects the sovereignty and territorial integrity of the Russian Federation;

3. *Strongly condemns* the continued use of disproportionate and indiscriminate force by Russian military forces, federal servicemen and State agents, including attacks against civilians and other breaches of international law as well as serious violations of human rights, such as forced disappearances, extrajudicial, summary and arbitrary executions, torture and other inhuman and degrading treatment, and calls upon the Government of the Russian Federation to comply with its international human rights and humanitarian law obligations in its operations against Chechen fighters and to take all measures to protect the civilian population;

4. *Also strongly condemns* all terrorist activities and attacks as well as breaches of international humanitarian law perpetrated by Chechen fighters such as hostage-taking, torture and the indiscriminate use of landmines, booby-traps and other explosive devices aimed at causing widespread civilian casualties, and calls for the immediate release of all hostages;

5. *Welcomes* the adoption of a comprehensive programme for the economic and social reconstruction of the Republic of Chechnya of the Russian Federation and urges the Government of the Russian Federation to implement it without delay and to compensate affected persons for the destruction and loss of property;

6. *Notes* the actions carried out by the Office of Mr. Kalamonov, in collaboration with experts from the Council of Europe, to promote human rights in the Republic of Chechnya of the Russian Federation through its processing of received complaints, which has resulted, *inter alia*, in the tracing of some missing persons, the release of some detained persons and an accelerated issuance of identity documents to internally displaced persons;

7. *Reiterates* its call upon the Russian Federation to establish, according to recognized international standards, a national broad-based and independent commission of inquiry to investigate promptly alleged violations of human rights and breaches of international humanitarian law committed in the Republic of Chechnya of the Russian Federation in order to establish the truth and identify those responsible, with a view to bringing them to justice and preventing impunity;

8. *Expresses serious concern* over the slow pace of investigating alleged serious violations of human rights and international humanitarian law committed by federal forces, federal servicemen and the personnel of law enforcement agencies against civilians and notes with concern that very few such cases have reached the judicial system;

9. *Calls upon* the Russian Federation to ensure that both civilian and military prosecutor's offices undertake systematic, credible and exhaustive criminal investigations and

prosecutions of all violations of international humanitarian law and human rights, in particular of those members of federal forces, federal servicemen and the personnel of law enforcement agencies against civilians allegedly implicated in war crimes and human rights violations and to pursue with rigour the cases which have been referred to them;

10. *Also calls upon* the Russian Federation to ensure that all necessary measures are taken to investigate and solve all cases of forced disappearance as recorded and reported, *inter alia*, by the Office of Mr. Kalamenov, and to ensure where necessary that criminal prosecutions are undertaken;

11. *Welcomes* the commitment of the Government of the Russian Federation to cooperate with the special mechanisms of the Commission, and the invitations extended to the Special Rapporteur on violence against women and the Special Representative of the Secretary-General on Children and Armed Conflict and requests them to carry out their missions promptly;

12. *Reiterates its requests* that the relevant special rapporteurs and the special mechanisms of the Commission undertake missions to the Republic of Chechnya of the Russian Federation without delay and expresses serious concern that the thematic special rapporteurs or representatives on the question of torture, on extrajudicial, summary or arbitrary executions and on internally displaced persons, who have requested to undertake visits have not yet received an answer and urges the Government of the Russian Federation to give favourable consideration to their requests as a matter of priority;

13. *Calls upon* the Government of the Russian Federation to ensure an immediate return of the Organization for Security and Co-operation in Europe Assistance Group to the Republic of Chechnya and to create the necessary conditions for the fulfilment of its mandate, and underlines that a political solution is essential and that the assistance of the Organization for Security and Co-operation in Europe would contribute to achieving that goal;

14. *Urges* the Russian Federation to take all necessary measures to ensure the protection of the internally displaced persons and to provide them with the basic necessities for daily subsistence, as well as to provide housing and restore public services as a matter of urgency;

15. *Urges also* the Government of the Russian Federation to ensure international, regional and national humanitarian organizations, notably those of the United Nations and their implementing partners as well as the International Committee of the Red Cross, free, unimpeded

and secure access to the Republic of Chechnya and neighbouring republics of the Russian Federation, in accordance with international humanitarian law, and to facilitate their activities, including the delivery of humanitarian aid, *inter alia* by simplifying regulations, and their access to a radio communication network for the United Nations;

16. *Urges further* the Government of the Russian Federation to ensure international and national human rights organizations free, unimpeded and secure access to the Republic of Chechnya of the Russian Federation;

17. *Expresses its concern* over the situation in detention centres and continued reports on ad hoc detention locations, “filtration camps”, as well as the treatment of non-registered detainees and acts of torture and other cruel, inhuman or degrading treatment of these detainees;

18. *Welcomes* the cooperation by the Government of the Russian Federation, giving free and effective access in the Republic of Chechnya to international and regional organizations, in particular the International Committee of the Red Cross, to places of detention, and urges the Government to extend such access to all places of detention in order to ensure that all detainees are treated in conformity with international humanitarian law;

19. *Calls upon* the Government of the Russian Federation to disseminate and ensure that all organs of the State, including the military, at all levels, have knowledge of the basic principles of human rights and international humanitarian law, and to conduct a policy in accordance with international humanitarian law and human rights;

20. *Requests* the High Commissioner for Human Rights to report on the implementation of the present resolution at its fifty-eighth session and to keep the General Assembly informed of further developments as appropriate.

70th meeting

20 April 2001

[Adopted by a roll-call vote of 22 votes to 12,
with 19 abstentions. See chap. IX.]
