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

Reports submitted by States parties in accordance with
article VII of the Convention

Addendum

RWANDA */

[10 October 1988]

Introduction

1. This report has been prepared in accordance with the guidelines laid down for the submission of reports relating to the International Convention on the Suppression and Punishment of the Crime of Apartheid. It supplements and updates the second report of Rwanda concerning this Convention.

A. Information regarding the measures which have been adopted by the Government of Rwanda to give effect to the following provisions of the Convention

1. Recognition of apartheid as a crime against humanity

2. As pointed out in Rwanda's second periodic report (E/CN.4/1987/26/Add.6), the Rwandese Republic remains convinced that the policy of apartheid is a crime against humanity and a threat to international peace and security.

*/ The initial report and the second report submitted by the Government of Rwanda (E/CN.4/1984/36/Add.6 and E/CN.4/1987/26/Add.6) were considered by the Group of Three at its sessions in 1984 and 1987.

3. The above position of Rwanda concerning the policy of apartheid has been reaffirmed on a number of occasions at various international forums in which the representatives of the Rwandese Government have consistently deplored the negative attitude of South Africa, which is defying the international community by arrogantly pursuing its odious and inhuman policy of apartheid and racial discrimination. They have stated, furthermore, that the Rwandese Government will continue, to the extent possible, to provide untiring support to the oppressed people of South Africa for as long as they are denied the most fundamental rights.

4. The Rwandese Republic, therefore, has always unreservedly lent its support, both political and material, within the framework of the United Nations and the Organization of African Unity (OAU), to the legitimate struggle being waged by the national liberation movements in South Africa.

2. Organizations, institutions and individuals committing the crime of apartheid are treated as criminals in Rwandese territory

5. The Rwandese Government has always strongly condemned all inhuman acts aimed at establishing and maintaining domination by one racial group of persons over any other racial group and systematically oppressing them. Rwanda, therefore, treats as a criminal and punishes anyone found guilty of any of the acts enumerated in the Convention (see E/CN.4/1987/26/Add.6, paras. 10-12).

6. Similarly, organizations and institutions committing the crime of apartheid are treated as criminal in Rwanda. In this context, the Rwandese Government believes that transnational corporations co-operating with South Africa bear a large share of the responsibility for perpetuating the apartheid system. Rwanda has, therefore, always voted in favour of all United Nations resolutions condemning such corporations.

B. Information regarding the legislative measures which have been adopted to give effect to the following provisions of the Convention

1. Article IV (b) of the Convention: measures to prosecute, bring to trial and punish persons accused of the acts defined in article II of the Convention

7. It should first of all be noted that the individual is protected and his freedom is guaranteed under article 12 of the Rwandese Constitution, which provides that "the individual shall be sacred and his inviolability shall be safeguarded by the law. The freedom of the individual shall be guaranteed and no one may be prosecuted, arrested, detained or sentenced except in the cases provided for by the law in force at the time when the act was committed and in accordance with the procedures prescribed by law ...".

8. In addition, the Rwandese Constitution provides for the equality of all citizens without distinction, in particular as to race, colour, origin, ethnic group, clan, sex, opinion, religion or social position (art. 16).

9. With a view to safeguarding these constitutional provisions, the Rwandese Criminal Code lays down penalties for any individual or group of individuals found guilty of discrimination against any person or group of persons. More detailed information on this subject was supplied in Rwanda's second report (E/CN.4/1987/26/Add.6).

2. Article III of the Convention: application of international criminal responsibility to any person found guilty of the crime of apartheid

10. As indicated above, the Rwandese Government recognizes apartheid as a crime against humanity. Accordingly, Rwanda considers any individual accused of any of the acts enumerated in the Convention as bearing international criminal responsibility. In this regard, Rwanda has consistently stressed the crucial importance of world-wide action to punish and eliminate the policy of apartheid.

11. Hence Rwanda is a party to all the international conventions aimed at eliminating racism, racial discrimination and apartheid, and it signed the International Convention against Apartheid in Sports on 16 May 1986. The procedures for ratification of this Convention are under way.

3. Article XI of the Convention: legal provisions governing extradition in Rwanda

12. The Rwandese Criminal Code recognizes the general principle that extradition shall be refused if the defendant is accused or has been found guilty in his country of a political offence. Article 15 states that:

"Extradition shall be governed by Rwandese law in conformity with international conventions and custom.

It shall be allowed only in cases where the act giving rise to the request for extradition constitutes an offence under Rwandese law and under foreign law. It shall not be granted for political offences or if the request is politically motivated".

13. It follows that acts treated as a crime of apartheid in Rwanda and considered by another contracting party as offences under the extradition agreement may render the perpetrators liable to extradition.

C. Measures taken to prevent any encouragement of the crime of apartheid and similar discriminatory policies in Rwandese territory

14. In addition to the information provided on this subject in Rwanda's second periodic report, the Rwandese Government wishes to point out that the Rwandese educational system provides instruction to promote knowledge, tolerance and understanding of others.

15. On general cultural matters, a special course pertaining to the policy of apartheid is taught in schools so that children will, from an early age, acquire a spirit of humanism and of solidarity towards those peoples struggling against racism, racial discrimination and apartheid.

D. Measures taken to co-operate in the implementation of decisions adopted by other competent organs of the United Nations with a view to achieving the purposes of the Convention

16. The Rwandese Government is determined to work both individually and collectively with the international community for the complete eradication of apartheid.

17. Rwanda, therefore, has always supported the adoption of resolutions by the General Assembly and the Security Council against apartheid and has always complied with those resolutions. Rwanda has likewise co-operated in implementing decisions, declarations and appeals by other competent United Nations organs to eliminate the policy of apartheid. To this end, Rwanda participated in the World Conference on Sanctions against Racist South Africa, held in Paris in June 1986, and as early as 1964 severed all relations with South Africa. Indeed, the Rwandese Government believes that any relations encourage South Africa to pursue its criminal policy. Therefore, the Rwandese Government advocates the termination of all relations with South Africa and the adoption of comprehensive, mandatory sanctions against that country.

E. Cases of crimes of apartheid and judgements delivered in this regard

18. No criminal act covered by the Convention has heretofore been committed in Rwanda and, accordingly, no judicial decision has been rendered in this regard.
