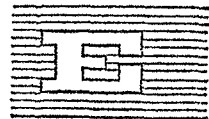


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COMMISSION ON HUMAN RIGHTS  
Fortieth session

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

Reports submitted by States parties under  
article VII of the Convention

Addendum

RWANDA

[14 October 1983]

GE.83-14065

1. After affirming in its preamble that the people of Rwanda are committed to democratic principles and are concerned to ensure the protection of the individual and to promote respect for fundamental freedoms in accordance with the Universal Declaration of Human Rights, the Constitution of the Republic of Rwanda lays down in article 12, paragraph 1, that "the individual is sacred" and that "his inviolability is ensured by law". Paragraph 2 stipulates that "the freedom of the individual is guaranteed" and that "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 according to the procedures prescribed by law".

Article 16 of the Constitution provides that "all citizens are equal before the law without any discrimination on such grounds as race, colour, origin, ethnic group, clan, sex, religion or social position".

2. In order to punish acts of segregation or discrimination, article 393 of the Criminal Code prescribes the penalties to which any one engaging in such practices is liable. The article reads:

"Anyone who by defamation or public insult expresses aversion to or hatred of a group of persons belonging by origin to a specific race or religion, or commits an act likely to provoke such aversion or hatred, shall be liable to a term of imprisonment of between 1 and 12 months and/or a fine not exceeding 5,000 francs.

The following shall also be liable to one or both of the above penalties:

(1) Anyone holding public authority or any citizen responsible for a public function who, because of a person's origin or because he belongs or does not belong to a particular ethnic group, region, nation, race or religion, knowingly refuses him the benefit of a right which he could claim.

(2) Anyone furnishing or offering to furnish goods or services who, either personally or through his agent, refuses to do so, unless on lawful grounds, because of the origin of the person requesting such goods or services or because he belongs or does not belong to a particular ethnic group, region, nation, race or religion, or who makes his offer conditional on a person's origin or the fact that he belongs or does not belong to a particular ethnic group, region, nation, race or religion.

(3) Anyone who, in the functions referred to in paragraph 2, refuses goods or services to an association or a society or to any of its members on the grounds of the origin of those members or a part thereof, or because they belong or do not belong to a particular ethnic group, region, nation, race or religion.

(4) Anyone whose profession or duties lead him to employ for himself or for others one or more agents, and who, unless on lawful grounds, refuses to recruit or dismisses, a person because of his origin or because he belongs or does not belong to a particular ethnic group, region, nation, race or religion."

Articles 9 and 10 of the Criminal Code also make it clear that a citizen of Rwanda who, outside the territory of the Republic, is responsible for or charged with the acts defined in article II of the Convention may be prosecuted and tried by the Rwandese courts. These articles read as follows:

Article 9: "Any citizen of Rwanda who, outside the Republic, is guilty of an act classified as a crime by Rwandese law may be prosecuted and tried by the Rwandese courts".

Article 10: "Any citizen of Rwanda who, outside the territory of the Republic, is guilty of an act classified as an offence by Rwandese law may be prosecuted and tried by the Rwandese courts if the act is punishable under the law of the country where it was committed".

With regard to extradition, article 15 of the Criminal Code lays down that "Extradition is governed by Rwandese law in accordance with international conventions and practice. It is allowed only if the act on which the application is based is regarded as an offence under Rwandese and foreign law. It is not granted in the case of offences of a political nature or when requested for political purposes".

3. In order to prevent any possible encouragement of the crime of apartheid or other similar discriminatory and segregationist policies, all Rwandese, without exception, i.e., without discrimination on grounds of sex, ethnic group, origin, profession or social status, have since 1977 been grouped into a single political formation known as the National Revolutionary Movement for Development (MRND).

It should be stressed that in its manifesto, published on 5 July 1975, the MRND "irrevocably condemns any separatist or racist tendency and, a fortiori, any attitude of superiority over others on the part of a race, ethnic group, family, region or religious persuasion".

This desire to combat any form of discrimination is also evident in the area of employment, since "any distinction, exclusion or preference on the grounds of race, colour, sex, religion, political opinion, national ancestry or social origin, the effect of which would be to eliminate or alter equality of opportunity in employment, is prohibited" (article 25 of the Act of 28 February 1967 establishing the Labour Code).

The same applies in the sphere of education. Article 4 of the National Education Act of 27 August 1966 provides that "primary schooling is free and compulsory for all children resident in the territory of Rwanda, without distinction of race, clan, sex or religion" and that "the children who fulfil the conditions of admission to a school of their choice have the right to attend that school".

4. Awareness of the fight against racial segregation and apartheid was instilled into the people of Rwanda at a very early stage. Already in 1964, barely two years after its accession to independence, Rwanda decided not to establish any diplomatic or trade relations with the colonialist and racist regime of South Africa.

To be more precise, Presidential Decree No. 15/10 of 1 February 1964, concerning political and economic sanctions against South Africa, not only provides that no diplomatic or consular relations shall be established between the Republic of Rwanda and South Africa, but that it is forbidden to import goods from that country and that South African aircraft are forbidden access to our country's airports and are not permitted to fly over Rwandese territory.

In the sphere of information, the national press and radio keep the population permanently informed of the policy of apartheid practised by South Africa, its persistence in keeping the people of Namibia under its yoke and the arbitrary and ignominious executions of nationalists of the South African liberation movements.