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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO
COLONIAL AND
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Albania*, Benin, Canada, France, Iceland*
and Netherlands: draft resolution

1995/... The situation of human rights in Rwanda
The Commission on Human Rights,

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

GE.95-12114 (E)

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

Recalling Commission on Human Rights resolution S-3/1 of 25 May 1994, in which the Commission appointed a Special Rapporteur to investigate the human rights situation in Rwanda, and General Assembly resolution 49/206 of 23 December 1994,

Noting with appreciation the efforts of the Secretary-General, his Special Representative for Rwanda, the High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in Rwanda and other special rapporteurs of the Commission on Human Rights, the United Nations Assistance Mission for Rwanda, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs, and non-governmental organizations,

Deeply concerned by the reports of the Special Rapporteur and the Commission of Experts established pursuant to Security Council resolution 935 (1994), that genocide and systematic, widespread and flagrant violations of international humanitarian law and crimes against humanity have been committed in Rwanda and that the situation of ethnic and political armed conflict in Rwanda resulted in other grave violations and abuses of human rights, including violation of the right to life, the right to physical and moral integrity, the right to be free from torture and other cruel, inhuman or degrading treatment, and the right to be free from discrimination on the grounds of ethnic origin and to be protected from incitement to such discrimination,

Reaffirming the deep concern expressed by the World Conference on Human Rights about violations of human rights

during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled,

Noting that, following the cease-fire of 18 July 1994, a new Government has been established in Rwanda and has made efforts to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda after the extensive damage inflicted by the civil conflict, and noting that these efforts are hampered by a lack of resources,

Noting with concern that, in spite of efforts by the Government of Rwanda to ensure peace and security and the rule of law, a situation of insecurity still exists, evidenced by reports of disappearances, arbitrary arrest and detention, conditions of detention which do not conform to international standards, torture, summary executions, destruction of property and attacks against displaced persons, and welcoming the commitments made by the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms and to eliminate impunity by investigating and prosecuting those responsible for acts of retribution,

Conscious that technical assistance and advisory services will assist the Government of Rwanda in reconstructing the social, legal, physical, economic and human rights infrastructure of Rwanda, and that extensive and long term technical and financial assistance is required to accomplish this task,

Concerned that human rights violations create a climate of insecurity which prevents refugees and displaced persons from returning to their homes, conscious that their return is essential for the normalization of the situation in Rwanda and countries of the region, and concerned also by reports of continuing acts of intimidation and violence within the camps for refugees, particularly by the former Rwandese authorities, which prevent refugees from returning,

Concerned also by the ongoing interference, particularly by the former Rwandese authorities, in the provision of humanitarian relief, which impedes the provision of humanitarian relief, and which has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies in the camps outside Rwanda,

Welcoming the measures taken by the High Commissioner for Human Rights to put in place the human rights field operation in Rwanda and to coordinate its activities with the Special Representative of the Secretary-General, the United Nations High Commissioner for Refugees, the United Nations Assistance Mission for Rwanda, the International Tribunal for Rwanda, the Department of Humanitarian Affairs, and other United Nations agencies and intergovernmental and non-governmental organizations,

Welcoming also the establishment of the International Tribunal for Rwanda pursuant to Security Council resolution 955 (1994) of 8 November 1994 and the establishment of a United Nations trust fund to support the activities of the Tribunal,

Welcoming further the Security Council mission to Rwanda of 12 and 13 February 1995, and the regional conference on assistance to refugees, returnees and displaced persons, hosted by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees in Bujumbura from 15 to 17 February 1995,

Recalling Security Council resolution 965 (1994) of 30 November 1994, in which the Council expanded the mandate of the United Nations Assistance Mission for Rwanda to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, to provide security and support for the distribution of relief supplies and humanitarian relief operations, to contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, and to

assist in the training of a new integrated police force, and recalling also the Secretary-General's revised deployment of the Assistance Mission, which is intended to promote security in all areas of the country and create conditions conducive to the return of refugees,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall United Nations response to the situation in Rwanda and that a strong human rights component is indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

1. Welcomes the reports of the Special Rapporteur on violations committed during the hostilities in Rwanda and on the current situation of human rights in Rwanda (E/CN.4/1995/7 and E/CN.4/1995/12);

2. Condemns in the strongest terms genocide, violations of international humanitarian law and all violations and abuses of human rights which occurred during the conflict in Rwanda, especially following the tragic events of 6 April 1994;

3. Also condemns in the strongest terms the kidnapping and killing of military peacekeeping personnel attached to the United Nations Assistance Mission for Rwanda, the killing of personnel attached to humanitarian organizations operating in the country, the wanton killing of innocent civilians and the destruction of property during the conflict, all of which constitute blatant violations of international humanitarian law;

4. Reaffirms that all persons who commit or authorize genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations and that the international community will exert every effort to bring those

responsible to justice in accordance with international principles of due process;

5. Urges all States to cooperate fully with the International Tribunal for Rwanda, taking into account the obligations contained in Security Council resolutions 955 (1994) and 978 (1995), and to take all measures for the early and effective functioning of the International Tribunal for Rwanda;

6. Notes with deep concern the findings of the Special Rapporteur that disappearances, arbitrary arrests and detentions under conditions which do not conform to international standards, summary executions, destruction of property and attacks against displaced persons are still taking place, and encourages the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts, in accordance with international principles of due process;

7. Encourages the Government of Rwanda, in a spirit of national reconciliation, to protect and promote respect for human rights and fundamental freedoms, and stresses the need to create an environment conducive to the realization of civil, political, economic, social and cultural rights, and to the return by refugees and displaced persons to their homes;

8. Encourages the efforts of the Government of Rwanda to involve, regardless of ethnicity, all citizens not responsible for genocide or other grave violations of international humanitarian law with its administrative, judicial, political and security structures;

9. Welcomes the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, notes that efforts in this regard are hampered by a lack of resources, and welcomes the commitments made by the Government of Rwanda to restore the rule of law and protect

and promote respect for human rights and fundamental freedoms;

10. Invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to continue and intensify their efforts to contribute financial and technical support to the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda, particularly for the administration of justice, and welcomes the contributions made, including those at the Geneva Round Table Conference,

11. Commending the efforts of the High Commissioner for Human Rights to ensure that efforts of the United Nations aimed at conflict resolution and peace-building in Rwanda are accompanied by a strong human rights component and effectively supported by a comprehensive programme of human rights assistance, drawing as appropriate on the expertise and capacities of all parts of the United Nations system able to contribute to the promotion and protection of human rights in Rwanda;

12. Condemns all attacks against persons in the refugee camps near the borders of Rwanda, demands that such attacks immediately cease, calls upon States to take appropriate steps to prevent such attacks, and welcomes the efforts of the United Nations Assistance Mission for Rwanda, the Office of the United Nations High Commissioner for Refugees and the human rights field operation in Rwanda to encourage and monitor the safe and voluntary return of refugees;

13. Also condemns those who obstruct the access of humanitarian relief to all in need, especially those within the camps for refugees;

14. Urges Governments in the region to take measures to prevent their territory from being used to pursue a strategy of destabilization with Rwanda;

15. Welcomes the commitments of Governments in the region to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety of both the refugees and the personnel providing humanitarian assistance to them;

16. Welcomes the measures taken by the High Commissioner for Human Rights to put in place the human rights field operation in Rwanda, which has as its objectives investigation of violations of human rights and humanitarian law, monitoring of the ongoing human rights situation and the prevention of future violations, cooperation with other international agencies in re-establishing confidence and thus facilitating the return of refugees and displaced persons and the rebuilding of civil society, and implementation of programmes of technical cooperation in the field of human rights, particularly in the field of the administration of justice;

17. Welcomes the cooperation the Government of Rwanda has extended to the High Commissioner for Human Rights and to the Special Rapporteur and the acceptance by the Government of Rwanda of the deployment of human rights field officers, bearing in mind the important role of the human rights field officers, acting in close cooperation with the United Nations Assistance Mission for Rwanda and other United Nations agencies and programmes operating in Rwanda, in assisting the Special Rapporteur to fulfil his mandate by investigating human rights violations and monitoring ongoing violations;

18. Invites the High Commissioner for Human Rights and the Centre for Human Rights, taking into account recommendations of the Special Rapporteur and acting in coordination with the United Nations agencies and programmes operating in Rwanda, to provide continuing and further technical assistance, particularly in the area of the administration of justice;

19. Decides to extend the mandate of the Special Rapporteur for an additional year and requests the Special Rapporteur to make recommendations concerning situations in which technical assistance may be appropriate;

20. Requests the Secretary-General to provide all necessary resources to the Special Rapporteur, taking into account the operational plan for the human rights field operation in Rwanda and the need to deploy a sufficient number of human rights field officers to assist the Special Rapporteur to fulfil his mandate;

21. Also requests the Secretary-General to take appropriate steps to ensure adequate financial and human resources for the delivery of programmes of technical assistance and advisory services, especially in the field of the administration of justice;

22. Decides to continue its consideration of this question at its fifty-second session.
