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Situation of human rights in Rwanda

Commission on Human Rights resolution 1996/76

The Commission on Human Rights,

Guided by the Charter of the United Nations, the International Bill of 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 its resolution 1995/91 of 8 March 1995, and taking note of General Assembly resolutions 50/57 of 12 December 1995 and 50/200 of 22 December 1995 and Security Council resolution 1050 (1996) of 8 March 1996,

Deeply concerned by reports of the Special Rapporteur and the Human Rights Field Operation in Rwanda that genocide and systematic and widespread violations of international humanitarian law, including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda,

Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice,

Noting with concern the reports by the Special Rapporteur and the Human Rights Field Operation in Rwanda of violations of human rights and fundamental freedoms in Rwanda,

Welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, to eliminate impunity and to facilitate the process of voluntary and safe return, resettlement and reintegration of refugees, as reaffirmed in the agreements reached at Nairobi, Bujumbura and Cairo in 1995, and at Tunis in 1996 and welcoming the commitments by Governments in the region regarding refugees,

Stressing its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in promoting the return of refugees, in consolidating a climate of confidence and stability and in promoting the rehabilitation and reconstruction of Rwanda,

Reaffirming the link between the voluntary return of refugees to their homes and the normalization of the situation in Rwanda, and concerned that continuing acts of intimidation and violence within the camps for refugees, particularly by the former Rwandan authorities, prevent refugees from returning to their homes,

Noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes Region, including initiatives of the Organization of African Unity, States in the region and international organizations, and encouraging the efforts of the Secretary-General to ensure the implementation of commitments to ensure security, peace and stability in the Great Lakes Region and, in this context, to continue consultations on the possible convening of a conference on the Great Lakes Region,

1. Welcomes the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda (E/CN.4/1996/111) and the reports of the Special Rapporteur on the situation of human rights in Rwanda (E/CN.4/1996/7 and E/CN.4/1996/68);

I

2. Condemns in the strongest terms acts of genocide, violations of international humanitarian law and all violations and abuses of human rights in Rwanda;

3. Expresses its deep concern at the intense suffering of the victims of genocide and crimes against humanity,

recognizes the ongoing suffering of their survivors, particularly the extremely high number of traumatized children and women victims of rape and sexual violence, and urges the international community to provide adequate assistance to them;

4. Reaffirms that all persons who committed or authorized acts of 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, in cooperation with national and international tribunals, to bring those responsible to justice in accordance with international principles of due process;

5. Urges all States concerned to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, taking into account the obligations contained in Security Council resolutions 955 (1994) and 978 (1995);

II

6. Encourages the efforts and commitments of the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts, in accordance with international principles of due process, to expedite the processing of cases, to ensure conditions and treatment in detention in conformity with international standards, and to train all those involved in the legal procedures governing arrest and detention, and notes with concern the findings of the Special Rapporteur and the Human Rights Field Operation in Rwanda that arrests and detentions under conditions which do not conform to international standards, summary executions, cruel, inhuman or degrading treatment, and restrictions on freedom of opinion and expression are still taking place;

7. Encourages the further 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;

8. Also encourages the further efforts of the Government of Rwanda to involve, without any discrimination, all citizens not responsible for genocide or other grave violations of international humanitarian law in its administrative, judicial, political and security structures;

9. Calls upon the Government of Rwanda to take all necessary measures to ensure the safety and security of all people in Rwanda, including United Nations personnel and other international staff serving in the country;

10. Appreciates the contribution that the human rights officers have made towards the improvement of the overall situation in Rwanda and the important role played by States, the Human Rights Field Operation in Rwanda, other United Nations bodies, the International Committee of the Red Cross and intergovernmental and non-governmental organizations in providing humanitarian assistance and contributing to the reconstruction and rehabilitation of Rwanda;

11. Invites States, the organizations and bodies of the United Nations system, and intergovernmental and non-governmental organizations to continue and intensify efforts to contribute financial and technical support to the efforts of the Government of Rwanda towards reconstruction of the human rights infrastructure of Rwanda and towards the implementation of the programme of rehabilitation, reconstruction and national reconciliation, and welcomes the commitments made, including those at the Round Table Conference at Geneva and its mid-term review in Kigali in July 1995;

12. Urges Governments in the region to take measures to prevent their territory from being used to pursue a strategy of destabilization of Rwanda, and, in this regard, urges all States concerned to cooperate fully with the International Commission of Inquiry on arms flows in the Great Lakes Region, established in pursuance of Security Council resolution 1013 (1995) of 7 September 1995;

13. Condemns all violence and intimidation against persons in the camps of Rwandan refugees, calls upon the appropriate authorities to ensure security in such camps, including by separating refugees from intimidators to facilitate voluntary repatriation, and welcomes the commitments undertaken by the Governments in the region in this regard;

14. Welcomes the joint efforts of the Government of Rwanda, neighbouring countries and the Office of the United Nations High Commissioner for Refugees to assist in the voluntary and safe return of refugees through, inter alia, the work of the Tripartite Commission and the agreements reached at Nairobi, Bujumbura and Cairo in 1995 and at Tunis in 1996, and also welcomes the efforts of the Office of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Development Programme and other United Nations offices and organizations to coordinate their efforts to ensure protection of the human rights of refugees during their return, resettlement and reintegration;

III

15. Welcomes the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Human Rights Field Operation in Rwanda and the Special Rapporteur and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country;

16. Commends the efforts of the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to ensure that human rights monitoring, a comprehensive programme of human rights assistance and confidence-building measures form integral parts of Rwandan and United Nations efforts aimed at conflict prevention and peace-building in Rwanda, drawing as appropriate on the expertise and capacities of all parts of the United Nations system, thus contributing to the promotion and protection of human rights in Rwanda;

17. Takes note of Security Council resolution 1050 (1996) of 8 March 1996 in which the Council encouraged the Secretary-General, in agreement with the Government of Rwanda, to maintain in Rwanda a United Nations office for the purpose of supporting the efforts of the Government of Rwanda to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure, and of coordinating the United Nations efforts to that end;

18. Welcomes the measures taken by the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to put in place the Human Rights Field Operation in Rwanda, which has as its objective:

a) The investigation of violations of human rights and humanitarian law, including acts of genocide and crimes against humanity;

(b) The monitoring of the human rights situation and the prevention of future violations;

(c) Cooperation with other international agencies in re-establishing confidence and thus facilitating the voluntary return and resettlement of refugees;

(d) The rebuilding of civil society, through programmes of human rights education and technical cooperation, particularly in the areas of the administration of justice and conditions of arrest, detention and treatment in detention, and through programmes of cooperation with Rwandan human rights organizations;

19. Requests the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-first session;

20. Recognizes the importance of the Human Rights Field Operation in Rwanda in contributing to the establishment of confidence in the country, and recommends the continuation of its presence throughout Rwanda as well as sufficient funds for that purpose;

21. Calls upon States to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and requests the Secretary-General to propose what steps might be taken to place the operation on a more secure financial basis;

22. Requests the Secretary-General to ensure adequate financial and human resources and logistical support for the Human Rights Field Operation in Rwanda, taking into account the need to deploy a sufficient number of human rights field officers and the need for programmes of technical assistance and advisory services for the Government of Rwanda and Rwandan human rights organizations, especially in the field of the administration of justice;

23. Decides to extend the mandate of the Special Rapporteur on the situation of human rights in Rwanda, as set out in its resolution S-3/1 of 25 May 1994, for an additional year, working in cooperation with the Human Rights Field Operation in Rwanda, requests the Special Rapporteur to make recommendations concerning situations in which technical assistance may be appropriate, and requests him to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session; 24. Requests the Secretary-General to provide all necessary resources to the Special Rapporteur.

24. Requests the Secretary-General to provide all necessary resources to the Special Rapporteur.

60th meeting, 23 April 1996
[Adopted without a vote]

**Office of the United Nations High Commissioner for Human Rights
Geneva, Switzerland**