

RWANDA

Special Decisions or Action Taken Re: Reporting, Including Urgent Action Procedure

CERD A/47/18 (1992)

VII. DECISIONS ADOPTED BY THE COMMITTEE AT ITS FORTY-FIRST SESSION

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2 (41). Further information requested from the Government of Rwanda

In view of recent reports of ethnic conflict in Rwanda, and in accordance with rule 65 of its rules of procedure relating to the provisions of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination requests further information by 1 March 1993 from the Government of Rwanda on that conflict and on its implications for the implementation of the Convention, in particular the provisions of article 5 (b), in Rwanda.

952nd meeting
12 August 1992

CERD CERD/C/SR.983 (1993)

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION
Forty-second session
PROVISIONAL SUMMARY RECORD OF THE 983rd MEETING

...

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF
THE CONVENTION (continued)

...

Draft decision on the human rights situation in Burundi, Rwanda and Papua New Guinea

75. Mr. BANTON introduced the draft decision, which read:

"At its forty-first session, the Committee on the Elimination of Racial Discrimination addressed communications to the Government of Burundi, Rwanda and Papua New Guinea requesting further information (see A/47/18, sect. VII and paras. 265-266). This information was requested by 1 March 1993, but, at the time of writing, has not yet been received.

The Committee is concerned about information it has received independently about the situation in these countries and believes it must take up the matter again at its next session starting on 2 August 1993. Therefore, the Committee requests the Secretary-General to make available to it any relevant information concerning the human rights situation in these countries."

76. He asked the Secretary of the Committee to explain what effects that decision would have from the administrative point of view.

77. Mr. JOHNSON (Secretary of the Committee) said that the last sentence of the decision was to be understood as requesting the Secretariat of the Centre for Human Rights to inquire about information that might be available on the human rights situation in those countries. Such information could be derived from the documentation of the Commission on Human Rights and also from material that had been submitted to treaty monitoring bodies under other conventions.

78. Mr. LAMPTEY said he did not think that the draft decision was either necessary or proper. The Committee's sole task under the Convention was to consider situations in countries on the basis of reports by States parties.

79. The Committee had already decided that, when countries did not respond to its requests for information, as in the case of Mozambique, its procedure would be to consider previous reports, together with material from other sources. However, taking account of reports submitted to other

human rights bodies might lead to problems with the State party. The Committee's proper function was to cooperate with States parties in eliminating racial discrimination.

80. Just as State parties had freely assumed their obligations under the Convention, so were they free to renounce those obligations at any time, and that would hardly help to achieve the Committee's objectives. All the Committee needed to do was to agree to consider the reports of the three Governments concerned at its next session, if they had been received by then. The country rapporteurs could help the Secretariat obtain the necessary documentation.

81. Mr. WOLFRUM said he did not fully understand those objections. Mr. Lamptey had himself agreed that the Committee could, under its own rules of procedure, discuss the situation in the countries concerned on the basis of previous reports and, in so doing, could use not only official material, but material from other sources. All the draft decision was doing was to ensure that there was sufficient information on which to assess those reports.

82. The three countries concerned had not cooperated with the Committee and he did not see why they should receive different treatment than Mozambique and Jamaica.

83. Mr. BANTON said that he would have no objection if the Committee did not adopt the draft decision, provided that it agreed to include the consideration of the last available reports of the three States parties in the agenda for its next session. Those States should be notified of the Committee's intention, using the format normally adopted in cases of non-reporting States, and should be invited to submit reports in the interim and to be present when those reports were considered.

84. Mr. YUTZIS said that the members of the Committee evidently disagreed on how article 9 (2) of the Convention, which stated that recommendations could be based on "information received from the States parties", was to be interpreted. It might be useful to draft a general recommendation on the subject.

85. He himself could support the draft decision in principle.

86. Mr. de GOUTTES pointed out that there were two other draft decisions, to be considered on the former Yugoslavia. The adoption of those two decisions before the end of the session was a matter of urgency, particularly since the Committee had agreed to consider the possibility of preventive measures under article 9 (1).

87. Another matter of priority was the text concerning the case of Mr. Vidas, introduced earlier: that case was significant as an example of discrimination based on ethnic origin.

88. Mr. WOLFRUM supported by Mr. SONG Shuhua, proposed that the Committee should adopt Mr. Banton's suggestion that, instead of adopting the draft decision, it should agree to discuss the last available reports of the three States parties concerned at its next session.

89. It was so decided.

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CERD A/49/18 (1994)

...

B. Decisions adopted by the Committee

The human rights situation in Rwanda

107. Expressing its deep concern and grave alarm over the tragic loss of life of genocidal dimensions in Rwanda, the Committee adopted its decision 1 (45) on the human rights situation in Rwanda urging the rapid deployment of United Nations protection forces to Rwanda and expressing its readiness to cooperate, within the domain of its competence, in the coordinated effort of the United Nations and regional organizations for peace-building and state reconstruction so that gross and massive manifestations of racial discrimination and ethnic conflict would not recur. The Committee adopted the decision at its 1045th meeting, on 3 August 1994 (see annex III for the full text of the decision).

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Annex III

Decisions and general recommendations adopted by the Committee at its forty-fourth and forty-fifth sessions

A. Decisions

...

Decision 1 (45). The human rights situation in Rwanda

The Committee on the Elimination of Racial Discrimination,

Deeply concerned and gravely alarmed by the tragic loss of life of genocidal dimensions in Rwanda, a contracting party to the International Convention on the Elimination of All Forms of Racial Discrimination,

Profoundly regretting that the international community was so unforgivably late in its effort to prevent the human tragedy and genocide occurring in Rwanda,

Noting, however, with appreciation the current efforts of the United Nations system and others to provide humanitarian relief and prevent further loss of life,

Recalling its general recommendation XVIII (44) on the establishment of an international tribunal to prosecute crimes against humanity,

1. Calls upon the United Nations to take all measures required to ensure that adequate humanitarian assistance effectively and urgently reaches the Rwandese population;
2. Urges the rapid deployment of United Nations forces without further delay in order to ensure the protection of the life and human rights of all persons regardless of ethnic or religious background, including the right of all refugees and displaced persons to return to their homes under conditions of safety;
3. Expresses its readiness to cooperate, within the domain of its competence, in the coordinated effort of the United Nations and regional organizations for peace-building and State reconstruction so that gross and massive manifestations of racial discrimination and ethnic conflict will not recur.

1045th meeting
3 August 1994

CERD A/50/18 (1995)

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

A. Decisions adopted by the Committee

...

7 (46). Rwanda

The Committee expresses its dismay at the tragic circumstances prevailing in Rwanda and endorses the conclusions of the Special Rapporteur on the situation of human rights in Rwanda of the Commission on Human Rights (E/CN.4/1995/71, paras. 49-51). It underlines his statement in paragraph 50 that very rapid action is required if the international community is not to be the powerless spectator of a second war and further massacres, and his recommendation 4 (b) about the convening of an international conference. The Committee also underlines the conclusions of the representative of the Secretary-General on internally displaced persons (see E/CN.4/1995/50/Add.4) concerning the importance of international action to secure the return of displaced persons.

The Committee decides that this text should be transmitted to the United Nations High Commissioner for Human Rights.

1097th meeting
16 March 1995

CERD A/51/18 (1996)

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

A. Decisions adopted by the Committee at its forty-eighth session

30. The following decisions were adopted by the Committee under this agenda item at its forty-eighth session.

...

Declaration on the situation of Rwanda

Recalling its Concluding Observations on Rwanda adopted at its 1039th meeting, on 17 March 1994, and its decision 7 (46) of 16 March 1995, the Committee on the Elimination of Racial Discrimination considers that the presence in Rwanda of the United Nations Assistance Mission for Rwanda (UNAMIR) is of capital importance to ensure the restoration of peace and security, and the normalization of public institutions, as well as to promote international cooperation in the quest for national conciliation and the restoration of the social fabric.

The existence of a considerable number of detained persons regardless of their ethnic origin, is also a matter of constant concern for the Committee. The persistence of certain organs of the mass media in Rwanda in inciting ethnic intolerance and distrust is a continuing obstacle to the efforts for peace. To bring this situation to an end, the Committee considers that the United Nations presence is essential.

The current efforts by the international community in Rwanda will not be sufficient to establish lasting peace, reduce the deep-seated causes of instability and secure a return to democracy and the rule of law, unless structural measures are taken to secure agreement on the form of government acceptable to all people of Rwanda, to guarantee personal security for everybody and to build a democratic society. The Committee recommends the convening of a constitutional conference for that purpose, involving all parties to the conflict. The Committee is ready to assist in the preparation of such a conference in cooperation with other human rights bodies, notably the High Commissioner for Human Rights.

The Committee regrets the withdrawal of UNAMIR from Rwanda and believes that the Secretary-General of the United Nations and other United Nations bodies should keep under constant review the situation in Rwanda.

1153rd meeting
13 March 1996

B. Decisions adopted by the Committee at its forty-ninth session

31. At its forty-ninth session, the Committee discussed under this agenda item the situation in ... Rwanda ...

32. With respect to Rwanda, the Committee reiterated its concerns expressed in the Declaration on the situation in Rwanda adopted at its forty-eighth session, and it also reiterated its regrets at the withdrawal of the UNAMIR from the country. The Committee renewed its offer to assist in the preparation of a constitutional conference, in cooperation with other human rights bodies. During the discussion, the Committee commended the action undertaken by the Human Rights Field Operation in Rwanda to assist the rehabilitation of a judicial system in the country, and appealed for funds from the United Nations and its Member States to finance the United Nations activities in Rwanda. It decided to keep the situation in Rwanda on its agenda under its early-warning measures and urgent procedures.

CERD A/53/18 (1998)

Chapter II

Prevention of racial discrimination, including early warning and urgent procedures

...

A. Decisions adopted by the Committee at its fifty-second session

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Decision 4 (52) on Rwanda

1. The Committee, at its forty-ninth session, having received a delegation from the State party, invited the Government of Rwanda to submit a report for consideration at the Committee's fifty-first session (A/52/18, para. 372).
2. No report having been received, the Committee scheduled consideration of the implementation of the Convention in Rwanda for consideration at its fifty-second session under the procedure for the prevention of racial discrimination.
3. The Committee discussed the current situation at its 1263rd meeting. It regretted that the State party had not accepted its invitation to attend and furnish up-to-date information.
4. The Committee recalled its 1996 declaration on the situation in Rwanda (A/51/18, para. 30) and its dialogue with the delegation the following year. It noted that the climate of impunity persisting in some areas and the lengthy detention of accused persons under deplorable conditions did not assist the processes of ethnic reconciliation. The Committee expressed concern over the slowness of the process of rebuilding civil institutions, especially those of an independent judiciary, and about action to combat ethnic prejudice in accordance with article 7 of the Convention, and called on the international community to give increased assistance to those affected.
5. The Committee expressed alarm at reports that a new round of genocidal violence has commenced.
6. The Committee decides to reschedule this agenda item for its fifty-third session and earnestly hopes that the State party will accept its invitation to attend and engage in a dialogue with the Committee.

1274th meeting
20 March 1998

Chapter II

Prevention of racial discrimination, including early warning and urgent procedures

...

B. Decisions adopted by the Committee at its fifty-third session

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Decision 5 (53) on Rwanda

1. The Committee, at its fifty-second session, having expressed concern over the climate of impunity that persists in some regions of the country, the length of detention and the deplorable conditions in which accused persons are held, continuing delays in the rebuilding of civil institutions, especially those of an independent judiciary, and reports of renewed genocidal violence in sections of the country, decided to reschedule the consideration of Rwanda for the Committee's fifty-third session under the agenda item on prevention of racial discrimination, including early warning and urgent action.

2. Having expressed its earnest hope that the State party would accept an invitation to participate in a meeting of the Committee during its fifty-third session, the Committee notes with regret that the State party has not responded to its invitation to appear and that no written submission has been received from the State party for consideration during the fifty-third session.

3. The lack of information from the State party, notwithstanding, the Committee discussed the implementation of the Convention in Rwanda at its 1298th meeting.

4. The Committee expresses great concern over reports of ethnic violence occurring in the north-west of the country and along the border with the Democratic Republic of the Congo. The Committee also expresses concern over reports that the violence has spread to the central region of the country and across the border into the Democratic Republic of the Congo. The Committee calls on the Government of Rwanda and all parties to these conflicts to respect human rights and humanitarian law obligations at all times, in particular the International Convention on the Elimination of All Forms of Racial Discrimination.

5. The Committee also expresses its concern about the continued flow of arms into the region and calls on all States to enforce applicable arms embargos in the region.

6. The Committee calls on the Government of Rwanda to enhance cooperation with respect to the work of the International Criminal Tribunal for Rwanda and to take additional steps to publicize its proceedings.

7. The Committee calls on the State party to investigate allegations of serious ethnic violence and humanitarian law violations that may have been committed in 1996 and 1997 by, or under the command of, the Rwandan Patriotic Army, in Rwanda or in the Democratic Republic of the Congo,

as detailed in the report of the Secretary-General's Investigative Team charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo (S/1998/581, annex). The Committee endorses the recommendation in the report of the Investigative Team to expand the competence of the International Tribunal for Rwanda to cover such violations.

8. The Committee notes with concern that the mandate of the United Nations Human Rights Field Operation in Rwanda has come to an end and that the Government of Rwanda has refused to approve a new mandate with a human rights monitoring mission. The Committee expresses its strong opinion that a human rights mission in Rwanda must be established as a matter of urgency and calls on the State party and the United Nations to initiate a new round of discussions to ensure an international monitoring presence in the country.

9. The Committee recognizes that the Constitution of Rwanda guarantees all citizens equality before the law, without distinction based on race, colour or ethnic origin. Nevertheless, the Committee expresses concern about the under-representation of ethnic Hutus in important political and social institutions of the country.

10. The Committee also expresses its concern about the slow pace of national genocide trials and the legal deficiencies, including significant due process concerns. The Committee similarly expresses its grave concern about the deplorable conditions in which those accused of having participated in the genocide are being detained.

11. The Committee welcomes reports that members of the Rwandan Patriotic Army have been tried for grave human rights and humanitarian law violations that appear to have had an ethnicity-motivated character, including violations that were committed in the 1994 civil war and during the course of subsequent security operations in various regions of the country. Nonetheless, the Committee expresses its concern that some of these military trials appear to have been significantly lacking in basic due process guarantees. The Committee also notes that additional allegations of a similar nature remain to be investigated and, where sufficient evidence exists, soldiers and commanding officers must be prosecuted in a timely manner in proceedings that incorporate sufficient due process guarantees.

12. The Committee takes note of the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda.

13. The Committee welcomes steps leading to the establishment of the National Human Rights Commission in Rwanda and calls on the State party, without further delay, to nominate, from a broad cross-section of society, qualified members to the new posts on the National Human Rights Commission. The Committee recommends that technical and advisory services of the Office of the United Nations High Commissioner for Human Rights, including the assistance from members of the Committee, are extended to the National Human Rights Commission in Rwanda so that it can take up its functions and perform them effectively.

14. The Committee decides to bring this decision to the urgent attention of the Secretaries-General of the United Nations and the Organization of African Unity and the United Nations High

Commissioner for Human Rights so that this decision may be taken into account by those who have human rights and humanitarian responsibilities in the Great Lakes region.

15. The Committee decides to consider again the situation of Rwanda under this agenda item at its fifty-fourth session and expresses its urgent request to the State party to accept the Committee's invitation to appear before the Committee or to submit an updated report on conditions within the country, including security conditions and reports of escalating ethnic violence.

1299th meeting
19 August 1998

CERD A/54/18 (1999)

Chapter II

Prevention of racial discrimination, including early warning and urgent procedures

...

A. Decisions adopted by the Committee at its fifty-fourth session

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Decision 3 (54) on Rwanda

1. The Committee recalls its earlier decisions on Rwanda under the early warning and urgent action procedures, notably its decision 5 (53) of 19 August 1998, which it reconfirms.
2. The Committee is aware that the security conditions in the country are closely linked with the security conditions in the Great Lakes region as a whole. In this connection the Committee is profoundly disturbed by the flow of arms into and within the Central African subregion, which is a major cause of insecurity and instability. The Committee repeats its call on all States to enforce arms embargos in the region.
3. The Committee remains deeply concerned at the continued serious violations of human rights and international humanitarian law in the country, and notably of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, in particular those set out in article 5, paragraphs (a) and (b), relating to the right to equal treatment before the tribunals and the right to security of person and the protection by the State against violence or bodily harm.
4. The Committee supports and encourages the efforts of the Government of Rwanda to prosecute gross violations of human rights and international humanitarian law committed by certain parts of its armed forces and stresses the need to increase the capacity of the Rwandan Patriotic Army to conduct internal investigations and bring accused persons to trial with due respect for basic fair trial guarantees.
5. The Committee welcomes progress in the administration of justice and the growing number of judges, prosecutors and defence lawyers taking part in administering justice, but it is aware of the immense needs and problems to meet the requirements of an expeditious, effective and fair justice system. The Committee appeals to the United Nations, Governments, as well as other organs of civil society, to continue to help strengthening the justice system of Rwanda.
6. The Committee repeats its regret that the mandate of the United Nations Human Rights Field Operation in Rwanda has come to an end and calls again on the State party and the United Nations to renew on an urgent basis their discussions aimed at ensuring an international monitoring presence in the country.

7. The Committee urges the State party to take all necessary measures to expedite the creation of the long-awaited National Human Rights Commission which should be an independent institution in accordance with the international principles relating to the development of independent, broadly based and pluralistic national institutions for the promotion and protection of human rights.

8. The Committee welcomes the readiness of the State party to continue the dialogue with the Committee and stresses the need that the situation in the country be further and thoroughly examined in the light of its earlier decisions and on the basis of the twelfth periodic report (comprising also the eighth, ninth, tenth and eleventh periodic reports) due on 16 May 1998. The Committee decides to schedule this examination at its fifty sixth session.

1332nd meeting
19 March 1999