

UNAMIR

HUMAN RIGHTS REPORTS

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Human Rights in Rwanda
Les droits de l'homme au Rwanda
Uburenganzira bw'ikiremwa muntu mu Rwanda

Rebuilding the Optimism of Rwanda's Youth - Human Rights Club Meets Weekly

By Ben Majekodunmi, EU Contributing Officer

Every Saturday afternoon a group of young Rwandans aged between 15 and 24 meet at the Belgian School to discuss, debate and learn about human rights.

Initiated two and a half months ago by five friends, the foundation of the Kigali Human Rights Youth Club was based on the recognition that Rwanda's youth was victim, observer and participant in the genocide that tore their country apart in 1994. The survivors of those tragic and terrible months, whether in schools and

universities, in prisons, in refugee camps, workers in Kigali or in the countryside are what is left of Rwandan youth. It is upon this youth, divided by suffering and sorrow and by a shattered and very much shortened childhood, that the future of Rwanda now lies. How can that future have a hope if the people upon whom it depends are divided by anger and fear and the legacy of ethnic divisions left by Rwanda's history?

This was the question put by the five

founding members of the human rights club at their first meeting with the representatives of the UNHCHR's Technical Co-operation Unit back in June. They felt that Rwanda's youth has something to say about the events that have swept their country. During the first meeting basic ideas were drawn up with a list of objectives. UNHCHR offered support and assistance in terms of human rights education, advice, guidance when needed, encouragement, transport and

Les Consequences du Genocide et de la Guerre sur la Situation Actuelle de l'Enfance

Par Luciana M. Casanova, EU Contributing Officer

Au cours du génocide et de la guerre, l'ensemble des droits de l'enfant et des règles qui devraient les protéger ont été systématiquement bafoués. De nombreuses victimes furent des enfants. Le nombre d'enfants et d'adolescents massacrés est actuellement inconnu tout comme le nombre d'enfants torturés, mutilés ou violés. Dans certaines régions du pays, nombreux sont les enfants qui sont handicapés ou qui portent les traces des actes innombrables perpétrés contre eux.

Au cours de cette même guerre, d'autres enfants et adolescents ont été poussés à commettre les crimes les plus abominables souvent contre leurs congénères avec

De nombreux enfants ont perdu leurs parents que ceux-ci soient morts ou que les mouvements de fuite les aient séparés. Pour la seule Préfecture de Ruhengeri, les

*Mbese har'umwana wabuze?
Mbese ha'umwana wakiriye yarabuze umulyango
we? Reba kurupapuro rwa 8*

lesquels, quelques temps auparavant, ils jouaient.

enfants non accompagnés et les orphelins d'un ou de deux parents sont plus de 29.000, ce qui représente environ 3 % de

la population totale. Dans d'autres régions, ce chiffre est encore plus élevé. Ainsi, dans l'ensemble constitué par les Préfectures de Kigali-ville et Kigali-rural, le nombre d'ENA et d'orphelins est largement supérieur à 100.000.

Les centres destinés à assister et à subvenir aux besoins de ces enfants sont malheureusement insuffisants. L'ampleur du phénomène en est la cause. Dès lors, en majorité, ces enfants vivent dans des familles d'accueil qui la plupart du temps sont trop démunies pour subvenir aux besoins de leurs propres enfants; ainsi, elles sont nombreuses à se trouver dans l'incapacité d'envoyer leurs propres enfants à l'école.

D'autres orphelins et enfants non accompagnés vivent dans la rue où soit ils pratiquent de petits métiers - vendeurs ambulants de cigarettes, de cassettes- qui leur rapportent rarement de quoi subvenir à leurs besoins principaux - tels que la nourriture, l'eau, les soins de santé... -ou bien deviennent des mendiants, ce qui les rend encore plus vulnérables tant du point de vue physique que psychologique. Ces enfants de la rue n'ont actuellement aucun accès au système d'instruction; tout ce qu'ils "apprennent" risque de les mener

indiscutablement à la délinquance et à la prostitution. La vie à laquelle ils sont initiés ne leur permettra jamais de sortir de la précarité. Diverses ONG, en accord avec le Gouvernement et des Organisations internationales ont lancé actuellement des projets en vue "d'appriivoiser" ces enfants et de les réinsérer dans la société, notamment en leur offrant un toit et en les intégrant dans le système éducatif.

La plupart des enfants du Rwanda portent en eux les traumatismes consécutifs au génocide et à la guerre. Ces traumatismes, même s'ils ne sont pas décelables, n'en sont pas pour le moins réels et risquant de gâcher la vie tout entière de ces futurs adultes. Si le rôle des autorités et de divers organismes est d'envoyer sur le terrain des spécialistes en vue de prendre connaissance de la situation et si possible de soigner de tels traumatismes, le rôle des adultes qui les entourent - et tout particulièrement des femmes - est d'aider ces spécialistes en leur faisant part de ce qu'elles remarquent d'étranges dans le comportement quotidien de ces enfants.

Il est de plus nécessaire de se poser la question de ce que ces enfants ont appris au cours de la période du génocide et de la guerre? Des images de mort, de violence leur ont été inculquées. A des âges où la personnalité se consolide, au lieu d'être sensibilisés aux valeurs universelles de paix, d'armour, d'amitié,... les événements de l'année dernière ont gravé en eux des valeurs négatives de guerre, de haine de l'autre et de violence. Ces images ne pourront jamais être détruites. Cependant, les valeurs positives doivent totalement être intégrées par ces enfants si l'on ne veut pas qu'un jour les manifestations de haine de l'année dernière ne se répètent, et si l'on veut rompre le cercle vicieux intentionnellement créé et entretenu par certains pendant de nombreuses années. Etant donnée le rôle essentiel des femmes dans l'éducation des enfants, ils incombent à celles-ci d'apprendre, d'inculquer les valeurs positives, tant à leur entourage car c'est sur eux, et donc à travers les femmes, que repose la paix future de cette société.

Cette éducation ne demande pas une formation poussée de ceux qui la donnent

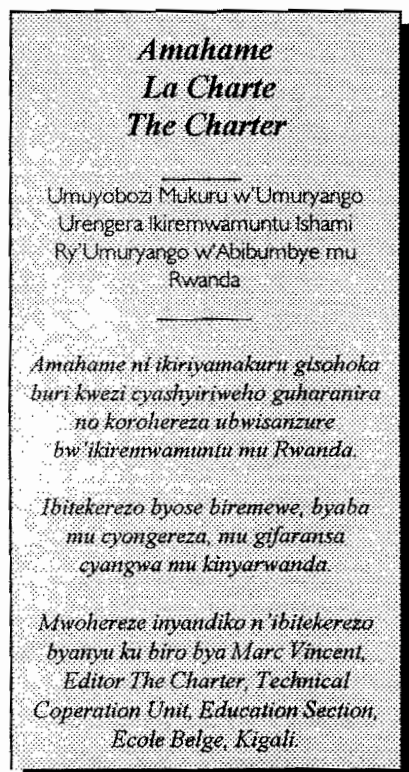
mais passe par des gestes de la vie de tous les jours. L'enfant acquiert, en effet, la plupart des valeurs fondamentales sans savoir qu'en tant que telles ces valeurs existent mais simplement en observant son entourage agir et en imitant ou en reproduisant les comportements observés. Ainsi, se transmettent d'une génération à l'autre des comportements aussi bien positifs que négatifs. Il est donc essentiel que les femmes, après avoir acquis les valeurs fondamentales qui sont la base des droits de la Femme et de l'Enfant en particulier, les traduisent en comportements et les mettent en pratique afin de les transmettre aux futures générations.

Human Rights Club Hoping to Expand

(From Page One)

meeting places. More recently UNHCHR assisted in providing a link with youths in other areas of the country. It remains possible that teams in other prefectures will initiate similar groups around the country to eventually create a network of human rights youth groups.

The club is intended to unite, on a weekly basis, young Rwandans interested in learning about human rights and discussing their place in Rwanda and how they feel that human rights can play a positive role. Every week there are discussions on subjects which are relevant to human rights but which also raise issues that are common to Rwanda: thus, topics such as 'what is a minority and how are they defined?', 'why did the genocide occur and what would you do to prevent it from happening again?', 'what are the problems faced by young people in other countries and how do young people deal with these difficulties (a series of discussions on a country-by-country basis, with each debate being led by a member of the UNHCHR from that country) are covered during the meetings. The very first subject covered was perhaps the most vast and the most difficult to answer, 'what are human



rights'.

The Human Rights Club is not a forum for teaching but rather an incentive, an opportunity and a stimulus for discussion and debate; it is a means to raise awareness and to present alternatives. The emphasis is entirely on its members who decide their own agenda and who take the majority of the initiatives through votes and through the work of a committee of members.

With 45 members the activities have expanded to include writing articles, creating songs and poems, performing a play and making trips to other parts of the country, all with a human rights theme. Talks are given by members of Rwandan human rights NGOs and by various personalities. The intention is that as the club gains in confidence and stability, trips will be organized to visit and talk with young people in other prefectures of the human rights work being accomplished by this group in Kigali and ultimately it is

hoped to create similar groups all over Rwanda with a budget and structure independent of the UNHCHR.

If anything, the enthusiasm and energy and initiative of these young people is a testimony to the possibilities that await a peaceful Rwanda and above all a statement and cry that shouts out that human rights, in spite of everything that has happened, are alive.

Dore Ingendo y'ubumwe mu Rwanda Rushya

Igice cya Gatuta: Ikiganiro cyateguwe na Ministeri y'umulimo n'imibereho myiza y'abaturage: ubuyobozi bwo Guhugura no kiwigisha abaturage

(Note du rédacteur: Les lecteurs francophone vont trouver l'article suivant en français à la page 6)

Ibyo tumaze kubona byatweretse ko ubumwe atari amagambo gusa cyangwa indirimbo zo kurindagiza rubanda. Ubumwe bufite inkongi nyakuri zashimangiye na basogokuru. Ariko byanatweretse kandi ko amacakubiri nayo yagiye atobera ubumwe mbese ni kwa kundi iterambere ry'abantu rigenda risunikwa n'ihiganwa hagati y'ikibi n'ikize. Ubwo rero biraboneka ko ari intambara abanyawanda tugomba guhora turwana ubudahwema kugirango ubumwe butsinde amacakubiri. Igihe cyose n'aho turi hose tugomba kugendera ubumwe.

Mu Matwara Rusange

Tugomba guhora twibuka ko ubuzima bw'umuntu buzira bukurizwa; ko abantu tungana; ko tunganya uburenganzira mu gihugu cyacu; ko tugomba kukibabamo, tugasangira uduke gifite ntatwonesha no gukandamiza naho twaba tudasangiye ubwoko, akarere, idini, imigambi n'ibitekerezo.

Muri Politiki

Amashyamba agomba gushingira ku migambi inyuranya yo guteza imbere ineza ya bose. Iyo demokarasi ikaba iyo kurushanirizwa amajyambere y'igihugu cyacu. Mu matora, Rubanda ikerekana ko yahisema imigambi y'iterambere iyinogeye gusumba iyindi. Nyamwinshi ikerekana ityo gahunda ibereye igihugu muri icyo.

Mu Burezi

Abana bacu twabateza gukunda igihugu cyabo bakiri bato. Tukabereka cyane cyane ibibahuzaga maze bagakurana igitekerezo cy'uko mbere na mbere ari abanyarwanda ku buryo bungana. Ibyo kuba umutwa, umututsi, umuhutu bikaza bisa nk'uko umuntu ashobora kuba ari inzobe undi ari igikara cyangwa mugufi undi muremure kandi bava indimwe.

Bidusaba rero kongera tukandika amateka y'u Rwanda maze tukabigisha amateka ATAGORETSE nk'uko mu bihe bishize bagiye bayigisha bagamije kurengera inyungu za bamwe. Abana bacu tukabereka neza ibibaza nyakuri byugariye igihugu, mazi bagakurana intego yo kubirwanya no kubishakira imiti.

Mu kazi no Mashuri

Tugomba kwamagama twivuye inyuma cya gitekerezo cyemeza ko hari abavukana imbuto nk'uko bagiye bavuye ngo: "Naka ntiyashobora gutegeka," ngo "Naka ntiyashobora igisilikara kuko ananitse," ngo "Naka avuye ku buperezida ntawundi tuzabona."

Tukongera kandi tugaca ikimenyane na bitugukwaha kuko bitera ubupfu bigasubiza igihugu inyuma kuko iyo umuntu bamuhereye ibyo arabigendera ntakore kandi ntamugayo kuko aba atabishoboye. Twakurikiza inzira

y'ubushobozi n'akamenyero: iryo higanwa twarigenzurira mu bikorwa kuko umuntu urusha abandi ntatinda kwiyerekana iyo asebwa n'abantu bacisha mu kuri.

Mu Bukungu

Umunyarwanda agomba kumenya ko umutungo w'igihugu ari uwekandi ukaba uwabose. Akawuteza imbere aziko uzamugirira akamaro kandi agatinya kuwonona kuko azi ko atawigengaho. Ntariye nkawa mushumba mubi ugurishiriza amatungo ya shebujamu rwuri. Umutungo agomba rero kumva ko afite uruhare mumucungire y'uwo mutungo kandi abamuhagarariye bagomba kumva ko bafite inshinganozo kumwerekako uko ukoresheya.

Mu'itangazamukuru: N'Imiryango yigenga

Ibinyamakuru, amaradiyo, amateleviziyo, imiryango irengera ikiremwa muntu, imiryango iharanira inyungu z'abakozi, inzego z'amadini n'ibindi bigo bitegamiye leta ni byo bigomba kuba ijisho n'ugutwi bya Rubanda. Cyane cyane imiryango y'urubiruko, nibyo bigomba kurebera abaturage hagira igihungabyanya inyungu zabo maze bigahaguruka bigahagarara bigateza ubwega, bikavuye induru bikayigira ndende. Abaturage bakayakira maze mu matora akurikiyeho bakaba ariho bihanira abanyapolitiki bitwaye nabi.

Mu Bucamanza

Igihugu kigomba kugira amategeko kigenderaho. Ayo mategeko agomba kwigwa nta bwiganze. Agashyirwaho ku neza ya bose kandi agakurikizwa kimwe kuri bose Abacamanza bakirinda kubogama, bakaba inyanga mugayo: inda bakayizirika umukanda. Ya demokarasi dushaka ikaba ariyo itandukanya urwego rw'ubucamanza n'izindi nzeho z'igihugu. Umucamanza yakumva ko haregwa Minisitiri ntakanure amaso yibaza uko azaruka. Umupolisi wakoze anketa ntayirigise kuko abonye ko igana kuri koleneli runaka.

Umunyarwanda akamenya ko hari amategeko amuhana igihe yakosheje kandi akaba ari nayo amurengera igihe ahohotewe.

Umwanzuro: Ubutabera

Uwavugaga ibyo twakora ngo ubumwe buganze amacakubiri bwakwira bugacya. Akenshi ndetse usanga tuvugabyinshi twifuzaga ariko icy'ingenzi tugahora tugicaho. Burya Ubutabera nibwo bwa nya mbere. Mbere yuko tuvugaga: umutekano, ubumwe, amahoro, ubwiyunge, gusana imitima n'ibindi byifuzaga byiza turiramba, tujye tubanza twibaze tuti: "Ese ubutabera buriho mu gihugu?" Kuko ubutabera bwubahirijwe ibindi byose byasesekara mu gihugu. Hariho umugabo wavuze ati "Ubumwe buba munda." Koko rero ntabwo wakwibura ibyiza by'igihugu dusangiyemo ngo hanyuma uze kunyigisha ubumwe ngo nkwehere. Ubutabera niyo nzira nyakuri y'ubumwe: tugomba gusaranganya umutungo w'igihugu cyacu nk'uko twufite ntiha gire abahenda abandi.

Igihe unyime ishuri, akazi, umwanya mwiza uhereye ku bintu bitanturutseho nk'ubwoko, akarere, umuryango, n'ayandi mafuti, icyo gihe uba ushatse kunyisha inzara kandi undenganyije: uba unkandamije. Nanjye nkora uko nshoboye nkakurwanya, bwa bumwe tukabugira ubusa: tukabujajwe. Mbega icyo mwumva hirya no hino barwana mwibaza ko baba bapfa iki? Haba hari abarenganyije abandi mu byo basangiyemo. Igihe dusangiyemo igihugu ntiwavugaga

ngo: "Genda ugihere inyuma" cyangwa ngo: "Hama hamwe nkikunigiremo." Sinshobora kubikwemerera kandi ntiwibeshya ngo simbibona: bitinde bitebuke tuzabipfa.

Aho guhera rero mu ntambara, nimuze twese twige ingendo y'ubumwe aribwo Butabera.

SOUVIENS-TOI ET SOIS VIGILANT CAR, J'AI, TU AS, IL A, NOUS AVONS, VOUS AVEZ, ILS ONT :

(Cette liste est indicative seulement)

A. DES DROITS FONDAMENTAUX.

1. Liberté. - Tous les êtres humains naissent libres et égaux.
2. Egalité. - Tous les êtres humains naissent libres et égaux en dignité et en droit.
3. Protection de la loi. - Tous ont droit sans distinction à une égale protection de la loi.
4. Sécurité. - Tout individu a droit à la sécurité de sa personne.
5. Vie. - Tout individu a droit à la vie.

B. INTERDICTIONS

6. Nul ne sera tenu en esclavage ni en servitude.
7. Nul ne sera soumis à des traitements cruels, inhumains ou dégradants.
8. Nul ne peut être arbitrairement arrêté, détenu ou exilé.
9. Nul ne sera soumis à la torture.
10. L'esclavage est interdit sous toutes ses formes.

C. DROITS DU TRAVAILLEUR.

11. Toute personne a droit au repos et à des congés payés.
12. Toute personne a droit à une protection contre le chômage.
13. Toute personne a droit de s'affilier à des syndicats.
14. Quiconque travaille a droit à une rémunération équitable.
15. Toute personne a droit au travail.

D. DROITS GENERAUX.

16. Toute personne a droit à un niveau de vie suffisant pour assurer ses soins médicaux.
17. Toute personne a droit à un niveau de vie suffisant pour assurer son alimentation.
18. Toute personne a droit à un niveau de vie suffisant pour assurer son habillement.
19. Toute personne a droit à l'éducation. L'enseignement primaire est gratuit et obligatoire.

E. DROITS DU CITOYEN.

20. Nul ne sera l'objet d'atteinte à son honneur ou à sa réputation.

21. Nul ne sera l'objet d'atteintes arbitraires à sa vie privée, son domicile ou sa correspondance.
22. Toute personne a droit de circuler librement à l'intérieur d'un Etat.
23. Toute personne a le droit de choisir son lieu de résidence à l'intérieur d'un Etat.
24. Toute personne a le droit d'entrer et de sortir de son pays.

F. DROITS POLITIQUES.

25. La volonté du peuple est le fondement de l'autorité des pouvoirs.
26. Toute personne a le droit à ce que sa cause soit entendue publiquement par un tribunal.
27. Toute personne a droit à la liberté de réunion et d'association pacifique.
28. La volonté du peuple s'exprime par le suffrage libre et universel.
29. Toute personne a le droit d'accéder également aux fonctions publiques de son pays.

G. DROITS DE FAMILLE.

30. L'enfance a droit à une aide et à une assistance spéciale.
31. La famille, fondement de la société, a droit à la protection de l'Etat.
32. L'homme et la femme peuvent se marier librement.
33. L'homme et la femme ont des droits égaux dans le mariage et hors mariage.
34. La maternité a droit à une aide et à une assistance particulière.

H. DROITS DE L'INDIVIDU.

35. Toute personne a le droit de recevoir et de répandre les idées par tous les moyens d'expression.
36. Nul ne peut être arbitrairement privé de sa propriété.
37. Toute personne accusée d'un délit est présumée innocente jusqu'à ce que sa culpabilité soit clairement établie.
38. Toute personne a le droit de pratiquer ou de changer sa religion.
39. Toute personne a le droit à la liberté de la pensée.

Les Commissions de Triage - Une Analyse

(Note de rédacteur: l'Article suivant est basé sur les extraits du Troisième Rapport de L'Unité de Cooperation Technique)

Introduction

Une analyse de la Commission de Triage est complexe. La Commission, son existence, son fonctionnement et son impact sont une source potentielle de division et de controverse.

L'idée de la Commission est née dans un contexte de génocide sans précédent dans son ampleur et dans sa cruauté. La société était entre-déchirée, le gouvernement et les institutions décimés en terme de personnel et de matériel.

Vue dans une perspective des Droits de l'Homme, la Commission présente à la fois des aspects positifs et négatifs:

- Aspects positifs:
- Les individus illégalement accusés de génocide ont été relâchés.
 - La Commission de triage a aidé le gouvernement à se focaliser sur les limites des mesures de poursuites, ce qui a eu comme résultat de plus amples investigations pour un certain nombre de cas.
 - La Commission met ensemble tous les acteurs importants du système judiciaire dans le but de maximiser les ressources disponibles dont le gouvernement rwandais a besoin pour répondre à la situation actuelle.
 - C'est un effort fait par le gouvernement pour faire face au réel problème de capacité.

Aspects négatifs:

- C'est une institution qui normalement ne devrait pas exister; avec son fonctionnement actuel, elle déplace certaines fonctions qui en principe devraient être accomplies par un personnel judiciaire ayant une formation et l'expérience requises.
- Les critères, en ce qui concerne les éléments de preuves et la procédure de

sélection des cas, sont ambiguës et ouverts à des interprétations arbitraires et variées.

Dans les circonstances de post-traumatisme, dans lesquelles se trouve le Rwanda aujourd'hui, compte tenu des capacités limitées du gouvernement, une totale conformité avec les normes nationales et internationales peut s'avérer impossible à obtenir à court terme. Il est néanmoins imprudent et indésirable d'institutionnaliser des réponses *ad-hoc*, spécialement quand de telles institutions peuvent ralentir la procédure vers la normalisation et la conformité à la loi. De plus, il y a un manque de transparence à la fois des opérations et décisions internes de la Commission.

Cette institution n'a encore pas fait relâcher un nombre significatif de détenus. S'il n'y a aucun changement, la Commission de triage n'aura pas un impact considérable sur la population carcérale. Vu son fonctionnement actuel, la Commission de triage n'a aucun apport pédagogique sur les agents impliqués dans les procédures d'arrestation compte tenu de l'éloignement et le temps passé avant que les cas soient examinés. Néanmoins, jusqu'à ce que le système judiciaire commence à fonctionner, il est souhaitable sinon nécessaire que le gouvernement réexamine les cas actuellement en suspens.

A l'époque où le rapport avait été écrit, la Commission de triage fonctionnait dans toutes les préfectures sauf celles de Kibuye et de Gikongoro. Dans le mois d'août, elle a commencé à fonctionner à Gikongoro.

L'histoire de la Commission

Conformément à l'article 10 du Code de procédure pénale, une Commission avait été mise en place par le gouvernement au mois de mars pour examiner les dossiers de personnalités et de Magistrats. Cette Commission était composée du Premier Avocat général (qui la présidait), des représentants du service de renseignement de la Primature, du Ministère de la Défense et

du Ministère de l'Intérieur (voir supplément au rapport 1). Après une visite effectuée dans tout le pays, un rapport a été remis au gouvernement. Ce rapport contenait toutes les fiches individuelles des 56 cas examinés avec les informations suivantes: l'identité de l'individu, le lieu, l'auteur et la date de son arrestation, l'infraction, les preuves à charge et à décharge et l'avis de la Commission sur le cas quant aux charges et preuves retenues contre la personne (il faut noter que les décisions devaient être prises à l'unanimité.). Le gouvernement après examen de ce rapport lors d'une session du Conseil des Ministres du 18/7/1995, décide que le contenu (les recommandations y compris) du rapport soit mis à exécution. Les 22 recommandations pour une remise en liberté provisoire ont été suivies. L'une des personnes remises en liberté a été tuée depuis et une autre a fait l'objet d'une arrestation.

La première Commission de triage à fonctionner fut celle de Kigali. Dans une lettre datée du 31 mars 1995, le Ministre de la Justice donna pour instruction à tous les procureurs de mettre en place une commission similaire dans leur préfecture.

Les Commissions sont généralement formées selon les vœux du Ministre de la Justice de quatre membres dont, un procureur et des représentants des Ministères de la Défense, de l'Intérieur et d'un agent du service des renseignements de la Primature. Exception faite des préfectures comme Gitarama où il n'y a pas de gendarmerie. La Commission de triage est chargée d'examiner les dossiers pénitentiaires et judiciaires des détenus pour s'enquérir du respect des procédures d'arrestation, de la légalité des dépositions et des éléments de preuve. Ceux illégalement emprisonnés seront remis en liberté. Dans la plupart des préfectures, trois votes sur quatre sont nécessaires pour prendre une décision de remise en liberté provisoire. Cependant, dans quelques préfectures, la pratique est d'atteindre le consensus avant toute remise en liberté.

Recommandations

1. Une attention toute particulière devrait être

portée aux procédures d'arrestation et de détention pour les rendre conformes aux Droits de l'Homme. Un réexamen particulier des cas de ceux qui sont déjà détenus nécessite un système judiciaire fonctionnel

2. Les normes nationales et internationales doivent être suivies. Des plans réalistes avec un délai précis et un objectif devraient être arrêtés pour tous les agents impliqués dans les arrestations pour voir comment ils gagneront éventuellement en conformité avec la loi.

Il est par exemple possible de parvenir à une plus grande implication de l'agent d'arrestation. La révision des cas pourrait être faite rapidement par un Officier du Ministère Public en présence de l'agent d'arrestation. Premièrement cette révision interne aurait lieu dans un délai de dix jours pour progressivement atteindre la conformité aux procédures légales actuelles dans six mois. Tous les détenus pourraient être transférés dans les prisons centrales, seulement après que les conditions de la mise

en détention préventive soient réunies. Ce processus pourrait durer 20 jours pour progressivement atteindre la conformité totale à la loi sur une période de six mois.

3. Des procédures mis en place par la gendarmerie, les bourgmestres et les procureurs pour obtenir toute conformité à la loi devraient être soutenus et des ressources immédiatement rendus disponibles.

4. Des structures et des procédures qui créent une réelle collaboration entre les agents d'arrestation devraient être mises en place et soutenues. Les groupes de travail sur la réhabilitation du système judiciaire déjà existants dans quelques préfectures avec les bourgmestres et la gendarmerie devraient être soutenus. Des rencontres régulières d'une fois toutes les deux semaines ou d'une fois le mois devraient être encouragées. Un budget devrait être mis à la disposition de ces groupes de travail pour répondre aux besoins actuels que nécessite le processus de légalisation des arrestations et des détentions.

5. La Commission de triage devrait être en place seulement jusqu'à ce que le système judiciaire fonctionne; Les efforts pour mettre en place le système avant six mois devraient être soutenus.

6. Les membres de la Commission de triage devraient être soutenus dans l'accomplissement du rôle qui leur est imparti dans les limites de la loi, mais la commission en tant qu'institution ne devrait pas être supportée.

7. Si la Commission de triage continue de fonctionner, le gouvernement devrait définir son délai de fonctionnement, les éléments de preuve à considérer (en tenant compte de la formation juridique de ceux qui sont impliqués), s'assurer de la transparence de la procédure de sélection des cas et des décisions, et commencer une campagne d'éducation publique pour expliquer la fonction et l'utilité de la commission de triage.

Quelques Demarches à Suivre pour Arriver à Notre Unité

Conférence préparée par le Ministère du Travail et des Affaires Sociale, Direction de Education Populaire

(Cet article est la traduction de l'article à la page Une. C'est le dernier article d'une série de trois.)

Ce que nous avons vu précédemment nous montre que l'unité ne se limite pas seulement au slogan démagogique au peuple, non plus aux mots flatteurs qui ne restent que lettre morte. L'unité a des piliers solides érigés par nos ancêtres. Nous avons également pu nous rendre compte qu'il y a eu des divergences qui ont entravé notre unité et notre développement en général. De tout cela, il en découle que nous avons affaire à une bataille très difficile et que nous devons absolument dépasser certains cadres de réflexion. L'unité doit vaincre les divisions quelque soit l'origine. Où que nous soyons, qui que nous soyons, nous devons toujours prêcher l'unité.

DANS L'ENSEMBLE :

Nous devons toujours veiller au respect de la vie humaine, savoir que nous sommes tous égaux, que nous avons les mêmes droits dans notre pays, que nous devons vivre ensemble dans notre pays, partager le peu qu'on a sans distinction de race, de région, de religion, et en reconnaissant le droit de chacun de penser

DANS LA POLITIQUE :

Les parties politiques doivent avoir des conceptions idéologiques différentes mais qui sont constructives. La démocratie doit être un outil modèle de développement. La population doit pouvoir exprimer ses souhaits par voie

electorale. La majorité doit gagner mais pour une cause noble et raisonnée.

DANS LE SECTEUR DE L'EDUCATION.

Nous devons enseigner nos enfants à être des patriotes au bas âge. Nous devons leur montrer apprendre ce qui leur unit et leur expliquer qu'ils sont avant tout des Rwandais et qu'ils sont égaux. Le fait d'être Hutu, Twa, ou Tutsi importe peu. Il faut leur expliquer qu'on peut être court, trapu, long, nain, avoir une peau noire foncée ou claire alors qu'on est des même parents.

Cela nous demande de revoir notre histoire, et apprendre celle-ci à nos

enfants. Elle doit être revue car certains l'ont déjà transformée pour défendre leurs intérêts. Nous devons montrer à ceux-ci les vrais problèmes auxquels fait face notre pays, et leur expliquer que c'est à eux qu'incombe la solution.

DANS LES SERVICES PUBLICS ET DANS LES ECOLES.

Nous ne devons ménager aucun effort pour combattre les idées comme quoi il y en a qui naissent prédestinés pour diriger et d'autres pour être dirigés. Nous devons combattre des idées comme quoi par exemple tel Président est irremplaçable, comme quoi tel ou tel autre ne peut pas diriger parcequ'il n'est pas de telle ou telle ethnie. Ainsi, l'octroi des fonctions administratives doit suivre la capacité des individus, l'expérience, bref à ceux qui les méritent.

DANS LE SECTEUR DE L'ECONOMIE.

Tout Rwandais doit savoir que le patrimoine de l'Etat est pour tout le monde. Tout le monde doit contribuer au développement du pays. Tout le monde est concerné par la gestion du patrimoine de son pays. La transparence doit régner quant à la gestion du patrimoine de l'Etat.

DANS LES SECTEURS DE L'INFORMATION ET LES ORGANISATIONS NON-GOUVERNEMENTALES.

Les journaux, les radios, les chaînes de télévision, les organisations de défense des Droits de l'Homme, les syndicats des travailleurs, les églises ainsi que des établissements publics et non publics doivent contribuer à l'unité du peuple rwandais. Les associations des jeunes doivent être les plus concernées et les plus encadrées sur la question de l'unité du peuple rwandais. Le peuple doit être informé sur ses droits et faire des revendications en cas d'atteintes à leurs intérêts. Le peuple doit pouvoir exprimer sa satisfaction ou son insatisfaction vis-à-vis de leurs dirigeants à travers les élections.

DANS LE SECTEUR DE LA JUSTICE.

Le pays doit être un Etat de droit. Les lois doivent être étudiées et fixées sans tendance et doivent être respectées et appliquées pour tout le monde. Le pouvoir judiciaire doit être bien séparé des autres pouvoirs de l'Etat notamment celui de l'exécutif et du législatif. Le juge ne doit pas avoir peur de juger le Ministre ou autre haut dignitaire ayant commis délit. L'officier de police doit mener ses enquêtes impartialement, à bon escient et sans aucune menace ou pression quelconque pesant sur lui. Le juge doit exercer ses fonctions sans autres formes de contraintes que professionnelles. La loi doit être observée et appliquée dans son intégralité, et cela pour tout le monde. Tout Rwandais doit comprendre que les sanctions qui lui sont appliquées en cas de ses délits sont celles qui le défendent quand il est offensé ou quand ses droits sont bafoués par autrui.

IV. CONCLUSION: LA JUSTICE

On ne peut pas entrer en détails de tout ce que l'on pourrait faire pour lutter contre les divisions. De toute façon, il est bien visible que la chose primordiale reste la justice. Avant d'évoquer l'unité, la paix, la réconciliation, ainsi que d'autres bons souhaits, il faudrait nous poser une question "Existe-t-il un système judiciaire

dans notre pays ?". En effet, la justice est le seul préalable à l'unité. La justice doit régner si on veut vraiment arriver à souder et à conserver notre unité. Comment peut-on penser à l'unité quand une partie de la population s'approprie du patrimoine du pays.

Une fois que vous me privez d'accès à l'école, au travail, si on attribue des belles occasions aux gens parcequ'il sont de telle ethnie, de telle famille ou clan ainsi sous d'autres formes de bassesses, cela constitue une forme d'oppression. Dans un cas pareil ainsi que pour d'autres actions opprobres, l'opprimé lui-aussi de son côté cherchera à combattre son oppresseur. L'optique d'unité sera mis de côté. Si on assiste à des conflits ici et là dans le monde, c'est que les opprimés veulent se libérer de leurs oppresseurs. Ces derniers ne veulent pas reconnaître les droits des premiers.

Du moment qu'on a un même pays, nous devons avoir les mêmes droits de jouissance quant à certains privilèges, sinon, tôt ou tard une lutte pourra s'en dégager. Au lieu de rester dans un système où se succèdent des guerres civiles, interminables et meurtrières, nous devons nous asseoir et réfléchir sur le problème qui handicape notre unité qui n'est autre que le manque de JUSTICE.

Amahame La Charte The Charter

Haut Commissaire aux Droits de l'Homme, Opération sur le Terrain au Rwanda

La Charte est un bulletin mensuel ayant pour objectifs de promouvoir et faciliter le discours des droits de l'homme au Rwanda.

Tous les articles, documents ou commentaires peuvent être soumis en anglais, en français ou en kinyarwanda.

Vous pouvez envoyer les articles à Marc Vincent, Rédacteur, La Charte, Unité Coopération Technique, Cellule d'Education, Ecole Belge, Kigali.

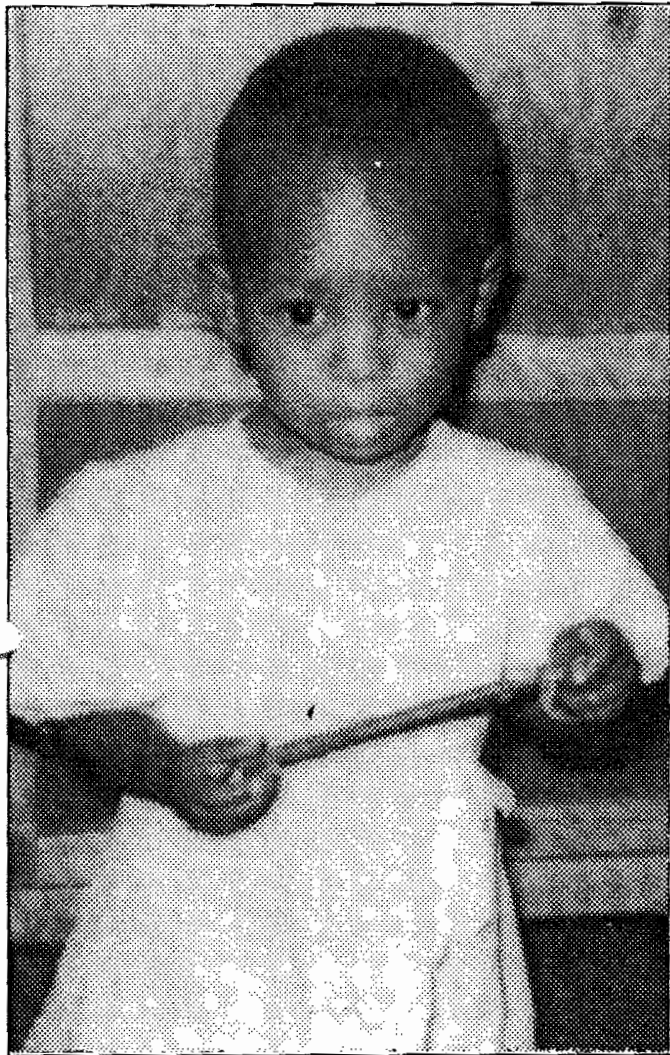
Amahame La Charte The Charter

United Nations High Commissioner for Human Rights, Field Operation in Rwanda

The Charter is a monthly newsletter designed to promote and facilitate Human Rights discourse in Rwanda.

All submissions are welcome in either French, English or Kinyarwanda.

Please forward submissions, letters or your comments to Marc Vincent, Editor, The Charter, Technical Cooperation Unit, Education Section, Ecole Belge, Kigali.



MBESE HAR'UMWANA WABUZE?

MBESE HAR'UMWANA WAKIRIYE YARABUZE UMULYANGO WE?

Imilyango SCF(UK)(Umulyango urengera abana ukomoka mu Bwongereza) na CICR (Umulyango utabara imbabare) izi byinshi ku byerekeye ibihumbi n'ibihumbi by'abana babuze. Iyo mulyango hamwe n'indi, ibifashijwemo n'ubutegetsi bwa buri karere, izakora amanama. isome amazina, yerekane amafoto kugirango irebe niba hari uwabamenya. Kur'ayo mazina bazongeraho ay'abana bo waba warakiriye mu mulyango wawe.

Uko abantu bazajya bitabira inama ari benshi ni ko amahirwe y'abo bana yo kubona ababo aziyongera. Ugerageze kumenya igihe hazabera inama hafi y'iwawe, hanyuma ugere ku biro by'iyi mulyango cyagwa se by'ubutegetsi bw'akarere utuyemo. **Mudufashe gufasha abana.**

Aba bana babiri ntabwo biyizi. Nubamenya uzegere ibiro byavuzwe haruguru. Urakoze.

HAVE YOU LOST A CHILD?

ARE YOU CARING FOR A CHILD WHO HAS LOST HIS FAMILY?

Save the Children Fund (UK) SCF(UK) and the International Committee of the Red Cross ICRC, have information on thousands of lost children. They, and other NGO'S are holding meetings, with the help of the local authorities, in your area soon. At these meetings they will read out the lists of children and display the photographs, hoping that someone will know them. They will also add to their lists the lost children you are caring for.

The more people who come to the meetings the more chance we have of finding the families/relatives of these children. Find out when there is a meeting near you or call into your local ICRC/SCF(UK) or local authority office.

Help us to find help the children.

Here are two children who do not know their names. If you happen to know them please contact the offices mentioned above. Thankyou.



The Twilight Church

(by Jacques Cloutier)

There are people whom you meet, whose faces, like a night's worth of dreams, you forget with the first lights of the morning. And then, then there are those whom you can't forget, they are the ghosts you refuse to meet. They are like the monks of Nyundo...

I stood in the room, there with many others, yet alone. We looked and gasped and wondered. One collective thought of horror, never spoken, never shared. Individuals compelled to look at the signs on the walls, unable to express feelings that could have bound, joined, cemented something that might have been already there. All of us the same, but then so different. I dwelled on the stains. Explosions of dark color that accounted each for a life. The novas were disseminated across the walls, telling their stories of how, when and where. All I needed to do was to imagine...

I remember driving up that alleyway, watching the soldiers, uneasy as they kept watch over the ghosts. In their language I could not understand, they exchanged jokes about the white man coming to watch the scenery and have his bit of war story to bring home.

The sun struck my eyes as I looked up to the second floor, and for a fleeting moment, I thought I saw you there. You were clothed in your garments, rehearsing the morning prayers, chanting to yourself these words so familiar to me, words that bring you closer to your god, or perhaps, bring him closer to you. I could hear one of you thinking about his parents, while another thought of angry words he had spoken. Yet another of a girl he once had loved, but whom he had to sacrifice for the god of obedience.

Through the stained glass windows, I could see the clouds of incense, lifted up as a prayer. I saw you walking together, towards the garden, missals in hand, as you recited prayers for the saints. And then they came.

One of you was still cooking breakfast for the others, another tending to the flowers, while the oldest prepared the lessons for the day. Life as always, praying, fasting, obeying, looking to emulate the One who died in order that we might all live. But then they came, and they came with a vengeance. One, two, four, twenty, a hundred. They were everywhere, there was nothing to do, nowhere to run, no scream loud enough to wake god up, no divine intervention, but wrath, anger, sick justice.

You watched bemused as the first of you brothers fell. You heard the sound of the blade as it soared through the air. You saw the circle of its motion as it hung, almost for an eternity, and was brought down with full force to rest against the slumping shape you once had known and loved. Petrified, you couldn't move. There was salvation in breaking for a run, but your legs could not obey to your mind.



They came, closer, closer, until their eyes were the center of your world, your universe. My god, my god, why have you abandoned me, you cried and the cold rush of pain filled your body. You had lived all your adult life in contrition, in shame because of your sins, hoping for salvation, for life after life, for redemption in the sight of your lord. You died in shame, in pain, in fear, less human than ever you thought possible, dignity spilling from you with your blood on the grass.

You hung above yourself. Saw the wounds on your body and could not believe what you were seeing. You saw them take the rest of your brothers upstairs and you watched as they killed every last one of them in that room where I now stand. Through your eyes I can see the horror, I can see the blood gushing and hitting the walls, I can see them dying again and again.

You are standing beside me as I leave the room. You are talking to me, telling me there is no rest for you, only darkness and pain. You tell me to recall your story, to let other people know what cruelty befalls humans when folly becomes their god. I want to smile, to tell you there is nothing I can do, that your god should have died to atone stupidity instead of sin, but you become insistent. You won't have no for an answer.

My group is leaving now. I want you to stay in this room, but you follow me. I want to forget about you, but you attach yourself as a shadow would. I want to get in my car, go home and not think of you, but you are my blood brother. I have met too many such as you, I know we are joined in an absurd marriage of circumstances and there is no walking away.

Every day, when I drive by the monastery at Nyundo, I will hear your prayers, I will see you walking in the garden alone, or standing watch over the wall where the remains of your brothers lay, not blessed, sadly forgotten. I will see you watch for me through the stained glass windows and hear your accusations, sense your reproach, understand your anger that all the world could do was to watch, to wait and now to visit you habitation of darkness.

I am angry too. Angry that I can't forget you. Angry that though we were many, we all left your church alone. Angry because where there could have been healing, there is only the potential to begin again the circle of violence, of hatred, shame and pain. Perhaps, if you tire of keeping watch over your brothers, of waiting for me, for the world to understand, you could spare a prayer for the rest of my own wandering soul... Itae missa est.

(Jacques Cloutier worked in Rwanda before returning to Canada. A friend of his submitted this piece, suggesting the quality of writing and the theme would be of interest to everyone. We print it with appreciation.)

Editorial: The Citizen, The State and Human Rights Promotion

Women's Rights in Rwanda, A Lot of Work Remains to be Done

By Ssentongo Sulaiman, Guest Writer

The Beijing Women's conference, which concluded at the end of September, has renewed the impetus in the promotion and protection of women's rights. As Mrs Hillary Clinton categorically stated in her opening speech on September 9, the great challenge for the conference was to give a voice to women everywhere whose experiences go unnoticed and whose voices go unheard. "Human rights are women's rights, and women's rights are human rights, once and for all," she also told the audience.

In the conference, Rwanda was represented by three women leaders who were headed by the Minister of Family and the Promotion of Women, the Honorable Aloysie Inyumba.

Although the conference helped push further recognition of women's rights a lot remains to be done in Rwanda as far as the promotion and protection of women's and children's rights are concerned. In this connection the writer carried out a discussion with six residents of Gikondo secteur, Kicukino Commune, Kigali Prefecture and discovered the following.

A business lady by the name of Florence Niyonsaba, who attained her education from the west criticized African culture as being traditional and oppressive to both women and children. "As a feminist by nature, I feel the women and children of Rwandan should put aside their differences and deal with the traditional cultural values which are stumbling blocks to the fight for our rights," she said. She added that traditional cultural values are drawing women back to the age of the ancestors when women were taken as men's belongings and had no freedom to express their grievances. Reliance on

oppressive traditional values ignores the fact that society is a dynamic entity. Niyonsaba's comments reminds us of the days of the French revolution when Napoleon Bonaparte denied women the right to education which he took to be a useless venture because women's work was essentially to stay in the kitchen. History served its lesson to Napoleon !!

In contrast to Niyonsaba's comments, Simon Ayishakiye, who is a staunch culturalist, expressed fear that in case the ancestors happened to return, they would react angrily to see that society had failed to preserve what had been left as ancestral heritage. "How can a husband perform the duties of his wife?" he asked, and also wondered if there was any sense to marriage if the sexes changed their roles. Ayishakiye is joined by comrades like John Mutabazi who is a civil servant and returnee from one country in East Africa. Mutabazi on his part wondered, after seeing a girl walk by in a miniskirt, whether women's rights meant a disregard for cultural propriety and confusion over the duties of men and women.

Two housewives, one of whom refused to disclose her identity and the second called Mrs. Kasunzu informed the writer it was against their husband's rules to indulge in such a debate. "What if my husband heard I said something not in his favor. Where could I get the food and accommodation he provides to me?" Mrs. Kasunzu asked.

To Mr. Kayitare, an opinion leader popularly known as "Museveni" the importance of promotion and protection of women's rights should not surpass respect for the culture that groomed them. "Women's rights and cultural promotion should go hand in hand." Kayitare's view has a lot of sense and is

similar in view to that of the secretary of the Smithsonian Institute, Mr. Michael Heyman, when he told his audience during the American Folklore Festival in June 1995 that "history does not stop and life of contemporary people cannot be reduced to an object in a cage or a sign on the wall."

From all these comments, one can deduce that the Rwandan society gets divided into three groupings in terms of the debate on women's rights, namely the feminists, the cultural traditionalists and the less informed citizens who, either out of ignorance or fear, take neither side and play a passive role.

Each of the mentioned groups has a point in its favor but the undisputed fact remains that women's and children's rights have to be respected for society to exist peacefully. This work can be accomplished by the citizens themselves, the state and human rights non-governmental organizations. The women should also be systematic with their demands so as not to antagonize other social values which may precipitate tensions and other human rights abuses.

A final note, many readers may be surprised to find a man writing about women's issues but what we should all keep in mind is that women's rights are not theoretical they are the rights of our mother's, sisters and daughters and they cannot fight their battle singlehandedly, they need help from their male counterparts....

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RWANDA AND BURUNDI

A call for action by the international community

September 1995

SUMMARY

AI INDEX: AFR 02/24/95

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The people of Rwanda and Burundi are waiting for justice. The governments of both countries have appealed for international assistance to establish who committed horrendous crimes against humanity in their countries and bring them to justice. Both governments have asked for assistance to help reconstruct the judiciary and police. Both governments have been disappointed with the response to their appeals.

As many as one million people are estimated to have been killed in Rwanda between April and July 1994. In September 1995, more than one year after the current government of Rwanda took power, the Rwandese people are still living in an atmosphere of tension, insecurity and distrust. The memories of the genocide committed by the forces of the previous government and militia are still fresh and inevitably condition political and human rights developments in the country.

The member states of the UN failed to take action to avert the genocide in Rwanda. The UN Human Rights Field Operation for Rwanda, set up after the bloodshed had largely ended, has been beset by lack of support from the rest of the UN and its member states, confusion over priorities, delays, and lack of training and resources. The operation is now playing a useful role in the protection of human rights, but it is still short of vital resources and is not publishing regular UN human rights reports.

On 8 November 1994 the UN Security Council established the International Criminal Tribunal for Rwanda to prosecute those responsible for genocide and other violations of international humanitarian law in 1994. However, states have been extremely slow to take the necessary steps to make this Tribunal effective.

The International Criminal Tribunal for Rwanda is investigating allegations against certain leaders of the former Rwandese government and army and other alleged instigators of crimes against humanity, including genocide, who are currently living outside Rwanda. It is imperative that all states take steps to cooperate with the Tribunal to ensure there is no sanctuary from justice for the perpetrators of crimes against humanity, including genocide.

International assistance to the devastated Rwandese judicial system has also been marked by a failure to deliver vital resources and expertise. Meanwhile, the Rwandese Transitional National Assembly has itself failed to pass the legislation necessary to allow foreign legal experts to participate at all levels in the Rwandese legal system.

In Burundi, two years after the slaughter of more than 50,000 civilians following a failed coup attempt in October 1993, the cycle of violence continues. Thousands of political killings have taken place in 1995 alone. Extrajudicial executions by the Tutsi-dominated army continue unchecked, and armed Hutu groups have stepped up violent attacks in Burundi. Most of the victims so far in 1995 have been members of the majority Hutu ethnic group. Many of their killers were members of the security forces. Those responsible for these killings have never been identified by any formal investigation or brought to justice. Nor has anyone been convicted for the massacres of at least 50,000 mostly Tutsi civilians in 1993.

After repeated appeals by the authorities in Burundi for an international commission of inquiry into the October 1993 coup attempt and the massacres that followed, the UN has now eventually decided to establish a commission of inquiry. Despite the considerable delays, such an inquiry can be a vital step in breaking the cycle of impunity and violence in Burundi.

The criminal justice system has failed to bring to justice those responsible for the political killings which have ravaged Burundi. The Tutsi-dominated judiciary is seen by the majority Hutu population as anti-Hutu and unwilling to take action against Tutsi perpetrators of human rights violations and abuses. International assistance could help ensure that the judicial system operates fairly and could therefore build the confidence of Burundi's population in the rule of law.

The Organization of African Unity (OAU) mission in Burundi could play a useful role in the protection of human rights, but requires greater operational freedom and increased resources. The human rights situation in Burundi is critical. Human rights observers could make a vital difference by providing information and advice about abuses, both to the Burundi authorities and to the international community. However, any such operation is complex and must be properly planned and resourced from the outset.

The report finishes with a series of recommendations. These recommendations are addressed to the United Nations, the governments of Rwanda and Burundi, the Organization of African Unity, and governments all over the world.

This is a summary of a 46 page document, including annex, *Rwanda and Burundi: A call for action by the international community* (AI Index AFR 02/24/95) published by Amnesty International in September 1995, which supplements three recent reports by Amnesty International: *Rwanda, Crying Out for Justice* (AI Index AFR 47/05/95), *Rwanda: Arming the perpetrators of genocide* (AI Index: AFR 02/14/95) and *Burundi: Struggle for Survival--Immediate action to stop the killings* (AI Index AFR 16/07/95). Anyone wanting further details or to take action on this issue should consult the full document.

KEYWORDS:

This report summarizes a 45-page document, *RWANDA AND BURUNDI: A call for action by the international community* (AI Index: AFR 02/24/95) issued by Amnesty International in September 1995. Anyone wishing further details or to take action on this issue should consult the full document.

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amnesty international

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BURUNDI**

**A call for action by the
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RWANDA AND BURUNDI

A call for action by the international community

The human rights and political situations in Rwanda and Burundi are very different, but both countries have had to suffer the indifference and broken promises of the international community. Both governments have appealed for international inquiries to establish who committed horrendous crimes against humanity in their countries. Both governments have accepted the concept of human rights field officers from other nations being deployed in their territory. Both governments have asked for assistance to help reconstruct the judiciary and police. Both governments have been disappointed with the response to their appeals. A series of delays and prevarications have left people in the region frustrated and sceptical about the real interests of the international community.

This document supplements three recent reports by Amnesty International: *Rwanda: Crying out for justice* (AI Index: AFR 47/05/95); *Rwanda: Arming the perpetrators of the genocide* (AI Index: AFR 02/14/95); and *Burundi: Struggle for Survival - Immediate action vital to stop killings* (AI Index: AFR 16/07/95). It is based on the findings of an Amnesty International delegation which was in Rwanda and Burundi in May and June 1995. This report examines in particular the role of the United Nations (UN) and the Organization of African Unity (OAU) in helping to restore respect for human rights. It is not a comprehensive assessment of the UN and OAU operations in Rwanda and Burundi, but identifies certain key areas where action should be taken to address the grave human rights situation in these countries. It develops some of the recommendations found in Amnesty International's previous reports, in particular those which relate to the various types of action that need to be taken at the international level.

I RWANDA

In September 1995, over one year after the current Government of Rwanda took power, the Rwandese people are still living in an atmosphere of tension, insecurity and distrust. The memories of the genocide and other massacres committed by the forces of the previous government and militia are still fresh and inevitably condition political and human rights developments in the country. Despite repeated declarations by the current government of respect for human rights, human rights violations are continuing in many parts of Rwanda. Even though these are nowhere near on the same scale as those carried out by the former government and armed forces in 1994, they nevertheless affect many sectors of the population and give rise to fears that the cycle of violence and reprisal has not yet been broken.

There is a conspicuous lack of progress in bringing justice to the people of Rwanda. In September 1995, over 50,000 people are estimated to be held without charge or trial, the vast majority on the basis of vague accusations of having participated in the genocide. They are held in severely overcrowded prisons and detention centres with no short-term prospect of being brought to trial. Many are dying - some estimate over 200 every month. Torture of detainees is common in the unofficial detention centres where detainees are held immediately after their arrest before being transferred to the official prisons. There are frequent reports of "disappearances" -- there are no reliable records or prisoner lists.

Reports of extrajudicial executions have continued. The single largest incident occurred in the internally displaced persons' camp in Kibeho on 22 April 1995; up to several thousand people were killed when soldiers of the Rwandese Patriotic Army (RPA) fired into a stampeding crowd. An international commission of inquiry failed to establish the number of victims but independent witnesses gave estimates ranging from 2,000 to 8,000. Armed Rwandese groups allied to the former government and based in Zaire have also been responsible for killing unarmed civilians during cross-border incursions.

In an attempt to silence criticism, the Rwandese authorities are harassing individuals and organizations who speak out about current human rights abuses; journalists, human rights activists, members of the judiciary and local government officials are among those who have been targeted by the government or by the army.

1. The Human Rights Field Operation

The member states of the UN failed to take action to avert the genocide in Rwanda and the Human Rights Field Operation for Rwanda, set up after the bloodshed had largely ended, has been beset by confusion, delays and lack of expert personnel and resources. The operation is now gaining greater credibility within Rwanda, and is playing a useful role in the protection of human rights, but it is still short of vital resources and is not making its findings public.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions — Bacre Waly Ndiaye — visited Rwanda in April 1993, a year before the start of the genocide and other crimes against humanity which occurred between April and July 1994. The dangers were already apparent. In August 1993 he urged the UN to protect civilians from massacres. Several months later in February 1994 he again appealed for action: "Lessons should be drawn from the past", he told the UN Commission on Human Rights, "and the vicious cycle of ethnic violence which has drenched both Burundi and Rwanda in blood must be broken".¹

His warnings were not heeded. As many as one million Rwandese were deliberately and arbitrarily killed in an orchestrated campaign of genocide from April to July 1994. This human rights catastrophe could perhaps have been averted had the states which sit as members of the UN Commission on Human Rights acted upon the Special Rapporteur's report. Far from intervening in advance to prevent the calamity, the UN member states allowed the situation to deteriorate and then withdrew almost all their forces as Rwandese were massacred.

The UN Assistance Mission in Rwanda (UNAMIR)² had not yet reached full deployment when the plane carrying President Juvénal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi crashed killing everyone on board on 6 April 1994. Politically instigated violence erupted immediately, primarily directed against civilian members of the minority Tutsi ethnic group and opponents of the Rwandese government from the majority Hutu ethnic group. Following frantic efforts to evacuate foreign nationals from Rwanda and the murder of 10 Belgian members of UNAMIR, the

¹ UN Doc. E/CN.4/1994/7, add 1, paras 64-66 and UN Doc. E/CN.4/1994/7 para. 171.

² The Organization of African Unity (OAU) had mandated its Neutral Military Observer Group (NMOG II) to monitor the cease-fire in Rwanda. Elements of this mission were incorporated into UNAMIR (established in October 1993 under Security Council Resolution 872).

Belgian Government pulled its contingent out of the UN peace-keeping operation. On 20 April 1994 the UN Secretary General presented the Security Council with various options. The first was to add several thousand troops to UNAMIR and change its mandate "so that it would be equipped and authorized to coerce the opposing forces into a cease-fire, and to attempt to restore law and order and put an end to the killings."³ This was rejected. The Secretary General's second option was to reduce the size of the force. This was accepted. On 21 April 1994 the Security Council reduced the authorized strength of the force from over 2,000 to about 270 (at that stage the actual deployment was 1,515).

The fact that governments, acting through the UN, turned away when Rwandese were in their hour of need shocked the Rwandese people as well as humanitarian organizations in Rwanda and around the world. Governments were not prepared to risk their nationals in a tough and uncertain peace enforcement operation, despite the horrific massacres being perpetrated throughout Rwanda. As the situation deteriorated, a humanitarian operation was launched in the face of a major refugee crisis. On 13 May 1994 the UN Secretary General outlined a new mandate for UNAMIR and recommended an increase in personnel from the 444 then in Rwanda to 5,500. Four days later the UN Security Council authorized the phased expansion of UNAMIR and the new mandate which was to contribute to the security and protection of refugees and civilians at risk as well as the provision of relief supplies.⁴

Despite the UN Security Council decision, the countries which were to send troops, military observers, equipment and civilian police monitors had failed to deploy them in the agreed numbers by 22 June 1994. Meanwhile as many as one million Rwandese are estimated to have been killed. The French-led "Opération Turquoise", a non-UN peace-keeping operation, was authorized by a reluctant Security Council on 22 June 1994 as a stop-gap measure until the arrival of the rest of UNAMIR. This operation established a "humanitarian protected zone" in southwest Rwanda, and, by August 1994, gradually handed over to UNAMIR, whose functions now revolved around encouraging people to return home. The former government had fallen to the armed forces of the Rwandese Patriotic Front (RPF) on 19 July 1994.

The UN Commission on Human Rights held a special session on 24 and 25 May 1994. Despite appeals by Amnesty International and other non-governmental

³ UN Doc. S/1994/470 para. 13.

⁴ Security Council Resolution 918

organizations, the session was limited to Rwanda and did not formally cover Burundi. The Commission passed a resolution appointing a Special Rapporteur for Rwanda, René Dégni-Ségui from Côte d'Ivoire. It also called for the recently appointed High Commissioner for Human Rights, José Ayala Lasso, to organize a team of human rights monitors to assist the Special Rapporteur for Rwanda and to work with the expanded UN peace-keeping operation.⁵

The Special Rapporteur for Rwanda has issued several reports.⁶ In particular his report of 28 June 1994 played a significant role because of the reluctance of key UN member states to acknowledge that genocide was being committed in Rwanda. The Special Rapporteur's report recognized the genocide and recommended both a reinforced team of human rights monitors in Rwanda and the creation of an international tribunal to prosecute those who planned and instigated the genocide. Both these recommendations were eventually taken up, with the creation of the Human Rights Field Operation in Rwanda (HRFOR) under the authority of the High Commissioner for Human Rights and the establishment in November 1994 of the International Tribunal for Rwanda (see below). However, both have had severe problems in getting started and their future finances remain precarious.

The Special Rapporteur's most recent report, issued on 28 June 1995, describes some of the serious internal divisions and bureaucratic obstacles which have prevented the HRFOR from functioning smoothly and efficiently. He also complains of a lack of cooperation and communication between the coordination of the HRFOR based in Geneva and the Special Rapporteur himself.

The High Commissioner for Human Rights, who visited Rwanda in May 1994, mid-August 1994 and in March and April 1995, appealed on 2 August 1994 for \$2.1m to fund an extra 20 human rights monitors, in addition to the six already planned. The Special Rapporteur for Rwanda defined the roles of these human rights monitors as persuasion (restoring the confidence of refugees and displaced people); deterrence (against reprisals); prevention (preventing further human rights violations); and defence (investigating human rights violations, including the genocide).

⁵ The text of the Commission's resolution is contained in UN Doc. E/CN.4/S-3/L.2, 25 May 1993; the report of the High Commissioner is contained in UN Doc. E/CN.4/S-3/3.

⁶ UN Doc. E/CN.4/1995/7, 28 June 1994; UN Doc. E/CN.4/1995/70, 11 November 1994; UN Doc. E/CN.4/1995/71, 17 January 1995; UN Doc. E/CN.4/1996/7, 28 June 1995.

The Special Rapporteur for Rwanda called for a second phase whereby 150 to 200 human rights monitors would be deployed throughout the country to "monitor not only the return [of refugees], but also the reconstruction of Rwanda, and to conduct the necessary inquiries to ascertain the facts regarding the massacres".⁷ In his latest report dated 28 June 1995, the Special Rapporteur recommended an increase in the number of human rights monitors to 300.

Despite the efforts of the High Commissioner for Human Rights and the Special Rapporteur for Rwanda, the first 20 of these human rights monitors were in place only by mid-September 1994 and the Human Rights Field Operation only reached its full strength of over 100 by February 1995. This can be blamed partly on the slowness of states to provide the expertise, resources and logistical help needed. Other problems were the lack of capacity and experience in deploying a field operation on the part of the UN Centre for Human Rights compounded by internal bureaucratic wrangling, as well as confusion about the mandate and the respective roles of the High Commissioner, the Special Rapporteur and the Geneva-based UN Centre for Human Rights.

The mandate of the Human Rights Field Operation has in fact been fairly clear and precise from early on. It can be summarized in the following way:⁸

1. "To carry out investigations into violations of human rights and humanitarian law including possible acts of genocide";
2. To implement programs "in the area of the administration of justice";
3. To work with others to re-establish "confidence and thus facilitate the return of refugees and displaced persons and the rebuilding of civic society"; and
4. "To monitor the ongoing human rights situation, and through their presence help redress existing problems and prevent possible human rights violations from occurring".

The implementation of this mandate has been confused in a variety of ways.

⁷ Report of the Special Rapporteur for Rwanda, UN Doc. E/CN.4/1995/12, 12 August 1994, para. 43.

⁸ All quotes are from the agreement between the High Commissioner for Human Rights and the Government of Rwanda. The mandate is also summarized in HRFOR, *Overview*, Infodoc/Feb95.

1.1 Investigation of the genocide

The Human Rights Field Operation was created in response to the genocide and other crimes against humanity committed in Rwanda, but the work of the Human Rights Field Operation in documenting the genocide has been hidden by excessive secrecy. Not even the operation's own field officers, let alone the Rwandese Government and people, have been adequately informed of the investigation work being carried out. There has also been damaging confusion about the operation's contribution to the process of bringing to justice those responsible for genocide, exacerbated by delays and shortfalls in the arrival of expert personnel such as police investigators, experienced prosecutors, lawyers and forensic pathologists.

There has been considerable confusion about which of the many different UN bodies was responsible for investigating the genocide. A Commission of Experts was established by the UN Secretary General in July 1994 to examine information regarding grave violations of international humanitarian law, including acts of genocide in Rwanda. The UN Security Council specifically called for the Human Rights Field Operation and the Special Rapporteur for Rwanda to make their information available to the Commission of Experts.

Because of delays in the recruitment and deployment of Human Rights Field Operation staff, groups of lawyers, prosecutors, police investigators and pathologists were seconded to the UN for a few weeks at a time by the United States of America, the Netherlands, Spain and Norway in late 1994 and early 1995. A Special Investigations Unit (SIU) was created within the Human Rights Field Operation in October 1994 to carry out the investigations into violations of international humanitarian law, including acts of genocide, and to coordinate the work of these seconded experts. They had been requested by the Commission of Experts, but the Commission of Experts had substantially completed its work by the time the seconded teams arrived in the country.

There was also confusion as to what should be produced by these teams and for whom. The recipients could have been the Commission of Experts, the Special Rapporteur for Rwanda, or the International Tribunal for Rwanda (the Tribunal) established by the UN Security Council in November 1994. It could have been the Rwandese Government, which was in the process of arresting thousands of Rwandese on suspicion of genocide, without a judicial system in place to prosecute them. In the absence of clear direction, each seconded team designed its own work programs.

Within the Human Rights Field Operation, the view prevailed that new field officers should be excluded from working on the investigation of the genocide, even

though many of the officers were qualified to investigate acts of genocide and thought they were coming to Rwanda to do so.

The distinction between documenting the massacres and criminal investigations was overlooked. There is a qualitative difference between documenting patterns of human rights violations where individual cases are used as representative examples of the pattern and gathering first-hand testimony and physical evidence, admissible in court, to prove that particular individuals committed particular crimes. Documenting the genocide is a massive descriptive exercise that continues to require the efforts of a large proportion of the Human Rights Field Operation staff, working in conjunction with Rwandese local officials and non-governmental organizations. However, criminal investigations should be carried out by expert criminal investigators in the Prosecutor's Office from the Tribunal. The Prosecutor's Office of the Tribunal asked the Special Investigations Unit within the Human Rights Field Operation not to prepare cases for prosecution or to conduct detailed field investigations. The Prosecutor asked for general information, particularly maps of massacre sites, and this was carried out by Human Rights Field Operation staff in early 1995. The Special Investigations Unit, with the teams of seconded personnel, collected numerous affidavits along with photographs, weapons, reports and other evidence which was turned over to the Tribunal in April 1995.

Unfortunately the final report of the Special Investigations Unit remains confidential, even though no witnesses or perpetrators are identified by name in the main part of the report. Nor has the Human Rights Field Operation issued any other report on its investigations into the genocide in Rwanda.

It is clear that the identities of witnesses and suspects must remain confidential until trial, and that evidence must be carefully safeguarded. But somehow these necessary measures came to mean that those who were involved in genocide investigations could not talk to anyone about what they were doing, even in the most general terms.

This secrecy led to a widespread perception that nothing was being done to investigate the genocide. But clearly this is not the case. In a rare public statement on the subject the Chief of the Human Rights Field Operation said:

"The HRFOR has carried out in depth investigations into the April-July 1994 massacres in a number of locations including Butare Prefecture: Karama, M'Bazi, Nyumba, Nyakibanda; Cyangugu Prefecture: Shangirwa; Gitarama

*Prefecture: Ruhango; Kibungo Prefecture: Zaza, Nyarabuye; Kibuye
Prefecture: Rwamatamu, Mubuga; Kigali Rurale Prefecture: Ntarama."*⁹

Nevertheless, the perception that the Human Rights Field Operation has not investigated the genocide and is only interested in current abuses has persisted.

It should be made clear publicly that the human rights field officers will continue to gather evidence relating to the genocide and to work closely with the office of the Prosecutor of the Tribunal. As of June 1995 a computerized data-base on the massacres was being planned as well as high-level conferences on the question of impunity. Initiatives devised in the field which tackle issues relating to genocide and impunity should be supported by the UN as well as its member states.

Amnesty International recommends that the Human Rights Field Operation publish as soon as possible a report on its investigation into the genocide. This could be published on its own or jointly with the Special Rapporteur for Rwanda as an annex to his next report. The people of Rwanda have the right to know the truth about what happened and the findings of the Human Rights Field Operation can contribute to this. Publication would enhance the credibility of the Human Rights Field Operation and also be valuable to the Rwandese authorities who are currently holding over 50,000 people, the vast majority on genocide related charges. It would also demonstrate to the Rwandese population that investigation of the genocide remains a priority for the international community.

1.2 Assisting in the administration of justice

The Human Rights Field Operation for Rwanda has been hindered in its efforts to assist in the rehabilitation of the judicial system by divisions and bureaucratic wrangling in the UN Centre for Human Rights in Geneva. As a result, it has not been able to carry out training programs or supply desperately needed basic materials to the Rwandese judicial system, undermining the credibility of the operation as a whole.

The High Commissioner for Human Rights, responding to the pressure of events, made a number of commitments and promises. However, the UN Centre for Human Rights was unprepared to change its normal procedures in the face of one of the biggest

⁹ HRFOR/Info-doc/May95, 22 May 1995.

human rights catastrophes since the founding of the UN. Even nine months later, in June 1995, the lines of reporting and authority had still to be worked out.

The Human Rights Field Operation has a Technical Cooperation Unit within it, but this did not initially involve the Advisory Services and Technical Assistance and Information Branch of the UN Centre for Human Rights. As a result funds were not released by the UN Centre for Human Rights in order to carry out the training, human rights education and judicial rehabilitation programs being proposed by the officers in the field. Such training programs were always recognized to be at the heart of the UN human rights mandate in Rwanda. The needs are obvious.

The Rwandese judicial system was virtually destroyed by killings, looting and vandalism orchestrated by the former government of Rwanda and its supporters before it fled into exile in mid-1994. When the former government fled to Zaire in the face of the advancing Rwandese Patriotic Front they smashed everything they could not transport. Throughout Rwanda all portable equipment including the files, file folders, paper, typewriters, pencils, light bulbs, staplers, and even door locks were removed from court buildings. The furniture and windows were smashed. In addition, there has been a mass exodus of former workers, officials and lawyers. Others are in custody accused of involvement in the massacres.

When the new Rwandese government came to power it acknowledged that it did not have sufficient judicial experts to carry out investigations and trials. However, in July 1995 the Transitional National Assembly refused to enact a law to allow foreign judicial experts to work in Rwanda. Without the assistance of foreign lawyers with the necessary expertise, background and languages, it is difficult to see how the judicial system could be rebuilt in a reasonable time.

Rebuilding the judicial system to ensure fair trials can be seen as a massive undertaking, needing vast amounts of foreign aid and years of retraining. Yet much of what the Rwandese system requires is very simple: paper, file folders, typewriters, locks and filing cabinets are all urgently needed. The Human Rights Field Operation has a unit to deal with rehabilitation of the judicial system, with personnel assigned to assess needs and render assistance at the prefecture and sub-prefecture level. Human Rights Field Operation staff assessed these needs, and became increasingly frustrated when they were unable to deliver because these programs did not fit neatly within established procedures at the UN Centre for Human Rights in Geneva.

Potential donors have come to doubt that aid can be delivered to Rwanda via the UN human rights programs. This failure to meet even the most basic of needs hinders the work of the field officers in the provinces, and is creating a further obstacle to progress in rebuilding the Rwandese judicial system. Every delay exacerbates the human rights problems in Rwanda, in particular the prolonged detention of over 50,000 people in seriously overcrowded prisons, awaiting charge and trial. Furthermore, it appears that in certain government circles, there may be a lack of political will to begin processing the cases of these tens of thousands of prisoners. The authorities appear to content themselves with turning long-term detention without trial into a substitute for justice. If the necessary foreign aid were promptly delivered, such absence of political will would be exposed and the absence of resources could no longer be presented as an obstacle to the full operation of the Rwandese judicial system.

Amnesty International recommends that the Human Rights Field Operation should be able to receive assistance funds to help re-establish a judicial system which is fair and excludes the death penalty. The money should be spent based on the assessment and recommendation of the Human Rights Field Operation.

The Rwandese authorities should ensure that a law is enacted to allow suitably qualified foreign judicial experts to work in Rwanda as investigators, prosecutors, defence lawyers and judges until the country is able to have a competent, independent and impartial judiciary of its own.

1.3 Establishing an international human rights presence

The widely perceived need to establish a human rights presence in Rwanda led to considerable pressure to get human rights monitors into the country quickly. However, the UN Centre for Human Rights in Geneva lacked the experience and capacity to cope with a crisis of the magnitude being experienced by Rwanda. The process for recruiting human rights monitors fell below acceptable standards. There were also delays in logistical support, especially a lack of vehicles and communications equipment, which impeded the transfer of personnel from Kigali to the provinces.

Some staff were deployed who did not have the appropriate skills and experience. Others were frustrated by being held up in Kigali for weeks after their arrival in Rwanda. All the personnel suffered from inadequate orientation, training and guidelines in the first months of the operation. Many, recruited on short-term contracts, did not stay long in

the country. In addition, staff were frequently rotated, often in response to various local crises. Many of these problems have now been addressed. Comprehensive training has been instituted and a Field Coordination Unit is now analyzing developments and coordinating the synthesis of reports from the field.

Amnesty International recommends that only suitably qualified people with the requisite experience, knowledge and languages are recruited and that in future renewable contracts of at least six months should be offered in order to attract suitably qualified candidates and to enhance continuity in the field. Care should be taken when rotating field officers to minimize the disruption of constructive relationships established with the local authorities and population. The budget of the operation should be put on a firm financial footing by the UN, to eliminate the uncertainty which is undermining the effectiveness of the operation.

1.4. Monitoring the current human rights situation

The remaining key component of the Human Rights Operation for Rwanda -- monitoring and correcting human rights problems -- has been left isolated and exposed. The Human Rights Field Operation's failure to report on its work in investigating the genocide and to provide material assistance to the judicial system has led to the perception that the human rights operation only monitors current violations, and that this activity is biased against the current Rwandese Government.

Human rights monitoring can enhance the accountability of the security forces and in many cases saves lives through sustained vigilance over the fate of detainees and returnees. But monitoring alone is insufficient: incidents of human rights violations must be reported publicly if progress is to be made. It is never the "perfect time" to publish human rights reports, especially in a highly polarized situation such as that which prevails in Rwanda after the genocide. The only principled approach is to publish human rights information consistently. Other UN human rights field operations in countries such as Haiti, El Salvador, Cambodia and Guatemala have enhanced their preventive role by publishing detailed and useful human rights reports. These reports, as well as exceptional reports on specific incidents, were published every few months. They were published either as reports of the operations' Director of Human Rights or of the UN Secretary General and were circulated as UN documents available in all official languages.

Confusion about the public reporting role of the High Commissioner for Human Rights has left the operation with no regular means of reporting publicly. Although recent information sheets have started to explain the work of the field operation,¹⁰ these are no substitute for more thorough UN reports on the investigations and the human rights situation.

Amnesty International believes that to guarantee the effectiveness and credibility of international human rights personnel, they must report their activities and findings frequently: these reports should be disseminated nationally as well as internationally.¹¹ The information should be made available to the news media, to all parts of the UN system (especially its human rights mechanisms), and to relevant intergovernmental bodies and non-governmental organizations. Particular care should be taken to keep the local population informed.¹²

Amnesty International urges the High Commissioner for Human Rights to publish regular detailed reports on the activities of the operation and the efforts which the Rwandese authorities are making to comply with the operation's recommendations. The High Commissioner for Human Rights was mandated by the UN General Assembly to prevent human rights violations. Public information and an open debate on the human rights situation in Rwanda is an important way to avert further violations.

The Human Rights Field Operation for Rwanda is now fulfilling a real protection role, thanks to the determination and dedication of some of the field officers. These positive achievements have received very little publicity amidst the criticism of the UN's overall failure to avert the human rights tragedy in Rwanda. Yet Amnesty International's

¹⁰ See Backgrounder *United Nations Human Rights Activities in Rwanda*, HR/FOR/95/1, 24 March 1995, HRFOR/Info-doc/May 95, 22 May 1995; *Practical Activities to Assist the Rwandese People*, HRFOR/Fact/02/95, 24 March 1995; *Establishing a Human Rights Field Office in a Prefecture in Rwanda*, Field/HRFOR/01, 24 March 1995; *Genocide Investigation*, HRFOR/infodoc/Feb 95; *Overview*, HRFOR/infodoc/Feb 95.

¹¹ See Amnesty International *Peace-keeping and Human Rights* (AI Index: IOR 40/01/94), in particular point 7 of the 15 Point Program for Implementing Human Rights in International Peace-keeping Operations.

¹² See *Honoring Human Rights and Keeping the Peace: Lessons from El Salvador, Cambodia, and Haiti - Recommendations for the United Nations*, A.H. Henkin (ed.) (1995) p.23.

delegates in Rwanda in 1995 noted that in prefectures such as Butare, field officers have played a life-saving role in protecting returnees under extremely difficult circumstances. Field officers throughout the country have identified places of detention, negotiated the release of certain detainees and won better treatment for detainees. Their assistance to the prosecutor's office and judicial police is vital in making progress to bring people to justice and thus relieving the prison overcrowding.

On 7 June 1995 Amnesty International delegates visited Gitarama prison. They were shocked by the degree of overcrowding: 6,847 prisoners were held in a space intended originally for about 600. About four prisoners were reported to be dying in the prison every day and the overcrowding together with the lack of sanitation is leading to serious health problems such as infected feet and gangrene (more than 10 amputations have been performed).¹³ The International Committee of the Red Cross (ICRC) and *Médecins Sans Frontières* (MSF), Doctors Without Borders, have appealed several times to the Rwandese authorities to resolve the severe overcrowding. In some prisons, seven people are held per square metre.¹⁴

Transferring people to new sites or expanding existing ones to relieve overcrowding is imperative but it is not a long-term solution to the fundamental problem of the absence of justice in Rwanda. As a first step, the process of screening detainees (see below) to release those who have no case to answer should be accelerated. In addition, resources need to be injected into the judicial system to speed up investigations and to ensure that a fair judicial system is established to try those against whom there is sufficient evidence. The system should exclude the death penalty which is the ultimate cruel, inhuman or degrading treatment or punishment. There is no commitment by the Rwandese government to abolition of the death penalty. There is a risk that once the Rwandese judicial system begins functioning, the death penalty could be widely applied to satisfy people's desire for justice or, in some cases, vengeance. Amnesty International would oppose any extraditions to Rwanda of anyone who would risk being sentenced to death or executed if convicted by the Rwandese judiciary. Countries which have abolished the death penalty would also be unlikely to carry out

¹³ Amnesty International, URGENT ACTION, 134/95, AI Index AFR 47/14/95 "Fear of further deaths in custody - thousands held in appalling conditions in Gitarama prison"; *Médecins Sans Frontières*, "Report on the Medical Conditions at Gitarama Prison" June 1995.

¹⁴ "Le Rwanda: Cri d'alarme du CICR sur la situation dramatique dans les prisons" Communication à la presse No. 95/8. See also "Rwanda: le CICR augmente son personnel pour les visites de prisons" CICR News No. 18, 4 May 1995.

such extraditions which could be requested by the Rwandese authorities. Rwanda needs to remove this obstacle to justice.

1.5 Conclusion

Amnesty International's representatives met a number of Human Rights Field Operation teams in several provinces. Notwithstanding the problems cited in this report, it should be emphasized that Amnesty International's delegates encountered a number of highly qualified human rights professionals who were doing outstanding human rights protection work in Rwanda – exactly the sort of work that UN human rights field operations are intended to carry out.

The Human Rights Field Operation for Rwanda is now having a positive effect and its monitoring and reporting role is set to become more important as the size of UNAMIR is reduced in the coming months.¹⁵ The operation should be given greater support by the UN secretariats in Geneva and New York as well as by governments around the world.¹⁶

2. The establishment of the International Criminal Tribunal for Rwanda

On 8 November 1994 the UN Security Council established the International Criminal Tribunal for Rwanda (the Tribunal) to prosecute those responsible for genocide and other violations of international humanitarian law in 1994. However, states have been extremely slow to take the necessary steps to make this Tribunal effective.

¹⁵ In Security Council Resolution 997 the mandate of UNAMIR was extended until 8 December 1995 with a reduction to 2,330 troops by 8 September and 1,800 troops by 8 October. The current level of military observers and civilian police is to be maintained.

¹⁶ The three biggest contributors to the operation are the United Kingdom (\$3,606,155), the Netherlands (\$809,079) and the United States (\$750,000 plus \$1m pledged in June 1995); in addition the European Union has contributed 33 human rights field officers (who are part of the UN operation) at a cost of \$6,377,551. Other governments that have contributed payments are: Australia \$219,490; Austria \$46,644; Canada \$66,500; Denmark \$100,000; Finland \$83,267; France \$231,376; Germany \$213,035; Ireland 160,478; Israel \$10,000; Japan \$500,000; Luxembourg \$ 16,791; New Zealand \$29,598; Norway \$105,617; Spain \$9,880 plus \$208,000 for UN Volunteers; Switzerland \$189,394.

Justice Richard Goldstone is the Prosecutor for both this Tribunal and the International Criminal Tribunal for the former Yugoslavia. In November 1994 he went to Rwanda with a small team of investigators and lawyers on loan from the former Yugoslavia Tribunal to begin preliminary investigations. He also sought to persuade states to cooperate by contributing funds, staff and equipment to the Tribunal and by passing the necessary legislation permitting national authorities to cooperate in the gathering of evidence and the surrender to the Tribunal of suspects who might be in their countries. (See also Section 10, below.)

It took more than five months before the Tribunal's office in Kigali could be set up. Other investigators will be based in Arusha, Tanzania (the seat of the Tribunal), in Western Europe and North America. The delays in recruiting and deploying investigators have led many in Rwanda and elsewhere to doubt the commitment of the states who were involved in and heralded the creation of this Tribunal. A Deputy Prosecutor, Honoré Rakotomanana, to be responsible for prosecutions at the Tribunal, was appointed in January 1995. In September 1995, bringing to justice the perpetrators of massive violations of human rights and acts of genocide in Rwanda appears to remain a distant and uncertain prospect.

Bureaucratic delays surrounding funding and recruitment procedures eventually led the Prosecutor to arrange a special pledging meeting on 19 May 1995 in Kigali. As of 19 May 1995 a total of only about \$3m had been pledged to the Voluntary Trust Fund set up in January 1995¹⁷. In addition there were 25 seconded investigators, 20 investigators from the Netherlands, three police officers from the United Kingdom and two investigators from the United States of America.

At the Kigali meeting governments pledged an extra \$6m and 32 extra investigators. The Netherlands pledged \$3m and 21 extra investigators; USA \$1.6m and 10 extra investigators; Belgium \$1m; United Kingdom \$250,000; Spain \$150,000; Norway \$100,000; Switzerland \$90,000; Sweden \$70,000; Germany one investigator. Since that meeting the Holy See has pledged \$3,000 and Belgium \$1m.

These resources will enable investigations to make progress, but the Tribunal itself has estimated that over 100 investigators are needed. The Prosecutor promised the first indictments before the end of 1995, but if the work of the Tribunal is to have

¹⁷ Chile \$1,000; Egypt \$1,000; Greece \$20,000; Ireland \$80,000; Israel \$7,500; Lebanon \$3,000; New Zealand \$32,000; the Netherlands \$1m; Norway \$50,000; Switzerland \$76,000; Sweden \$69,000; United Kingdom \$250,000; United States \$1.5m.

the necessary impact in Rwanda more resources need to be made available immediately. The creation of the Tribunal raised great expectations within Rwanda that trials would be held in 1995. There is overwhelming disappointment as the prospect of justice appears to recede ever further into the future.

In July 1995 the Fifth Committee of the UN General Assembly decided to appropriate for the Tribunal \$12,914,900 for the period to 31 October 1995. This will enable the Tribunal to hire staff. However, unless the UN General Assembly agrees a proper budget, as opposed to a series of stop-gap measures, the Tribunal will lurch from one financial crisis to another. It is obviously difficult to recruit experienced professional investigators and prosecutors on such a short-term basis.

The UN General Assembly elected six judges to the Tribunal in June 1995.¹⁸ They sat in extraordinary session in June together with the five judges from the appeal chamber, (these are the same five judges that sit in the appeal chamber of the former Yugoslavia Tribunal).¹⁹ They adopted new rules of procedure and evidence and discussed working methods. They decided that one of their members should be in the Hague from October to December 1995 to review indictments, pending the establishment of the Tribunal in Arusha. Léïty Kama of Senegal was unanimously elected President of the International Criminal Tribunal for Rwanda.

This Tribunal currently has no indictments before it nor any suspects in custody, although Judge Goldstone has said that it will issue indictments before the end of 1995. However, it has the power to retry people tried by national courts if those trials were clearly unfair or a sham.²⁰ The Tribunal therefore has review

¹⁸ The judges elected are: Navanethem Pillay of South Africa, Léïty Kama of Senegal, T.H. Khan of Bangladesh, Lennart Aspergren of Sweden, Yalov A. Ostrovsky of the Russian Federation, and William H. Sekule of Tanzania.

¹⁹ Antonio Cassese of Italy (President of the Tribunal for the former Yugoslavia) Georges Abi-Saab of Egypt, Jules Deschênes of Canada, Haopei Li of China and Sir Ninian Stephen of Australia.

²⁰ Article 9(2) of the statute of the International Criminal Tribunal for Rwanda reads: 9(2) A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the international Tribunal for Rwanda only if:

(a) the act for which he or she was tried was characterized as an ordinary crime; or

jurisdiction over the more than 50,000 suspects currently being detained in Rwanda in appalling conditions, the vast majority of whom will be tried by the Rwandese judicial system.

The most pressing need of all is for systematic investigations to determine who was responsible for instigating and carrying out the 1994 massacres in Rwanda. As long as the international community appears largely indifferent to these investigations and trials, there is a risk that the Rwandese people and government will lose hope in international justice.

3. The Role of the UN Civilian Police Monitors (CIVPOLs)

Despite the urgency of training a new police force for Rwanda, UN member states have failed to provide the expert personnel and basic materials necessary.

When the transitional government came to power in July 1994 there was no police force in Rwanda, as virtually all personnel from the old one had left the country. The functions normally carried out by a police force are mostly carried out by the military, the Rwandese Patriotic Army (RPA). However the RPA lacks non-lethal equipment for crowd control and has been trained as a guerilla army and not in law enforcement and security techniques.

The new government asked UNAMIR to assist in training a national police force and the UNAMIR mandate of November 1994 called for UNAMIR to assist "in the establishment and training of a new, integrated, national police force". In June 1995 the UNAMIR mandate was renewed for six months and UN civilian police monitors (CIVPOLs) were mandated to promote confidence through monitoring as well as assisting in the training of a national police force.

Despite the fact that the UN Security Council authorized an increase in the strength of the CIVPOLs from 90 to 120 in February 1995, as of 31 May 1995 the total component was only 64 (Djibouti seven, Germany nine, Ghana 10, Guinea-Bissau five, Jordan three, Mali 10, Nigeria 10, Zambia 10).

(b) the national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

Two police forces are being trained: the gendarmerie and the *police communale*, district police. Four hundred gendarmes had been trained in two phases and deployed throughout the country by late April 1995. The third phase involves training a further 400 between June and October 1995. The fourth phase is to train 100 instructors from among the trained gendarmes who will then continue the training until the entire complement, originally estimated at 6,000, is in place.

The school for the national gendarmerie is in the northwestern town of Ruhengeri and now has a capacity to receive 700 trainees. The district police training school in Gishari is designed to take 1,500, about 10 per commune. According to the UN, the recruits are from different social and ethnic groups. The recruits have been selected but their training has been delayed by lack of basic materials such as paper and typewriters.

Amnesty International recommends that civilian police who have experience in training civilian police forces in accordance with human rights and international criminal justice standards²¹ are offered to Rwanda to assist in the creation of the two civilian police forces. Amnesty International's principles regarding training are summarized at the end of this document.

The work of the UN CIVPOLs under the new UNAMIR mandate includes monitoring the local police. As the gendarmerie takes over security, the need to ensure conformity with international criminal justice standards will become paramount.

4. International assistance to the judicial system

International assistance to the devastated Rwandese judicial system has been marked by a failure to deliver vital resources and expertise. Meanwhile the Rwandese Transitional National Assembly has also failed to pass the legislation necessary to allow foreign legal experts to participate in the Rwandese legal system.

The Rwandese judicial system was devastated as a result of the destruction and looting by the former government and army as they left Rwanda. The judicial system

²¹ See those contained in the UN Handbook prepared by the Crime Prevention and Criminal Justice Branch, *United Nations Criminal Justice Standards for Peace-Keeping Police*.

in Rwanda now only has about 25 per cent of the personnel previously employed by the government.

The Technical Assistance Unit, a part of the Human Rights Field Operation for Rwanda, together with the UN Development Programme and the UN Volunteers Programme, designed a program for 50 foreign legal professionals (prosecutors, investigators, judges, defence lawyers and experts in police science) to work in Rwanda for six months. The governments of Belgium, the Netherlands, the United Kingdom and the United States of America have announced they will provide funds to assist the judiciary. A non-governmental organization, Citizens Network, is involved in training *inspecteurs de police judiciaire*, judicial police inspectors, and supporting the creation of an *Association des avocats*, Lawyers Association.

A number of screening commissions (*commissions de triage*) were set up by the Rwandese Government in March 1995 to screen detainees and release those held unjustifiably on the basis of unsubstantiated allegations. Many detainees have been arrested after being falsely accused by personal enemies of participating in the genocide. The commissions are supposed to examine the dossiers of the prisoners and release those against whom there is insufficient evidence. Amnesty International welcomed this initiative by the authorities, but at the end of May 1995 the commissions had secured the release of only 22 people nationwide. The Rwandese authorities have accepted that more than one in five of those held are innocent, but they do not have the resources to determine which detainees have no case to answer and should be released. Although commissions have been set up across the country to carry out screening at local level, only the one for Kigali is fully functioning due to a shortage of judicial police inspectors. The commissions include representatives from the army, the intelligence services, the Gendarmerie and the Procuracy. Amnesty International is concerned that the inclusion of members of the army in these commissions has prevented the release of detainees -- the majority of whom were arrested by the army -- who judicial officers have determined are unlawfully held. The commissions are not a substitute for national courts. Released detainees can be rearrested and prosecuted if evidence against them emerges but detainees should not be held while there is insufficient evidence to justify them being charged and tried.

However, Amnesty International is also concerned that prisoners who are released because of insufficient evidence become obvious targets for reprisal or other attacks as soon as they return to their homes, as certain sectors of the population still perceive them as criminals who have taken part in the genocide. The Rwandese government, in conjunction with local authorities, should therefore take measures to

guarantee the safety of such people after their release and explain to the population the basis for such releases.

II BURUNDI

Thousands of people have been the victims of political killings in Burundi in 1995 alone. Most of the victims were members of the majority Hutu ethnic group. Many of their killers were members of the security forces, dominated by the minority Tutsi ethnic group. Those responsible for these killings have never been identified by any formal investigation or brought to justice. Nor has anyone been tried for the massacres of at least 50,000 people in the aftermath of the coup attempt in October 1993. A large number of the victims at the end of 1993 were Tutsi civilians killed by Hutu mobs, and many Hutu were extrajudicially executed by the Tutsi-dominated armed forces and Tutsi gangs. About 100,000 people are estimated to have been killed between October 1993 and August 1995.

Respect for the rule of law has disintegrated as a result of the government's failure to control the armed forces or to prevent Hutu and Tutsi extremists from arming themselves and exploiting tensions between the two communities. The judiciary is not only largely inactive; it is Tutsi-dominated and is viewed by Hutu as partisan in favour of the Tutsi community. Amnesty International has for many years called for a reform of the Burundi judiciary to ensure that it is competent, independent and impartial in accordance with international standards.

Extrajudicial executions by the army are continuing unchecked. Operations ostensibly aimed at disarming the population frequently lead to extrajudicial executions of Hutu civilians by soldiers. Often the army and Tutsi militias or displaced people act in concert to attack Hutu civilians. Tutsi youth gangs have attacked and killed Hutu in the capital, Bujumbura, and elsewhere during "ethnic cleansing" operations. Prominent members of the Hutu community have been murdered.

Armed Hutu groups have stepped up violent attacks in Burundi and have launched armed incursions from Zaire and Tanzania in which civilians have been killed.

In the relatively few cases where people have been arrested in connection with such killings, the detainees – almost all Hutu – have been held without charge or trial

for long periods and no progress has been made in bringing them to trial. Hundreds of other Hutu have been held without charge following operations to disarm civilians or on suspicion of belonging to Hutu armed groups. Political detainees have been tortured or "disappeared". Amnesty International delegates who visited Burundi in March 1995 interviewed prisoners who bore clear marks of torture. (See *Burundi: Struggle for Survival - Immediate action vital to stop killings*, (AI Index: AFR 16/07/95).)

There is widespread awareness within Burundi of the need to end impunity. Although those responsible for political killings over the past 30 years have not been prosecuted, much of the current debate surrounding impunity centres on how far back prosecutions should go. From 22 to 24 May 1995 Tutsi youths brought Bujumbura to a standstill to force the authorities to release six Tutsi youths who had been arrested for recent criminal acts. As they fired in the air, launched grenades, burned tyres and threatened those wanting to go to work they demanded that the authorities should concentrate instead on those who planned and perpetrated the violence of October 1993.

The six youths had been arrested following action by newly created "mixed commissions",²² set up by the Ministry of Justice in an attempt to tackle impunity by investigating crimes committed since October 1993. There are nine commissions, one for each of the different zones in Bujumbura. Each has representatives from the judiciary and from the different police forces, a composition designed to ensure some checks and balances as well as to encourage information sharing amongst the various police forces.

At the end of May 1995 fighting broke out in the remaining Hutu zones of Bujumbura: Kamenge and Kinama. Since October 1993 the Hutu and Tutsi communities -- who used to live side by side -- have almost entirely separated into segregated zones. An Amnesty International delegation was present in Bujumbura in May 1995. The army first surrounded Kamenge and then emptied it, forcing civilians to flee for their lives. Thousands of people fled to the hills. Observers later allowed into parts of Kamenge reported finding the bodies of more than 30 elderly people and children who could not flee, apparently shot or bayoneted to death. An information blackout on such events allows the Burundi army, as well as armed Hutu and Tutsi groups, to carry out killings with little prospect of being held accountable. Little or

²² *Commissions de lutte contre la criminalité dans la municipalité de Bujumbura*

no information was available even to government ministers and the Head of State. The President of Burundi was forced to admit on 2 June on national television that he had no details on what had happened in Kamenge from 31 May to 2 June 1995.

A National Debate on the country's future has been proposed under the terms of a power-sharing agreement reached between government and opposition parties on 10 September 1994, the Convention of Government. A technical commission has been set up to prepare the National Debate and the international community is invited to make material and technical contributions. The technical commission is concentrating on four main themes: the organization of the defence and security forces; the protection of minorities; problems relating to education and employment; and the independence and neutrality of the judiciary.²³ Subsequent political wrangling on the mandate and composition of the technical commission has cast doubts on whether and when the Debate will take place.

Unless the cycle of impunity is broken, the killings in Burundi will continue. In the current highly polarized climate in Burundi, there is an urgent need for international assistance in identifying the perpetrators of human rights abuses and thereby overcoming impunity. International support is also needed to reform the Burundi judiciary to ensure that the perpetrators are brought to justice in accordance with international standards for fair trial and without the imposition of the death penalty.

5. An international commission of inquiry

Despite repeated appeals by the authorities in Burundi for an international commission of inquiry into the October 1993 coup attempt and the massacres that followed, little progress has been made towards setting one up. Such an inquiry is a vital step in breaking the cycle of impunity and violence in Burundi.

The Burundi Government asked in late 1993 for an international commission of inquiry into the October 1993 coup attempt and the massacres that followed. The various fact-finding missions which have been sent to Burundi by the UN have recommended such an inquiry. In March 1994 a UN fact-finding mission recommended either sending an international judicial commission to investigate the

²³ Décret No 100/020 of 5 November 1994, Art. 3.

crimes committed during and after October 1993 or, in the event that this was too sensitive in Burundi, making available a number of experts who would act as advisers to help the competent authorities in Burundi to carry out the same task.²⁴

The Convention of Government of 10 September 1994 reiterated the Burundi Government's call. It requested that an:

*"international judicial fact-finding mission be formed within 30 days; it shall be composed of competent and impartial persons to investigate the coup d'état of 21 October 1993 and what political partners have agreed to call genocide without prejudice to the outcome of the independent national and international investigations, as well as the various political crimes that have been committed since October 1993."*²⁵

The UN Security Council sent further fact-finding missions in August 1994 and February 1995. The most recent of these recommended that an international commission of inquiry into the October 1993 coup attempt and the massacres that followed should be established as soon as possible.²⁶

The UN Security Council has also stressed the role which could be played by such an inquiry. However, it was only in mid-July 1995, 20 months after the coup attempt, that the UN Secretary General announced that there would be such an international commission of inquiry.²⁷ The terms and composition of this inquiry are still to be elaborated. On 28 July 1995 the Secretary General submitted a report to the Security Council by his Special Envoy, Pedro Nikken, who visited Burundi to assess the feasibility of establishing a commission of inquiry. He recommended that such a commission be established with a three-part mandate:

²⁴ UN Doc. S/1995/157, para. 203 (c).

²⁵ Article 36, the Convention is reproduced as an annex to UN Docs A/50/94, S/1995/190, 8 March 1995.

²⁶ UN Doc. S/1995/163, para. 21 and UN Doc. S/1994/1039.

²⁷ Address of the Secretary General, Bujumbura, 17 July 1995, "I would like to announce the establishment of the International Commission of Inquiry requested by the Convention of Government."

- a) To establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres that followed and other serious acts of violence and political crimes committed between that date and the date on which the resolution of the Security Council will be adopted;
- b) To recommend the modalities for the trial and punishment of persons identified by the commission as being responsible for offences investigated by it;
- c) To recommend measures of a legal, political or administrative nature, including measures requiring legislative or constitutional reform, to prevent any repetition of deeds similar to those investigated by the commission and, in general, to eradicate impunity in Burundi.

The Special Envoy suggested that full cooperation by the Burundi authorities and their commitment to implement the recommendations of the commission was a necessary condition for the success of its work. The Secretary General endorsed the report but suggested that requiring the Burundi authorities to agree to these conditions in advance would further delay establishment of the commission. On 6 August 1995 Burundi informed the Security Council that it was willing to work with the Council in establishing the commission of inquiry similar to the one proposed by the Special Envoy, and on 28 August the Security Council unanimously adopted Resolution 1012 requesting the Secretary General "as a matter of urgency" to establish an international commission of inquiry with the following mandate:

- a)" To establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other related serious acts of violence which followed;
- b) To recommend measures of a legal, political or administrative nature, as appropriate, after consultation with the Government of Burundi, and measures with regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the commission, and in general, to eradicate impunity and promote national reconciliation in Burundi."

The full text of this resolution is reproduced as an annex to this report.

Amnesty International recognizes that an international commission of inquiry is extremely sensitive in Burundi but believes that such an inquiry is an essential component of international action to break the cycle of impunity. The essential element of the commission is that it is consistent with the United Nations' own standards for such an inquiry, the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

The delay at the international level in setting up a commission of inquiry has been explained by some members of the UN Security Council as due to fear of provoking a new crisis or even another coup attempt. The work of the commission will undoubtedly heighten anxiety among the perpetrators of human rights abuses and could create tension in Burundi. Nevertheless, the way forward is for the international community, and in particular the UN Security Council, to demonstrate that it is serious about this international commission and the need to end impunity. The UN Security Council must also commit itself to follow through the recommendations of the commission it is responsible for so that the perpetrators of human rights violations are brought to justice.

On 7 April 1995 the Permanent Representative of Burundi to the UN made the following plea in a letter to the UN Secretary General:

"Instead of engaging in conjecture and envisaging solutions that do not have the support of the political partners in Burundi, the country's friends would do well to propose specific assistance activities in the areas agreed by the United Nations General Assembly".²⁸

Since then the Permanent Representative has berated the failure of the international community to respond to calls for help:

"What we tried to have is help from the international community; we were looking for a kind of international commission to help a judicial inquiry into

²⁸ UN Docs A/50/158, S/1995/278, 10 April 1995, para. 10. Paragraph 4 of Resolution 49/7 includes a request to Member States and the UN to strengthen the capacity of the country's judicial system in order to break the cycle of impunity and enable the Burundi authorities to bring to justice the perpetrators of the attempted coup attempt of October 1993 and of the subsequent massacres. It also includes a request for the deployment of "human rights observers to back up the local administration."

*the assassination of the President, into the massacres and into the impunity now going on.*²⁹

The UN should urgently provide the necessary political and logistical support so that an international commission of inquiry can carry out a prompt, thorough and impartial investigation into the October 1993 coup attempt and its aftermath. Its remit should include investigating extrajudicial executions and other deliberate and arbitrary killings, "disappearances" and torture to reveal to the people of Burundi the truth about what occurred, what were the causes and whether individuals should be prosecuted.

The commission members must be seen to be neutral in the context of Burundi's history and impervious to political pressure to ensure that the commission gains credibility in Burundi. Members of the commission should be independent professionals whose experience as criminal investigators and criminal law judges will command respect and trust in their impartiality. The commission will also require the assistance of experts in fields such as forensics and ballistics.

The commission of inquiry should go beyond "fact-finding". It should conform to the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, particularly Principle 9 which states that the purpose of the investigation should be not only to determine the cause, manner and time of death, but also the person responsible. Amnesty International believes that the work of the commission of inquiry should include collecting the sort of evidence which can enable decisions to be made about whether individuals should be prosecuted. The commission of inquiry should have full powers, in accordance with international human rights law, to oblige witnesses – members of the security forces as well as civilians – to give evidence and to protect witnesses. It should produce public reports on its findings; make recommendations for bringing to justice those responsible for human rights abuses, excluding the death penalty; and make further recommendations for the prevention of human rights violations.

The commission will have to work in very difficult conditions and will need material support from both UN and OAU personnel operating in Burundi and political support from these intergovernmental organizations.

²⁹ International Report, 23 June 1995, p. 5.

The inquiry will have little effect unless its findings are pursued. The commission of inquiry must have adequate resources and other support before it begins its work to ensure that it continues to exist and function after it has completed its investigations. The commission should then be charged with reporting on how its findings are being followed up by the Burundi authorities, in particular by the judiciary.

6. International assistance to the judicial system

The criminal justice system has failed to bring to justice those responsible for the political killings which have ravaged Burundi. The Tutsi-dominated judiciary is seen by the majority Hutu population as anti-Hutu and unwilling to take action against Tutsi perpetrators of human rights violations and abuses. International assistance could help ensure that the judicial system operates fairly and could therefore build the confidence of Burundi's population in the rule of law.

Many of those currently in detention (around 4,000, mostly Hutu) have little prospect of being tried in the immediate future. Some of the deadlock is explained by the paralysis of the National Assembly over institutional reform of the courts. Much must be blamed on a lack of political will, and limitations on the government's freedom to act after various concessions to the opposition.

Legislative reforms currently before the National Assembly would extend jurisdiction to try cases of murder to 17 *Tribunaux de grande instance*, High Courts. At the moment the High Courts have no jurisdiction over cases carrying life imprisonment or the death penalty.³⁰ This is reserved for the three *Cours d'appel*, Appeal Courts. Because these Appeal Courts operate both as courts of first instance and as courts of appeal, a new level of jurisdiction needs to be created. To try defendants with no right to appeal to a separate higher court would violate Article 14(5) of the International Covenant on Civil and Political Rights to which Burundi is a party.³¹

Another reason for allowing High Courts to try murder cases is the difficulty faced by witnesses and defendants in travelling across the country to these three existing Appeal Courts in Bujumbura, Ngozi, and Gitega. But even if the jurisdiction of the High Courts is

³⁰ Amnesty International opposes the use of the death penalty in all circumstances because it is a violation of the ultimate right to life, as well as a cruel, inhuman or degrading punishment.

³¹ Article 14(5) reads: "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

expanded, nothing will happen unless properly investigated cases are put before the judges. Until a national police force is able to ensure arrests and gather evidence, the cycle of impunity will continue.

All sections of Burundi's population have to have confidence in the fairness and impartiality of the judiciary. The assistance of foreign judges and other judicial experts, working for some time with their Burundi counterparts, could help ensure that the judiciary investigates and prosecutes crimes fairly, in accordance with international standards in trials which exclude the death penalty, and that justice is seen to be done.

7. A national civilian police

The authorities in Burundi require urgent assistance from other governments to help train a national civilian police force to maintain law and order in accordance with international human rights standards.

There is a plethora of different police forces in Burundi. In addition to the members of the mixed commissions – the *Police judiciaire de parquets* (PJP), Judicial police; the *Brigade spéciale de recherche* (BSR), Special Investigation Brigade, part of the gendarmerie; the *Police de sécurité publique* (PSP), Public Security Police; and the *Documentation nationale* (DN), Documentation Service – there are also the *Police de l'air, des frontières et des étrangers* (PAFE), border police, and the *Unité pour la sécurité des institutions* (USI), Unit for Institutional Security. The Gendarmerie (currently numbering about 3,500) comes under the Ministry of Defence; the PJP (about 150) under the Ministry of Justice; the PSP (about 1,500) under the Ministry of the Interior; the DN (about 250), USI (about 600) and PAFE (about 400) come directly under the President.

The army, which is by far the largest force at around 20,000, currently carries out day-to-day law and order functions. The second largest force, the Gendarmerie, is composed of personnel drawn from the army. The dominant approach to law and order problems is therefore a military rather than a civilian one.

The Convention of Government calls for an audit of the security services but so far no such audit has been carried out, although there are supposed to be plans to start this work. The Office of the Special Representative of the UN Secretary General and the UN Centre for Human Rights Office in Bujumbura are working on issues relating to reform of the national police. But the transformation of the security forces into a police force which will protect and respect human rights will require a number of police experts working with

the forces on the ground, a new project which goes well beyond the current seminars and lectures on international standards.

The division of functions between the army and the national civilian police is a decision to be taken by the Burundi authorities. However, experience in a number of countries shows that the training needed for civilian police to carry out their functions in conformity with international human rights standards is different from that normally received in the army. Any military personnel carrying out law enforcement functions need similar training.

Amnesty International has identified a number of principles that should be followed in the training of the national civilian police force. These are summarized at the end of this document.

8. The OAU Observer Mission

The OAU mission in Burundi plays a useful role in reducing tensions particularly between soldiers and civilians, but requires greater operational freedom and increased resources, and to include the protection and promotion of human rights in its mandate.

At the end of May 1995 the *Mission internationale d'observation de l'OUA au Burundi* (MIOB); International Observer Mission of the OAU, had an authorized strength of 47 military observers and 18 civilians. The military observers were from Niger, Guinea, Burkina Faso, Mali and Tunisia. The civilians were from Burkina Faso, Egypt, Ethiopia and Congo. The military observers serve as witnesses to the development and execution of military orders in the field, as well as participating in various initiatives aimed at restoring peace. The military component includes five doctors and four engineers. The doctors give medical advice and assistance in the course of MIOB visits to different communes as well as in camps for refugees and displaced persons. The engineers advise and assist the Burundi authorities on issues such as road building.

The civilian component contributes to continuing negotiations between the various political parties in the run-up to the National Debate, as well as appealing for calm in attempts to forestall further violence.

The mandate of MIOB was extended until 17 September 1995 and its military component was increased to 67 officers. The extra 20 military officers have already been recruited and were due to arrive in Burundi in mid-June. This increase was agreed by the Burundi Government and will enable the MIOB to have a presence in all provinces. An increase in the civilian component has also been decided on, to enable legal experts to assist in the National Debate due to take place in 1995.

The MIOB legal experts should assist the National Debate to identify legal measures required to protect and promote human rights. Amnesty International urges the African Commission on Human and Peoples' Rights, and in particular its Special Rapporteur on extrajudicial, summary and arbitrary executions, to assist in this work and submit expert recommendations to the National Debate on the need to establish mechanisms to prevent and investigate extrajudicial executions and other deliberate and arbitrary killings.

An Amnesty International delegation visiting Burundi in May 1995 travelled outside the capital with the OAU military observers. It concluded that although these observers can help build the confidence of the traumatized population, they are not in a position to observe army operations as they happen. Restrictions on MIOB include a requirement to give advance notice of patrols to the Burundi army, which then assigns armed officers from the army to accompany them. OAU officers are nevertheless able to play an important role in mediating between different actors in the field. These actors include UN agencies, non-governmental relief organizations, local authorities and the army. Much tension arises from the delivery of food assistance, and perceptions of discrimination sometimes lead to human rights abuses such as political killings of civilians by armed groups. Looting of food convoys has led to even greater tension in the countryside, leaving humanitarian agencies at the centre of disputes relating to food programs for the internally displaced and refugees. Over the last year foreign and Burundi workers have been attacked, kidnapped and killed. There are threats and grenade attacks almost every month.³²

MIOB observers can occasionally talk to local people on their own, but even if they are able to gather information independently at the sites of alleged massacres or from witnesses, they do not publish reports on their findings. Amnesty International delegates attended the OAU Council of Ministers and Assembly of Heads of State and Government in Addis Ababa in June 1995 where they spoke to many government representatives. Amnesty International's concerns in Rwanda and Burundi were generally shared by African governments. Following the summit meeting, the OAU tried to bring the different parties to the conflict in Burundi to a conference table and these efforts appear to be continuing.

Amnesty International recommends that the OAU should ensure that the MIOB observer mission has a clearly spelled out human rights mandate, freedom of movement and regularly publishes reports about human rights abuses by the armed forces and armed political groups.

³² UNICEF Burundi emergency update, volume two, number 4, 24 May 1995, *Escalation Of Violence Against Humanitarian Organizations Triggers Wave of Protest: Insecurity Risks to Seriously Limit Assistance to Affected People of Burundi*

9. A human rights field operation for Burundi

The human rights situation in Burundi is critical. Human rights observers could make a vital difference by providing information and advice about the human rights situation, both to the Burundi authorities and to the international community, investigating and raising individual cases with the authorities and acting as a deterrent in some situations. However, any such operation is complex and must be properly planned and resourced from the outset.

The UN Security Council fact-finding missions of August 1994 and February 1995 recommended that human rights observers should be deployed throughout the country, provided there is an improvement in the security situation. Similarly, the UN Secretary General suggested in his report on the situation in Burundi "the deployment of human rights observers, as recommended by the High Commissioner for Human Rights and the many missions which have visited Burundi, in order to facilitate the process of national reconciliation."³³

On 25 October 1994 the UN General Assembly adopted by consensus a resolution calling on member states, the bodies of the UN system and intergovernmental and non-governmental organizations to help to restore confidence among the various sectors of Burundi society, especially by deploying civilian human rights observers to back up the local administration.³⁴

As the situation again worsened during the last session of the UN Commission on Human Rights in 1995, the High Commissioner for Human Rights issued an appeal to the members of the UN Commission for Human Rights in which he expressed the view that:

"[An] increased human rights presence in Burundi through the deployment of human rights field officers would be in keeping with action of the General Assembly. It would not only allow broadly-based promotional and educational activities throughout Burundi from the office in Bujumbura but also play an especially useful deterrent role with respect to violations of human rights, particularly in the countryside, as reports of violence there continue."

In March 1995 the UN Commission on Human Rights in Geneva adopted by consensus a resolution calling for the appointment of a Special Rapporteur on Burundi and "express[ed] its conviction concerning the need to further increase preventive action in

³³ UN Doc. S/1994/1152, para. 48.

³⁴ UN GA Res. 49/7, para. 4(b).

Burundi without delay, in particular through the presence of human rights experts and observers throughout the country". The new Special Rapporteur, Paulo Sergio Pinheiro from Brazil, left for Burundi at the end of June 1995.

One of the gravest problems in Burundi is the lack of accurate information about day-to-day incidents, which allows the spread of rumours and deliberate scaremongering. Information about killings and other human rights abuses, whether committed by armed groups or by government forces, does not reach the relevant authorities. Human rights observers in the countryside or in the troubled quarters of Bujumbura could provide information about abuses, both to the Burundi authorities and the international community. Whether this is enough to break the cycle of impunity depends on the political will of the authorities to take action on that information. Observers may need protection when operating in dangerous areas.

An official from the UN Centre for Human Rights visited Burundi in June and July to assess how to mount a human rights field operation in Burundi. The official has indicated that a UN human rights field operation could be mounted shortly.

A human rights field operation in Burundi must be properly planned and resourced. It should work closely with local human rights groups, not only to benefit from their experience but also to enhance their capacity to protect and promote human rights. It should monitor the actions of the army, the Gendarmerie and armed political groups, as well as investigating and referring cases to the authorities and advising on human rights protection. It should learn from the experience of the OAU's operation, with a view to ensuring that its field officers are able to monitor human rights without restrictions. Lastly, the operation should ensure that all its staff have the necessary experience, expertise and local knowledge of the nature of the conflict in Burundi.

III ACTION OUTSIDE RWANDA AND BURUNDI

10. Fugitives from justice

The International Criminal Tribunal for Rwanda is investigating allegations against certain leaders of the former Rwandese government and army and other alleged instigators of crimes against humanity, including genocide, who are currently living outside Rwanda. Governments have been extremely slow to pass legislation enabling cooperation with the Tribunal. It is imperative that all states take steps to cooperate with the Tribunal to ensure there are no sanctuaries from justice for the perpetrators of crimes against humanity, including genocide.

All states are required under UN Security Council Resolution 955 of 8 November 1994 to cooperate fully with the Tribunal and to implement the necessary measures in domestic law. In Resolution 978 of 27 February 1995 the UN Security Council urged states to arrest and detain suspects and to inform the Prosecutor of "the identity of the persons detained, the nature of the crimes believed to have been committed, the evidence providing probable cause for the detentions, the date when the persons were detained and the place of detention."

As of 31 July 1995, more than nine months after the Tribunal was established, only two states, Australia and New Zealand, had informed the Tribunal that they had adopted such legislation. Three states, the Republic of Korea, Singapore and Venezuela, have stated that their legal system already allows for defendants in their countries to be surrendered to the Tribunal. At the start of August 1995 the Ugandan Minister of Justice announced that its parliament was about to debate a bill to allow Uganda to cooperate with the Tribunals of Former Yugoslavia and Rwanda. In Austria, draft legislation is due to be debated by the Parliament in the autumn. A number of other states have announced their intention or willingness to adopt the necessary legislation but have not yet done so. Only one state, Belgium, has informed the Tribunal that it has arrested suspects with a view to bringing them to justice in its own courts.

Such legislation is urgent, as the Prosecutor announced on 6 April 1995 that he has a list of 400 suspects, most of whom are living outside Rwanda.³³ In order to ensure that those indicted by the Tribunal do not succeed in evading justice, it is imperative that states adopt the necessary legislation.

Where people suspected of complicity in crimes against humanity and other crimes under international law have taken refuge in another state, Amnesty International calls upon states to fulfil their international obligations to investigate allegations against the suspects found on their territory and where there are reasonable grounds to conclude that they may have been responsible for crimes under international law in Burundi and Rwanda, to exercise their powers to arrest and detain them. Suspects should then be tried or transferred to a jurisdiction – such as the International Criminal Tribunal for Rwanda – where they would face a fair trial without the death penalty. Amnesty International also calls upon the authorities of all states to ensure that international standards regarding protection of refugees are fully respected. In particular, Amnesty International calls on states not to return any person (even those suspected of participating in the killings in Rwanda and Burundi) to a country where they would face the threat of torture, "disappearance", execution, or detention as a prisoner of conscience.

³³ S/1995/457, 4 June 1995, para. 30.

Amnesty International calls on the authorities in Burundi, Zaire, Tanzania and Kenya and any other country where suspects are resident, immediately to do everything possible, consistent with international standards concerning the right to fair trial, to arrest and detain such people. Some small steps have now been taken in this direction. A few states, including Belgium, France, Switzerland and Canada, have taken action against a handful of suspects. On 31 May 1995 Belgium issued international arrest warrants against a former Rwandese government and military official, Colonel Théoneste Bagosora; Jean Ntungya, a former commander of the military district of Kigali, and Sylvain Mutabaruka, former bourgmestre (district administrator) of Sake. Two other Rwandese – Vincent Ntezimana and Alphonse Higaniro – were arrested in May and two former Rwandese mayors were arrested on 29 June 1995 and are held in prison in Brussels. Canada is processing the extradition of another suspect, Léon Mugesera. In France, a Rwandese priest, Wenceslas Munyeshyaka was arrested on 28 July 1995 on charges of genocide, torture, ill-treatment and degrading and inhuman activities and detained for two weeks. The court then decided to release him on conditional bail on the basis that the accusations against him could not be verified. He is under instructions to remain in the commune of Bourg-Saint-Andéol in France and to report to the gendarmerie every day.

There are currently two Burundi soldiers accused of involvement in the attempted coup of October 1993 in Burundi held in the Zairian capital, Kinshasa. A third was reportedly released in August 1995. Eight more were released without charge or trial from military custody in the Ugandan capital, Kampala, between May and July 1995. A ninth was still being held in Uganda by mid-August.

As the sense of impunity grows in the countries surrounding Rwanda and Burundi, those members of the former Rwandese army and related militias will become emboldened. Insecurity and human rights abuses in the Great Lakes region could increase. Cross-border incursions by Hutu-dominated armed groups into Rwanda from Burundi and Zaire continue, resulting in politically motivated killings of defenceless civilians. In recent months there has been an escalation of attacks by Hutu armed groups on government forces, and deliberate and arbitrary killings of unarmed Tutsi civilians, particularly in northern Burundi.

11. Arms transfers

Amnesty International has already made a number of recommendations concerning immediate action to be taken to prevent the transfer of weapons, ammunition or training to the former armed forces and militia of Rwanda which are likely to contribute to further human rights abuses such as deliberate and arbitrary killings.³⁶

³⁶ See *Rwanda: Arming the perpetrators of the genocide*, AI Index AFR 02/14/95.

The UN Security Council has asked the Secretary General to report on the possibility of deploying UN military observers at airports in eastern Zaire in order to monitor the sale and supply of arms for use within Rwanda.³⁷ On 25 June 1995 the UN's Special Envoy to the Great Lakes Region visited Goma in eastern Zaire to study the possibility. The UN Secretary General also discussed the proposal with the governments of countries neighbouring Rwanda during his visit to the region in July 1995. So far the reactions have been mixed. The Government of Tanzania has refused to consider the deployment of military observers in its territory. The Government of Uganda has neither welcomed nor rejected the proposal. The Government of Zaire has called for an international commission of inquiry, under UN auspices, to investigate allegations of arms supplies to the former Rwandese armed forces and to verify allegations of destabilizing activities but has rejected the idea of redeploying military observers to Zaire.³⁸

On 7 September 1995, the UN Security Council adopted Resolution 1013 requesting the Secretary General to establish an international commission of inquiry to investigate reports of military supplies and training to former Rwandese government forces in the Great Lakes region, to identify parties aiding and abetting the illegal acquisition of arms by former Rwandese government forces and to recommend measures to end the illegal flow of arms to the subregion.

Amnesty International recommends that UN observers should be quickly deployed to monitor the supply of arms which could be used to commit human rights abuses within Rwanda and Burundi, and to report on cross-border incursions which have resulted in human rights abuses such as those recently documented by Amnesty International in its report *Rwanda: Arming the perpetrators of the genocide*.³⁹

On 16 August 1995, the UN Security Council voted to suspend the arms embargo on the government of Rwanda for an initial period of one year (until 1 September 1996)⁴⁰. Amnesty International takes no position on embargoes as such but believes that all governments have a responsibility to ensure that transfers of military, security and police equipment do not contribute to human rights violations.

³⁷ Security Council Resolution 997

³⁸ UN Doc. S/1995/683, 11 August 1995.

³⁹ AI Index AFR 02/14/95 pp. 6-7.

⁴⁰ UN Doc. S/1995/1011, 16 August 1995

In the light of its continuing concern about the present human rights situation in Rwanda, described elsewhere in this document, Amnesty International is appealing to the UN and its member states to establish mechanisms to monitor arms supplies to the government of Rwanda to ensure that they do not contribute to further human rights violations (see Amnesty International News Service: *Rwanda: Arms supplies must not contribute to further human rights violations*, AI Index AFR 47/17/95, 17 August 1995).

IV RECOMMENDATIONS

1. Recommendations to the United Nations and its member states to bring perpetrators of gross human rights violations to justice and to restore the rule of law and prevent further human rights violations in Rwanda:

1.1. The Human Rights Field Operation should publish as soon as possible a comprehensive report on its investigation into the genocide. This could be published on its own or jointly by the High Commissioner for Human Rights and the Special Rapporteur for Rwanda as an annex to the Special Rapporteur's next report.

1.2. The UN Human Rights Field Operation should be able to receive funds to help Rwanda re-establish a judicial system which is fair and excludes the death penalty. The money should be spent based on the assessment and recommendation of the Human Rights Field Operation.

1.3. The Human Rights Field Operation should establish a more effective international human rights presence by recruiting experts and improving logistical support and planning. For example, renewable contracts of at least six months should be offered in order to attract suitably qualified candidates and to enhance continuity in the field. Care should be taken when rotating field officers to minimize the disruption of constructive relations established with the local authorities and population. The budget of the operation should be put on a firm financial footing, to eliminate the uncertainty which is undermining the effectiveness of the operation.

1.4. The Human Rights Field Operation should monitor the current human rights situation and report violations within Rwanda and internationally. The High

Commissioner for Human Rights should publish regular detailed reports on the activities of the operation and the efforts which the Rwandese authorities are making to comply with the operation's recommendations.

1.5 The international community should adopt the necessary legislation required to cooperate with the International Criminal Tribunal for Rwanda and cooperate in the gathering of evidence, arrest and transfer of suspects and provision of appropriate detention facilities. It should also provide effective long-term support and funding to the International Criminal Tribunal for Rwanda so that it can recruit qualified experts and proceed with its work with due speed.

1.6. UN Civilian Police Monitors (CIVPOLs) who have experience in training civilian police forces in accordance with human rights and international criminal justice standards should be sent to Rwanda to assist in the creation of civilian police forces. Training should follow the guidelines outlined in Section 7 of these recommendations (see below).

1.7 The international community should provide effective assistance to rebuild the Rwandese judicial system to ensure fair trials excluding the death penalty by delivering necessary resources and expertise.

2. Recommendations to the Rwandese Government to bring perpetrators of human rights violations to justice, to restore the rule of law and to prevent further human rights violations in Rwanda:

2.1. The government should publicly instruct the military and security forces that all extrajudicial executions, "disappearances", torture, cruel, inhuman and degrading treatment or punishment, arbitrary arrests and detention and other violations of international human rights law must stop and will not be tolerated.

2.2 The government should pass legislation to allow foreign legal experts to participate in rebuilding the Rwandese legal system at all levels and bringing perpetrators of human rights abuses to justice.

3. Recommendations to the United Nations and its member states to bring perpetrators of human rights abuses to justice, to restore the rule of law and to prevent further human rights abuses in Burundi:

3.1. The UN should provide the necessary political and logistical support so that an international commission of inquiry can carry out a prompt, thorough and impartial investigation into the October 1993 coup attempt and its aftermath. The investigation would be consistent with the UN's own standards, such as the Principles of Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Its remit should include investigating extrajudicial executions and other deliberate and arbitrary killings, "disappearances" and torture, gathering evidence to help decide whether individuals should be prosecuted, publicly reporting its findings, making recommendations on the prevention of human rights abuses, and reporting on the progress of follow-up of these recommendations by the Burundi authorities. The members of the commission should be independent, experienced, and respected professionals, and should be supported by experts in required areas such as forensic anthropology and ballistics.

3.2 The UN should provide resources to train an effective national civilian police. The guidelines outlined in Section 7 of these recommendations (see below) should be followed in this process.

3.3. A human rights field operation in Burundi must be properly planned and resourced. It should work closely with local human rights groups, not only to benefit from their experience but also to enhance their capacity to protect and promote human rights. It should monitor the actions of the army, the gendarmerie and armed political groups, investigating and raising individual cases with the authorities, as well as advising on human rights protection. It should learn from the experience of the OAU's operation, with a view to ensuring that its field officers are able to monitor human rights without restrictions. Lastly, the operation should ensure that all its staff have the necessary experience, expertise and knowledge of the nature of the conflict in Burundi.

3.4. The international community should provide support for foreign judges and other judicial experts to work with their Burundi counterparts to ensure that the judiciary investigates and prosecutes crimes fairly in accordance with international standards.

4. Recommendations to the Burundi authorities in order to bring perpetrators of human rights violations to justice, restore the rule of law and prevent further human rights violations in Burundi:

4.1. The Burundi authorities should publicly instruct the military and security forces that all extrajudicial executions, "disappearances", torture and cruel, inhuman or degrading treatment or punishment, arbitrary arrests and detention and other violations of international human rights law must stop and will not be tolerated.

4.2. The Burundi authorities should make institutional changes to restore confidence in the impartiality and fairness of the judicial system, including requesting and accepting the assistance of foreign judicial experts.

4.3. The Burundi authorities should train an integrated national police force to be effective in civilian law enforcement in accordance with international human rights and criminal justice standards.

4.4. The Burundi authorities should allow the OAU observer mission freedom of movement in order to observe military operations which are relevant to the protection of human rights.

4.5 Heads of the security forces and those under their command should cooperate with and adhere to instructions from government and judicial officials to prevent human rights abuses.

5. Recommendations to the Organization of African Unity:

5.1. The OAU should ensure that the MIOB observer mission has an express human rights monitoring mandate and freedom of movement and, regularly publishes reports about human rights abuses by the armed forces and armed political groups.

6. Recommendations to all states to bring to justice individuals currently living outside Rwanda and Burundi who are suspected of having committed crimes under international law and to prevent further human rights abuses by the former Rwandese army:

6.1 All states which have not done so should pass any necessary legislation enabling their authorities to cooperate with the International Tribunal for Rwanda to ensure that there are no sanctuaries from justice for perpetrators of crimes under international law.

6.2 All states should arrest and detain people found within their territory when there is sufficient evidence that the suspects may have been responsible for crimes under international law in Rwanda or Burundi. They should be tried or transferred to a jurisdiction -- such as the International Criminal Tribunal for Rwanda -- where they would face a fair trial without risking the death penalty.

6.3 No states should return any person (even those suspected of participating in the killings in Rwanda and Burundi) to a country where they would face threat of torture, "disappearance", execution, or detention as a prisoner of conscience.

6.4 All states should support the deployment of UN observers to monitor the supply of arms which could be used to commit human rights abuses within Rwanda and Burundi, and to report on cross-border incursions which have resulted in human rights abuses (such as those recently documented by Amnesty International in its report *Rwanda: Arming the perpetrators of the genocide.*)

7. Guidelines on the creation of a civilian police training program:

7.1. A detailed assessment should be carried out to create a plan for feasible and appropriate training programs that fit into a broader framework of human rights reform. Non-governmental organizations should be involved in the design and execution of the training programs as they are often well-informed about the daily breaches of international standards and the kind of practical exercises which would focus attention on dealing with violations.

7.2. Training programs should select target groups of trainees, goals for training, and teaching methods very carefully. Trainers should have a connection with the target group. Trainers must be able to demonstrate how to deal with comparable situations, rather than merely extolling the virtues of their own systems.

7.3. Teaching materials should be practical and meet the needs of the audience. Printed materials, including translations of relevant international criminal justice and

human rights standards, should be made available from the outset. If the people being trained are illiterate, illustrated explanations of the relevant standards should be provided.

7.4. Follow-up should be built into the training program from the very beginning, and a continuous evaluation of the effectiveness of the program is necessary.

7.5. Training should be only one step towards achieving greater accountability to an independent and impartial judiciary rather than a substitute for it. At the time of training the authorities must undertake to respect human rights in practice, rather than merely ensuring that police officers attend training classes. Training should be built into the career structure of the police force, so that adherence to human rights standards and appreciation of human rights concerns become critical factors in determining promotion and assignments. The training program should be coordinated with other human rights efforts designed to create a culture of human rights in the country.

V ANNEX: TEXT OF SECURITY COUNCIL RESOLUTION 1012 (1995) OF 28 AUGUST 1995

Adopted by the Security Council at its 3571st meeting, on 28 August 1995

The Security Council.

Having considered the report of the Preparatory Fact-finding Mission to Burundi dated 20 May 1994 (S/1995/157)

Having further considered the report of the Security Council's mission to Burundi dated 9 March 1995 (S/1995/163)

Recalling the statement by the President of the Council of 29 March 1995 (S/PRST/1995/13), in which the council, inter alia, underlined the role that could be played in Burundi by an international commission of inquiry into the 1993 coup attempt and into the massacres that followed,

Welcoming the letter of the Secretary General to the President of the Council dated 28 July 1995 (S/1995/631) recommending that such a commission of inquiry should be created by resolution of the Council,

Taking into account the initiative of the Government of Burundi in calling for the establishment of an international judicial commission of inquiry as referred to in the Convention of Government (S/1995/190, annex),

Recalling also the letter of the Permanent Representative of Burundi (S/1995/673) dated 8 August 1995 noting with interest the letter of the Secretary-General of 28 July 1995,

Taking note that the parties in Burundi, in the Convention of Government, agreed, without prejudice to the outcome of the independent national and international investigations, to call the massacres which followed the assassination of the President of Burundi on 21 October 1993 genocide,

Deeply concerned that impunity creates contempt for law and leads to violations of international humanitarian law,

Expressing once again its grave concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian law have been committed in Burundi,

Stressing the importance of strengthening, in cooperation with the government of Burundi, the Burundi judicial system,

Reiterating its profound concern over the resumption of radio broadcasts inciting ethnic hatred and violence and recognizing the need for ending such broadcasts,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for these violations and should be held accountable,

1. Requests the Secretary-General to establish, as a matter of urgency, an international commission of inquiry, with the following mandate:

(a) To establish the facts relating to the assassination of the president of Burundi on 21 October 1993, the massacres and other related serious acts of violence which followed;

(b) To recommend measures of a legal, political or administrative nature, as appropriate, after consultation with the Government of Burundi, and measures with regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the commission and, in general, to eradicate impunity and promote national reconciliation in Burundi;

2. Recommends that the international commission of inquiry be composed of five impartial and internationally respected, experienced jurists who shall be selected by the Secretary-General and shall be furnished with adequate expert staff, and that the Government of Burundi be duly informed;

3. Calls upon States, relevant United Nations bodies and, as appropriate, international humanitarian organizations to collate substantiated information in their possession relating to acts covered in paragraph 1 (a) above, to make such information available as soon as possible and to provide appropriate assistance to the commission of inquiry;

4. Requests the Secretary-General to report to the Council on the establishment of the commission of inquiry, and further requests the Secretary-General, within three months from the establishment of the commission of inquiry, to submit an interim report to the Council on the work of the commission and to submit a final report when the commission completes its work;

5. Calls upon the Burundi authorities and institutions, including all Burundi political parties, to fully cooperate with the international commission of inquiry in the

accomplishment of its mandate, including responding positively to requests from the commission for security, assistance and access in pursuing investigations, including:

(a) Adoption by the Government of Burundi of any measures needed for the commission and its personnel to carry out their functions throughout the national territory with full freedom, independence and security;

(b) Provision by the Government of Burundi of all information in its possession which the commission requests or is otherwise needed to carry out its mandate and free access for the commission and its staff to any official archives related to its mandate;

(c) Freedom for the commission to obtain any information the commission considers relevant and to use all sources of information which the commission considers useful and reliable;

(d) Freedom for the commission to interview, in private, any persons the commission judges necessary;

(e) Freedom for the commission to visit any establishment or place at any time;

(f) Guarantee by the Government of Burundi of full respect for the integrity, security and freedom of witnesses, experts and any other persons who help the commission in its work;

6. Calls upon all States to cooperate with the commission in facilitating its investigations;

7. Requests the Secretary-General to provide adequate security for the commission in cooperation with the Government of Burundi;

8. Requests the Secretary-General to establish, as a supplement to financing as an expense of the Organization, a trust fund to receive voluntary contributions to finance the commission of inquiry;

9. Urges States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the commission of inquiry including the offer of expert personnel in support of the implementation of this resolution;

10. Decides to remain actively seized of the matter.

**LIGUE RWANDAISE POUR LA PROMOTION
ET LA DEFENSE DES DROITS DE L'HOMME**
B. P. 1892 KIGALI - TEL. & FAX (250) 75459

Agréée par A.M. N° 447/05 DU 30/12/1991
Membre de la FIDH depuis le 15 Janvier 1995

RECEIVED

N / Réf.:
V / Réf.:

17 AUG 1995
OFFICE OF THE SRSG
UNAMIR

Kigali, le.....

Objet: **DECLARATION DE LA LIGUE RWANDAISE POUR LA
PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME
(LIPRODHOR) SUR LA VAGUE D'ASSASSINATS DES
HOMMES POLITICO-ADMINISTRATIFS ET RELIGIEUX.**

La Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme a appris avec grande consternation les assassinats lâches et ignobles de Monsieur KOLONI Placide, Sous-Préfet de Ruhango en Préfecture de Gitarama tué en date du 27 Juillet 1995 avec une bonne partie de sa famille, ainsi que ceux de Monsieur Oreste HABINSHUTI, Sous-Préfet à la Préfecture de Gikongoro et de l'Abbé Pie NTAHOBARI, Curé de la Paroisse de Kamonyi en Préfecture de Gitarama, survenus le 1 Août 1995.

La LIPRODHOR condamne avec fermeté tous ces assassinats dirigés contre les hautes personnalités administratives et religieuses dont le comportement pendant les événements qui ont endeuillé le Rwanda est irréprochable, assassinats qui ne cessent de ternir davantage l'Image de notre pays déjà rendu tristement célèbre par les violations massives des droits de l'Homme commises surtout depuis avril 1994.

A la lumière des cas antérieurs à ceux ci-dessus évoqués, la LIPRODHOR dénonce un semblant de plan machiavélique qui viserait à intimider et à exterminer des hommes politico-administratifs, des personnalités de la Société Civile et des populations innocentes à cause de leur appartenance ethnique, religieuse ou de leurs idées politiques.

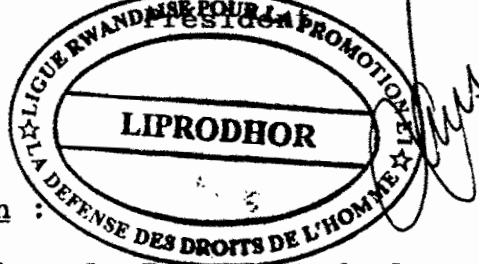
La LIPRODHOR demande aux forces de sécurité de défendre cette population civile, victime des hordes barbares, sans foi ni loi, par tous les moyens mis à leur disposition.

La LIPRODHOR interpelle à nouveau la Communauté Internationale à user de toutes ses compétences pour aider le Gouvernement Rwandais à honorer ses engagements vis-à-vis des instruments internationaux de protection et de défense des Droits de l'Homme auxquels il a souscrit.

La LIPRODHOR réitère enfin ses sincères remerciements à tous ceux qui se déploient pour lutter contre la désintégration de l'Etat, notamment par le déblocage du fonctionnement de l'appareil judiciaire.

Fait à Kigali, le 07 Août 1995

Pour la LIPRODHOR
NYILIMBIRI Alphonse



Copie pour information :

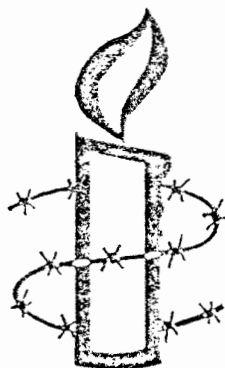
- Son Excellence Monsieur Le Président de la République Rwandaise
KIGALI
- Son Excellence Monsieur le Vice-Président de la République et Ministre de la Défense
KIGALI
- Son Excellence Monsieur le Président de l'Assemblée Nationale
KIGALI
- Monsieur le Premier Ministre
KIGALI
- Monsieur le Ministre de l'intérieur et du Développement Communal
KIGALI
- Monsieur le Ministre de la Justice
KIGALI
- Monsieur le Ministre des Affaires Etrangères et de la Coopération
KIGALI
- Autres membres du Gouvernement (tous)
- Membres de l'Assemblée Nationale (tous)
- Partenaire de la LIPRODHOR (tous)

[EMBARGOED FOR: 13 June 1995]

amnesty international

RWANDA

**Arming the perpetrators of the
genocide**



13 June 1995

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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

RWANDA

Arming the perpetrators of the genocide

The information in this report comes from various sources, including interviews with refugees, human rights activists, and members of the Rwandan government. It is based on information received from a number of sources, including the United Nations, the International Committee of the Red Cross, and the International Human Rights Commission.

The events which occurred in Rwanda between April and July 1994 were crimes against humanity. The arms that were supplied to the government at the time were used to carry out acts of genocide, deliberate and arbitrary killings and other grave human rights violations. There is now mounting evidence that similar types of arms continue to reach the perpetrators of these crimes who are now outside Rwanda in other countries.

Amnesty International is extremely concerned by persistent reports of large supplies of weapons and ammunition reaching the perpetrators of crimes against humanity in Rwanda, namely the *Forces armées rwandaises* (FAR) - the former Rwandese Armed Forces, and the *Interahamwe* militia, who continue to commit human rights abuses. The supplies arrive via Goma airport in eastern Zaire. In May 1995, these reports were continuing. Some of the weapons and ammunition have been used by these forces for cross-border incursions from Zaire into Rwanda where political killings have taken place and have also been used to intimidate Rwandese refugees to prevent them from returning. Amnesty International is concerned that such abuses could escalate.

This report describes the recent secret transfer of weapons and ammunition from several countries, including Albania and Bulgaria, to the exiled Rwandese armed forces in eastern Zaire by traders in the United Kingdom using aircraft registered in Ghana, Nigeria, Ukraine and Russia.² In Zaire and other countries, commanders of these exiled forces who were responsible for crimes against humanity and acts of genocide last year have purchased or negotiated transit facilities for these military supplies. They have been able to evade the February 1995 United Nations (UN) Security Council call for suspected perpetrators of genocide to be arrested and tried in cooperation with the International Tribunal on Rwanda.

¹ In 1992, the ruling party of the former president of Rwanda, the *Mouvement républicain national pour la démocratie et le développement* (MRND), National Republican Movement for Democracy and Development, created a private Hutu militia known as the *Interahamwe* ("Those who attack together") which initiated a pattern of deliberate and arbitrary killings of Tutsi civilians and moderate Hutu spokespersons. Another allied private militia known as the *Impazumagambi* ("Those who have the same goal") was created by the MRND's coalition partner, the *Coalition pour la défense de la république* (CDR), Coalition for the Defence of the Republic. These militia and their commanders, backed by their counterparts in the FAR and Presidential Guard, planned and perpetrated the mass killings in Rwanda which began on 6 April 1994 in which over half a million people were killed in the space of three months.

² This report does not address the many critical human rights issues facing Rwanda at present which are detailed in other reports by Amnesty International in 1994 and 1995.

The exiled army and militia have been given bases to regroup and receive military training. This training involves not only Hutu exiles from Rwanda but Hutu exiles from Burundi as well. The exiled Rwandese armed forces have used imported weapons and ammunition to commit further human rights abuses, particularly political killings.

Amnesty International takes no position in principle on whether or in what circumstances it would be legitimate to resort to violence as a means to political ends. In the context of the situation of the Rwandese armed groups now in Zaire, Amnesty International is opposed to military transfers to forces which continue to be under the command of those who were responsible for the genocide in Rwanda. Amnesty International believes that such transfers are likely to result in further human rights abuses.

Furthermore, Amnesty International does not take a position in principle on punitive measures such as sanctions, embargoes or boycotts. However, the organization does oppose military, security or police transfers to governments and armed opposition groups which can reasonably be assumed to contribute to human rights abuses such as deliberate and arbitrary killings, "disappearances", torture or ill-treatment. These transfers may include equipment, personnel, or training, as well as proven financial or logistical support for such transfers. Governments should prohibit such transfers from taking place unless it can be reasonably demonstrated that such transfers will not contribute to such human rights abuses.

Although the majority of the mass murders which began in Rwanda on 6 April 1994 were carried out using local farming implements such as machetes and hoes, the killings were largely initiated or supervised by members of the security forces who had more sophisticated light weaponry. In most cases when the killers met resistance, they first used grenades and then firearms, including automatic rifles. After the Rwandese Patriotic Front (RPF) took power on 4 July 1994, most of the former FAR and the mainly Hutu militia fled into Zaire taking with them weapons made in Belgium, China, France, South Korea, and South Africa. At first the Zairian army in the Goma area confiscated many of these weapons, but later the Rwandese forces who fled to eastern Zaire were allowed to retain most of their weapons. Since then, some of the weapons confiscated by the Zairian army are reported to have been sold back to the exiled FAR commanders.

Since December 1994 many of the 25,000 to 30,000 soldiers of the former FAR and the *Interahamwe* militia who were responsible for crimes against humanity in 1994 have been regrouping in Zaire where they are re-arming and undergoing military training under the leadership of their former senior commanders. They are commanded by, amongst others, the former head of the FAR and the Presidential Guard who was in charge during the mass killings in 1994 and the colonel responsible for arming the *Interahamwe* since their rearmament in 1992.

The information in this report comes from various sources including first hand accounts as well as unpublished and published information which has been made available to and confirmed by Amnesty International. The aim of this report is to urge governments, particularly those named in this report, to investigate the transfer emanating from, or transiting through, their countries to Central Africa of weapons and ammunition which are being used to carry out human rights abuses and which could easily fuel further acts of mass killing.

Arms supplies via Goma airport

Despite denials by Zairian government officials, there are numerous reports that the commanders of the exiled Rwandese armed forces have been involved in the procurement of large supplies of weapons and ammunition from abroad via Goma airport. The Zairian authorities and the international community have failed to take effective action against this supply of arms despite a UN arms embargo which remains in force.

Allegations that between ten and twelve plane-loads of arms were delivered from Bulgaria to Goma in Russian Ilyushin cargo aircraft "over the past three months" were first made on 10 April 1995 by Robin Cook, the United Kingdom (UK) Shadow Minister on Foreign Affairs who visited Goma on 24 March 1995. He claimed that a "UN source" had confirmed this and he called for the arms deliveries to be stopped in accordance with the UN arms embargo on Rwanda which was established on 17 May 1994.³

Following this allegation, the Zairian Minister of Defence, Admiral Mavua Mudina, and several top military leaders visited Goma as a "commission of inquiry". On 15 April 1995, Admiral Mudina released a statement denying reports of arms supplies to Goma and also denying that groups of Hutu militia from Rwanda and Burundi were training on Zairian soil.

However, Amnesty International has confirmed that night flights into Goma by large cargo aircraft continued into mid-May 1995, usually on Tuesdays at around 11.00pm despite the fact that the airport does not officially have night landing facilities and that normal cargo flights occur only during the day. These secret night landings are alleged to be large cargo planes carrying arms and ammunition deliveries. Goma airport is the only airport in eastern Zaire capable of receiving large cargo aircraft and is strictly guarded by the Zairian security police, the *Service national d'intelligence et de protection* (SNIP), National Intelligence and Protection Service.

³ UN Security Council Resolution 918 of 17 May 1994 established a Committee to gather information to help enforce the arms embargo. UN officials have said that the embargo applies to all Rwandese nationals.

Witnesses at Goma airport saw three cargo planes with English-speaking pilot crews who had flown in weapons on 4 April 1995, reportedly via Gabon. Zairian soldiers at the airport claimed that the large quantity of weapons were delivered for use by the 1,500 troops of the *Contingent zaïrois pour la sécurité dans les camps* (CZSC), the Zairian Contingent for Security in the Camps, who are responsible for policing the refugee camps run by the United Nations High Commissioner for Refugees (UNHCR). However, this claim is disputed by witnesses who state that the CZSC were given their personal weapons from the local Zairian garrison stocks and did not need three large cargo plane-loads of weapons. The CZSC is monitored by 27 international staff of the Civilian Security Liaison Group. Apparently, the latter's mandate does not cover the airport. Another sighting was reportedly made in Goma during April 1995 of a Liberian-registered cargo aircraft.

A UK television program due to be broadcast on 13 June 1995 describes a series of arms flights to Goma for the exiled Hutu armed forces⁴. During 1994, these flights were made by Boeing 707 aircraft registered in Ghana and Nigeria but between November 1994 and May 1995 the aircraft used were a Ukrainian-registered Antonov 124 as well as Ilyushin 76 cargo aircraft registered in both the Ukraine and Russia. They have delivered arms from Plovdiv and Burgas in Bulgaria to Goma for the exiled Hutu armed forces, usually landing on Tuesday nights around 11.00pm. Fuel stops have been made in Cairo, Egypt, and in one instance in Jeddah, Saudi Arabia. One such delivery was reportedly received in the presence of the former Prime Minister of Rwanda, Jean Kambanda, and a former leader of the *Interahamwe*, Jean-Baptiste Gatete, who are now in exile.

Arms caches are said to have been established along the Zaire/Rwanda border between 5 and 7 km inside Zaire. One such cache in the *Parc National des Volcans* near the border with north west Rwanda was seen to contain, among other things, French M60 medium machine guns, AK47 assault rifles, fragmentation grenades in boxes with US markings and South African 7.62 ammunition. The US grenades are said to have been obtained by exchanging or buying weapons from the Angolan armed opposition group, the *União Nacional para a Independência Total de Angola* (UNITA), the National Union for the Total Independence of Angola, which has operated from Zaire and which is also subject to a UN arms embargo.

Reports of secret arms flights to the exiled former FAR and *Interahamwe* via Goma airport date back to July 1994. In November 1994, four pilots employed by a UK company admitted publicly to having flown four large charter plane-loads of small arms, mainly hand grenades, rifles and ammunition of Chinese and Russian origin, from Israel and Albania to

⁴ The Cook Report, Carlton Television, United Kingdom.

Goma during April 1994⁵. The supplies are said to have included Israeli-made weaponry such as Uzi sub-machine guns, as well as weapons such as grenades captured by the Israeli army from the Egyptian army in 1973 and Chinese ammunition obtained through Tirana. One pilot told Amnesty International that he was "tricked" into flying 36.5 tonnes of arms and ammunition into Goma airport at night, thinking it was a delivery to the Zairian government, but said it was in fact for the exiled Rwandese army. A UK company organised the flights, one from Tel Aviv and other flights from Tirana, the Albanian capital, where Israeli and Albanian officials are alleged to have supplied the arms and ammunition. A Nigerian-registered and owned aircraft was reported to have been used, as well as a Ghanaian-registered Boeing 707 based in the United Kingdom.

Since the imposition of the UN arms embargo in May 1994, governments of the major arms suppliers to the previous government of Rwanda, notably the governments of France and South Africa, have stated that they no longer authorize arms sales to Rwanda. The French authorities were reported in February 1995 to be investigating a French-registered company which allegedly sold Kalashnikov rifles illegally to Rwanda using a Kenya-based cargo company. However, allegations of French and South African military collaboration with the exiled Hutu armed forces have continued.⁶

Amnesty International has received reports that local Zairian soldiers have sold arms to the former FAR commanders which they had confiscated in July 1994 from retreating FAR soldiers. In April 1995, Colonel Theoneste Bagosora, the former Rwandese Ministry of Defence official widely alleged to have organised the supply of weapons and coordinated activities of the *Interahamwe* leading up to and during the genocide, was reported to be second-in-command of the exiled forces and based in the Chimanga camp near the Zaire border with south west Rwanda. In March 1995, Colonel Bagosora and a Zairian commander at Katindo were questioned by the Zairian gendarmerie about arms trafficking. The Zairian commander was accused of selling arms confiscated from the FAR last July. A local businessman said that the deals were becoming increasingly open and that sales had included 500 grenades and at least 30 rifles. Another witness claims that at least six multiple-barrel light artillery batteries were confiscated from the FAR last July by the Zairean garrison in Goma, but there were only two remaining by May 1995, the rest having been sold back to the former FAR.

⁵ The Big Story, Twenty-Two Television, United Kingdom, 17 November 1994

⁶ Human Rights Watch Arms Project, "Rwanda/Zaire: rearming with impunity", Washington, May 1995

Political killings and death threats against refugees

Since February 1995, former *Interahamwe* militiamen and FAR soldiers have been using their accumulated stocks of weapons and ammunition to mount cross-border raids which have included deliberate and arbitrary killings of civilians. They have also used their military strength to create a climate of intimidation including death threats in many of the refugee camps to persuade Rwandese refugees not to return to their homes in Rwanda and to force young men to join the militia and the regrouped FAR.

During April 1995, up to 30 armed groups of Hutu were situated along eastern Zaire's border with Rwanda. Militia crossed the border into Rwanda at night on an almost daily basis, as has been observed at the Kamayola and Kibumba camps. Cross-border raids have also increased in the south west of Rwanda and the north west of Burundi. One aim of these incursions has been to target political opponents, although the raids are also linked to cattle rustling and attacks on infrastructure and military targets. The Head of the UN High Commissioner for Human Rights office in Rwanda stated publicly on 14 April 1995 that:

"Dozens of people have been killed in these attacks from across the border since the end of January...It was reported yesterday that there was another incursion that resulted in casualties...The motivations for the attacks vary...[and include] killing as a punishment of people who have returned to Rwanda without permission of the refugee camp authorities...[and] killing of people who appear to be cooperating with the Rwandese government, for example, those who have handed over their weapons or have given information about who took part in the genocide..."

Dr Anatole Bucyendore, a Hutu regional medical officer and head of the AIDS prevention program in Rwanda, was shot dead and his two-year-old child was repeatedly stabbed to death in Gisenyi, Rwanda on 25 February 1995. His wife and other child were severely wounded in the attack. Dr Bucyendore had fled to Goma from Rwanda in 1994. While in Goma he was threatened on various occasions that if he returned to Rwanda he and his family would be killed by the *Interahamwe*. Nevertheless, Dr Bucyendore decided to return to Gisenyi to work at the hospital there. Before his assassination, he had again received death threats, reportedly also from unnamed persons in Goma.

The UN Assistance Mission for Rwanda (UNAMIR) reported on 6 March 1995 that four insurgents captured in Kigali believed to be members of the *Interahamwe* and former army had sackloads of landmines and grenades which the insurgents said were to be used to attack civilian targets in Kigali, including the central market place, as part of a concerted destabilisation campaign. They said they came from Mugunga camp near Goma. Agents of the former government used landmines and other explosives extensively to terrorise the civilian population during 1993 and early 1994, particularly in Kigali. On 1 April 1995 the burgomaster of Gishoma was assassinated by insurgents surrounding his house with a

landmine trap using an Italian-designed ST-50 anti-personnel mine (which are manufactured in Italy as well as Egypt and Singapore). UNAMIR soldiers said that the trap could only have been placed by persons with specialist knowledge.

Deliberate and arbitrary killings of civilians during cross border raids have been coupled with increased intimidation in the refugee camps in eastern Zaire. On 31 March 1995, a refugee who returned to Rwanda from Kibumba camp in eastern Zaire told UNHCR officials in Gisenyi that *Interahamwe* militia were issuing death threats as part of a pattern of intimidation to young men who were reluctant to join the militia or who wanted to return to Rwanda. The CZSC contingent of Zairian troops is said to enjoy some cooperation from camp leaders but is frustrated in its attempts to obtain the cooperation of refugees when investigating such incidents.

There are various reasons given by UNHCR officials for why few Rwandese refugees have been unwilling to return to their homes in Rwanda. One of them is intimidation by militia and supporters of the former government. Another is the persistent rumours of reprisal attacks by the RPA. Furthermore, there are genuine reports of arbitrary detentions and killings by the RPA in Rwanda. According to an international commission of inquiry, both RPA soldiers and armed Hutu militia were responsible on 22 April 1995 for the deliberate and arbitrary killing of internally displaced persons at the Kibeho camp in south west Rwanda.

It is not only Rwandese exiles who have received arms and military training in eastern Zaire. Hutu refugees from Burundi are reported to have undergone military training with their exiled Rwandese counterparts in camps near Uvira in eastern Zaire where about 50,000 Hutu refugees fled from Burundi. They have also received weapons which match the supplies reported to have arrived at Goma - Chinese AKM assault rifles and landmines, Russian RPG rockets - as well as weapons previously supplied to Burundi or Rwanda - German G3 rifles and Belgian FAL guns. Russian rockets said to have been captured from insurgents from eastern Zaire had Arabic characters written on them and were called "a present from Cairo" by a Burundi military officer.

Danger of the present situation

The proliferation of arms in the region, and particularly the supplies to those who organized mass killings in Rwanda during 1994, is recognized by governments and inter-governmental organizations, as well as non-governmental organizations working in the region, as contributing significantly to human rights abuses and a general destabilisation of the region. The UN Security Council, the Organization of African Unity and the European Parliament have all expressed grave concern about continued arms flows to the region and proposed ways of halting the flow.

In addition to the 17 May 1994 UN arms embargo on Rwanda, on 29 March 1995 the UN Security Council called on all states "in particular neighbouring states, to refrain from supplying or allowing the transit of arms and to deny sanctuary and any other assistance to those extremist elements which seek to destabilise the situation in Burundi." An arms embargo was also placed on Zaire by the European Union in 1993. In a report on 20 April 1995, the Organisation of African Unity urged all countries to stem the illegal flow of arms to the region. On 18 May 1995 the governments of Zaire and Burundi expressed their joint concern about "the deterioration in security on their common border stemming from the proliferation of weapons in the sub-region." Amnesty International takes no position on arms embargoes as such; it is concerned that some governments have continued to allow arms to reach known human rights violators who are likely to use them to commit further abuses.

In February 1994, before the start of the genocide in Rwanda, Amnesty International had already expressed concern that arms had been transferred from the former Rwandese government authorities and the FAR to Hutu militia who deliberately killed over 2,000 unarmed civilians, most of them Tutsi. By May 1994, Amnesty International reported that the FAR was helping to coordinate the killings, and that commanders of the FAR had supplied military weapons to both the *Interahamwe* and *Impuzamugambi* militia for this purpose, while the government and military authorities were involved at the highest level in orchestrating and directing the murder campaign. The Presidential Guard was reported to have been in charge of military training of the *Interahamwe* and *Impuzamugambi*.

Now, one year after the mass killings which claimed over half a million lives in Rwanda, the supply of arms and ammunition through Goma in eastern Zaire to those who have been responsible for crimes against humanity requires urgent action by the international community.

Bringing the perpetrators to justice

Leaders of the former FAR, the Presidential Guard and the *Interahamwe* militia include many of those who planned and organized the genocide in Rwanda in 1994. If arms supplies continue to reach the forces under their command, there is a danger that they may continue to commit large scale human rights abuses. Many of those now in exile in Zaire and other countries are not only allowed by governments to evade justice, but are also reported to be

helping the re-arming and re-training of the same forces in exile⁷. One way of ensuring that this does not continue is for the perpetrators of the genocide to be brought to justice.

Amnesty International has repeatedly called on governments to provide legal, financial and human resources to help the International Tribunal for Rwanda, set up by the UN Security Council on 8 November 1994 to try people responsible for genocide, crimes against humanity and violations of humanitarian law committed in Rwanda between 1 January and 31 December 1994. According to UN Security Council Resolution 978 of 27 February 1995, all states should arrest and bring to justice in accordance with international standards "persons found within their territory against whom there is sufficient evidence that they were responsible" for crimes against humanity in Rwanda and, in doing so, states should cooperate with the International Tribunal.

Despite this international obligation, many of the former Rwandese government leaders live in Zaire and Kenya and move freely to the refugee and military camps and to other African countries such as Gabon, Côte d'Ivoire and Cameroon, as well as to countries in Europe. One report claimed that "While Zaire and Tanzania are the centres of military activity, ... many on the UN's list of 400 people accused of genocide are able to meet, raise funds and travel between Kenya and the camps [in Zaire and Tanzania] without hindrance."⁸ These officials are reported to include some of the Hutu extremist leaders whose group is known as *Akazu* and who are said to finance the exiled militia, as well as founders of *Radio-télévision des Mille Collines*, a radio station which regularly broadcast messages to incite Hutu militia to commit acts of genocide. A former Rwandese diplomat who is suspected of playing a key role in securing South African arms for the FAR and *Interahamwe* militia, is reported to reside in South Africa.

While some of the top exiled commanders of the FAR have returned to Rwanda, most are reported to have left their hotel accommodation and gone to live at military bases in Zaire. Many are said to reside at the Lac Vert "chiefs of staff" camp south west of Mugungu in eastern Zaire under the leadership of Major General Augustin Bizimungu, head of the former FAR and the Presidential Guard during the 1994 genocide. These commanders have been free to travel and to obtain and distribute military supplies at bases without interference from host governments. They have organized military training of the former members of the

⁷ For example, in April 1995, a meeting was filmed by a CNN television team in a Nairobi motel between an alleged arms trafficker from overseas and persons claiming to be the exiled Minister of Foreign Affairs of Rwanda, the exiled Minister of Finance of Rwanda, and a Lieutenant Colonel of the ex-FAR. The Rwandese threatened the camera crew and refused to answer questions about the meeting.

⁸ The Guardian (UK), 19 April 1995

FAR at military bases near Mugunga south of Goma and Panzi near Bukavu where the bulk of the defeated army was housed until late November and December 1994, as well as near Chimanga, between the volcanic hills near the *Parc National des Volcans* on the border with north-west Rwanda, and on the Island of Idjwi in Lake Kivu. The border areas with Rwanda near these camps are sites of cross-border insurgency during which human rights abuses have been carried out. According to ex-FAR soldiers who have deserted, in late 1994 several hundred ex-FAR troops and commanders were also moved to another secret camp in the Central African Republic for special training.⁹

Commanders have also been allowed to organize the supply of weapons to members of the former *Interahamwe*, many of whom reside in the refugee camps in eastern Zaire. These refugee camps run from Katale, Kahinda and Kibumba in the north Kivu region to Kamanyola, Kanganiro, Luvungi, Lubarika and Luberizi near Uvira in the south Kivu region closer to the border with Burundi. Hutu militia living in these camps are reported to have declined in number as they are recruited into the ex-FAR, but those who remain try to create a climate of fear in the refugee camps. Up to one third of the Hutu refugees in camps near Bukavu and Uvira are originally from Burundi and fled to Rwanda after the massacres in Burundi during November 1993.

On 31 May 1995, an international warrant for the arrest of a former leader of the *Interahamwe*, Colonel Theoneste Bagasora, was issued from Belgium. Colonel Bagasora was reported in November 1994 to have said that he wished to "wage a war that will be long and full of dead people until the minority Tutsi are finished".¹⁰ In March 1995 he said that a destabilisation insurgency campaign and a small scale incursion into Rwanda was being planned for mid-July (19 July 1995 will be the first anniversary of the RPF victory) after which recognition of the need for negotiations around the August 1993 Arusha Peace Accords between the former and present government of Rwanda will be advanced by a "major European power"

Many of the former FAR commanders recognize that the Rwandese government will not countenance their free return to Rwanda and so have curtailed public threats of human rights violations and expressed support for international negotiations which they hope would include a blanket amnesty for previous crimes against humanity. Major General Bizimungu nevertheless stated publicly in March 1995 that "The [former] Rwandese army has not lost the war" and one of his senior commanders stated on 4 March that the ex-FAR would "kill all Tutsi who prevent us from returning". Militia commanders in eastern Zaire from Rwanda

⁹ Interviewed for the Cook Report, *op cit*

¹⁰ Human Rights Watch, *op cit*

and Burundi stated that "our struggle is one and the same".¹¹ On 4 April 1995, Major General Bizimungu, and 13 other senior ex-FAR commanders released a signed Declaration of Support for the *Rassemblement pour le retour et la démocratie au Rwanda* (RDR), Rally for Return and Democracy in Rwanda. The RDR claims to be a new political entity excluding the old "government in exile". It is seeking a negotiated return of all exiled Rwandese and is said to favour a blanket amnesty for all crimes committed in the ethnic conflict.

Recommendations

Amnesty International takes no position on punitive measures such as sanctions, embargoes or boycotts, but is opposed as a matter of principle to military, security or police transfers to governments and armed opposition groups that can reasonably be assumed to contribute to human rights abuses such as deliberate and arbitrary killings, "disappearances", torture or ill-treatment. Such transfers may include equipment, personnel, or training, as well as proven financial or logistical support for such transfers. Governments should prohibit such transfers from taking place unless it can be reasonably demonstrated that such transfers will not contribute to such human rights abuses.

Amnesty International does not take a position in principle on whether or in what circumstances it would be legitimate to resort to violence as a means to political ends. In the context of the situation of the exiled Rwandese now in Zaire, Amnesty International is opposed to military transfers to forces which continue to be under the command of those who were responsible for the genocide in Rwanda. Amnesty International believes that such transfers are likely to result in further human rights abuses.

I. Amnesty International calls on all states named in this report to:

- a. carry out thorough investigations into reports that the former armed forces and militia of Rwanda now in Zaire, many of whom led or participated in crimes against humanity during 1994, have obtained - and may still be obtaining - weapons or ammunition emanating from or transiting through their countries.
- b. act immediately to prevent the transfer of any weapons, ammunition or military training to the former armed forces and militia of Rwanda which are likely to contribute to further human rights abuses such as deliberate and arbitrary killings.

¹¹ BBC Newsnight, 15 March 1995

2. Amnesty International calls on the government of Zaire to:

- a. allow the independent international monitoring of all cargo landing in Goma or any other airport in Zaire which may contain weapons or ammunition that are likely to be used by the former FAR or the Rwandese militia to carry out human rights abuses.

3. Amnesty International calls on all individual governments and inter-governmental organizations, including the United Nations and the Organization of African Unity, to take immediate practical steps to:

- a. ensure that suspected perpetrators of crimes against humanity are brought to justice in accordance with UN Security Council Resolution 978 of 27 February 1995; adopt legislation to enable authorities to cooperate with the International Tribunal on Rwanda; provide resources, as well as any relevant information on human rights violations, to the International Tribunal, and practical support to help rebuild the judiciary in Rwanda to ensure fair trials which exclude the death penalty;
- b. ensure that any military transfers to the armed forces of Rwanda and Burundi are not used to commit human rights violations such as deliberate and arbitrary killings and are not distributed to militia likely to commit such violations.
- c. provide better support for adequate civil policing in both Rwanda and Burundi which conforms to international standards, including standards of impartiality to help protect the human rights of all sectors of the population, whether Hutu or Tutsi.

Ishami ry'Umuryango w'Abibumbye riharanira Amajyambere

Kigali, le 02/06/1995

→ Ladan Kapu
6-6-95

N° 308

Monsieur le Représentant Spécial,

Objet: Conférence Mondiale sur les droits de l'homme

J'ai le plaisir de vous faire parvenir, ci-joint, la déclaration liminaire du Secrétaire Général de l'Organisation des Nations Unies, lors de la Conférence Mondiale sur les droits de l'homme qui a eu lieu à Vienne du 14 au 25 juin 1993, ainsi que la note d'information sur les droits de l'homme et diversité culturelle.

Vous en souhaitant bonne réception, recevez, Monsieur le Représentant Spécial, nos meilleures salutations.

S. Hasegawa

Sukehiro HASEGAWA
Représentant Résident

Monsieur Shaharyar KHAN
Représentant Spécial du Secrétaire
Général des Nations Unies
KIGALI



HAUT COMMISSAIRE AUX DROITS DE L'HOMME



HIGH COMMISSIONER FOR HUMAN RIGHTS

HUMAN RIGHTS FIELD OPERATION IN RWANDA
 (HRFOR)

UPDATE ON THE ACTIVITIES OF THE HRFOR
 1 June 1995 - 22 June 1995



I. STATUS OF DEVELOPMENT AND FINANCIAL SITUATION

As of 22 June 1995, there were 112 members of the HRFOR, composed of the following: 51 fixed-term staff; 27 UN Volunteers and 31 human rights field officers contributed to the HRFOR by the European Union. In the framework of technical cooperation projects, there are now 3 legal experts working with the Ministry of Justice, financed by the Voluntary Fund for Technical Cooperation in the Field of Human Rights. 17 legal experts intended to assist the Rwandese prosecutorial authorities in the preparation of case files, have recently been approved tentatively by the Minister of Justice and will be deployed shortly.

The HRFOR has its headquarters in Kigali, and currently has 11 field offices: 9 prefectural headquarters (Butare, Cyangugu, Gikongoro, Gisenyi, Gitarama, Kibungo, Kibuye, Kigali and Ruhengeri), two additional offices in the southeast (Rwamagana and Rulima) and one sub-office at Nyamasheke in Cyangugu Prefecture. In addition, HRFOR currently has two human rights field officers in the northeast prefecture of Byumba to evaluate the necessity of opening an office there.

A statement of pledges and contributions is attached which indicates the situation as of 22 June 1995. The statement shows that the HRFOR has to that date received voluntary contributions in the amount of US\$ 6,557,157.99. This, together with the US\$ 3 million, advanced from CERF, has enabled the entry into spending commitments for the months September 1994 to the end of June 1995 of US\$ 7.5 million. The remaining US\$ 2 million, will enable the Operation at current strength, to continue until around the end of the month of December 1995. This estimate does not include repayment of the CERF advance of US\$ 3 million.

II. HRFOR ACTIVITIES

A. General Situation

The current situation can be characterized as quiet but tense. This tension has derived more from acts of banditry rather than from human rights violations. Human rights field officers note a greater number of incidents of banditry, particularly at the borders of Butare, Cyangugu and Gisenyi prefectures. These incidents merit attention because they appear to be very well organized and in certain cases, are alleged to be perpetrated repeatedly by the same groups of individuals that come from across the borders of Burundi and Zaire.

During this period, HRFOR has closely monitored the reintegration of returnees to their home communes. After a decrease in the number of arrests in late May, human rights field officers in Butare have again noted a rise in the number of detainees held in the

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communes. At the same time, HRFOR (Rilima) has registered increased reports of disappearances mostly of newly returned IDPs.

The situation in the central prisons continues to deteriorate. Of particular concern is the serious overcrowding in Butare, Gitarama and Kigali central prisons. Four detainees have died over the last two weeks in Butare and approximately four die each day in Gitarama. The primary reason for death is illness from exposure. The national prison population has now reached nearly 46,000 detainees, including 1,100 minors. HRFOR sees no amelioration of the present situation because there are continuing arrests. The HRFOR is working with the authorities to find provisional solutions to this problem.

The Gitagata Juvenile Rehabilitation Centre in Kigali opened on 16 June. Among those present were the Minister of Justice and representatives from UNICEF, ICRC and HRFOR. 120 minors were transferred recently to the Centre. At full capacity, it will hold approximately 200 children.

Close cooperation between the Minister of Family Affairs and the Promotion of Women and the HRFOR Technical Cooperation Unit resulted in numerous activities and ceremonies throughout the country for the Day of the African Child on 16 June. The objective of these activities was to raise greater awareness of the rights of the child with special attention to the thousands of unaccompanied minors in the country.

Human rights field officers continue to experience armed robberies and other security incidents, including an increased frequency of searches at roadblocks. In response, HRFOR leadership maintains close contact with national authorities to ensure that the agreement between HRFOR and the Government of Rwanda is respected. It has also communicated with various United Nations agencies to develop better strategies for security. Respect for HRFOR staff and property is imperative, particularly in light of UNAMIR's revised mandate which calls for a substantial reduction in troops over the next four months.

B. Prefectures

1. Butare

Over the last few weeks, HRFOR (Butare) has noted that many IDPs who recently returned to their communes of origin are beginning to reintegrate in their local communities. Often, returnees have received communal support and have again taken up agricultural activities. Others still have not registered, remaining in the remotest areas of the communes.

In addition to IDPs, 1,041 refugees have been repatriated from Burundi since the beginning of May, the majority of them settling in Kibayi commune located at the border. While the number of repatriates is still very small, UNHCR expects as many as 15,000 more. HRFOR (Butare) is working with UNHCR (Butare and Burundi) to facilitate addressing the needs of the refugees.

Lack of housing in the northern and western communes of the prefecture has become an urgent concern where the installation of "old caseload" refugees and the recent return of IDPs has left few houses available. HRFOR (Butare) has received a number of reports of housing disputes and fear that they are likely to increase in the coming weeks. Human rights field officers report that in Ntazozo the local authorities recently expelled approximately 1,500 Burundese refugees from the commune for reasons which appear to be related to lack of housing. On 2 June a housing dispute in Huye resulted in the beating of a man and his forcible expulsion from the house by an RPA soldier.

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HRFOR (Butare) reports an increase of banditry incidents in the prefecture. In Kigembe, unidentified bandits attacked two sectors of the commune on 24 and 25 May. Three individuals were wounded during the attacks. Also, in Muyaga commune several acts of banditry have been reported, attributed by local authorities to be connected with the incursions.

After a period in which arrests have decreased in late May, HRFOR (Butare) reports that communal arrests are again on the rise. Human rights field officers recently made a visit to a particular commune to find 470 detainees in the cachot. Most often, conditions are unsatisfactory due to overcrowding and a lack of sanitation facilities. In many instances, minors and women are detained together with men. Human rights field officers have received a number of reports of mistreatment. In Kibayi, Mbazi, Maraba, Ndora and Nyaruhengeri communes, detainees are alleged to have been beaten, sometimes to obtain confessions. In cooperation with the Chief of the Gendarmerie of the Prefecture, HRFOR (Butare) set up mobile teams consisting of two Officers of the Judicial Police, two Inspectors of the Judicial Police and human rights field officers, to inquire into these reports and to monitor areas to which considerable numbers of IDPs have returned. They have operated in 20 communes of the Prefecture. The Prefect, Prosecutor and Chief of the Gendarmerie are also working together with the bourgemestres to halt communal arrests as there is currently no place to transfer detainees.

As of 10 June, Butare prison quartered 6,589 detainees. Of these, there were 212 women and 115 minors. In addition, there were 57 infants with their mothers. The prison is extremely overcrowded forcing many prisoners to sleep outside in the rain. As a possible result, four detainees have died of pneumonia since 31 May. In Nyanza prison, conditions are satisfactory. There are currently 715 prisoners. These include 63 women (with six infants) and 18 minors.

2. Byumba

Two human rights field officers were deployed to Byumba in early June to evaluate the possibilities of opening a field office in this Prefecture. Byumba is located 75 km from Kigali in northeast Rwanda and is comprised of 17 communes. While serious violations of human rights and humanitarian law during the April to July 1994 period of armed conflict had not been as prevalent in Byumba as in other parts of the country, the Prefecture may nonetheless benefit from assistance to the judiciary, human rights education and a monitoring of the current situation.

The field officers made contacts with the Prefect of Byumba, an RPA Commander, Sector Commanders of UNAMIR and MILOBS (Military Observers) as well as with NGO representatives.

A delegation comprising representatives from the Government, UNDP and HRFOR visited the central prison of Byumba on 15 June to evaluate the progress on the rehabilitation of this facility. The prison now holds 269 detainees including nine women (with three infants) and eight minors. Once construction work is completed in July, the prison capacity will increase from 500 to 1,500.

3. Cyangugu and (Nyamasheke)

HRFOR (Cyangugu) reports the general situation to be tense due to increasingly frequent acts of banditry. The majority of these acts are attributed to incursions from Ijwi Island and other parts of Zaïre.

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During the weekend of 3 and 4 June, several attacks were perpetrated in Kagano commune. During an attack on 4 June, the RPA responded killing seven individuals and arresting one. According to witnesses, the attacks were very well organized and carried out by a group of 10 to 20 people alleged to have come from Ijwi Island and joined by locals.

Two other incidents took place on 5 June. In Gatere individuals mortally stabbed one man and injured another. Another attack perpetrated by two armed, uniformed men resulted in the injury of one man. In both cases, witnesses testified that the perpetrators were Interahamwe.

On 26 May, 868 refugees who had fled Kirambo to Zaire in 1994 returned to the Prefecture and registered themselves. A commission has been set up to deal with their food and shelter needs.

HRFOR (Cyangugu) has received allegations that detainees in Kagano and Kirambo communal cachots are forced to pay considerable sums to local authorities for their release. The Prosecutor has been advised of this and has promised to take appropriate action. Aside from these allegations, detention conditions in Kagano and Kirambo appear to have improved since the recent RPA rotation.

A special commission was recently created in Gatere commune to process detainee cases. The Commission consists of the bourgmestre, an Inspector of the Judicial Police, a security agent of Cyesha and two RPA representatives. As of 11 June, the Commission began to take statements from witnesses.

HRFOR (Cyangugu) has distributed office supplies to 11 courts. On 9 June, the team co-hosted a meeting on human rights education in Kagano commune. Human rights field officers also met with the president of a local women's association to assist in the preparation of a seminar on the formation of women in Nyakabuye commune. In addition, one member of the team attended a meeting of the Association of the Promotion of Batwa on 5 June in Kigali.

4. Gikongoro

HRFOR (Gikongoro) continues to monitor the return of IDPs to the Prefecture. Authorities in Muko and Musane communes report that no IDPs have returned to their communes since the closure of IDP camps. In Mubuga, local authorities have provided a rough estimate of 100 returnees. A joint committee was set up in Musebaya commune to ascertain the situation of recently returned IDPs. Members of the Committee include the bourgemestres, an Inspector of the Judicial Police, an RPA commander and a human rights field officer. The first meeting took place on 7 June 1995.

In Rukondo, Rwamiko and Musange communes, authorities and local inhabitants have informed human rights field officers of an increase in banditry incidents. In Rukondo, a man was attacked by two individuals on 28 May. In the attack his leg was cut off and he received two machete blows to the rest of his body. Perpetrators of the incident have been arrested. In Rwamiko commune, three families were attacked in the last few weeks. One of the attacks occurred on 11 June and one man was injured.

In Karama commune, a family was assaulted by four RPA soldiers on 4 June. The soldiers were apprehended by villagers and handed over to the RPA in Nyabisindu. An RPA lieutenant has also been arrested and charged with the killing of eight people at Karambo commune, Nyamabuye sector on 15 May. The officer is currently held in military detention.

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The population of Gikongoro prison is 872. Of this number, 12 are women and 17 minors. On 1 June, a detainee died. This is the first reported mortality in Gikongoro prison. Human rights field officers are investigating the cause of death. 57 detainees at the Gikongoro Brigade were released by the Parquet from 26 May to 2 June.

HRFOR (Gikongoro) finally succeeded in meeting the RPA commander of the Prefecture after many weeks. The meeting was very positive and participants planned to meet more regularly in the future.

5. Gisenyi

After six weeks of relative calm, HRFOR (Gisenyi) reports a rise in banditry incidents which appear to be related to incursions from Zaïre, which seem to be concentrated along the interior of the southeast border at Rwerere and Rubavu communes.

One such incident occurred on 7 June in Rubavu commune, Mirambi sector. One person was killed and nine others wounded. According to eye-witnesses, at least one was identified as a member of the Interahamwe militia which crossed the border with at least 15 other persons to carry out an armed attack on a village. Most of the group were uniformed and were carrying guns and hammers. They looted the village. The attack lasted about 20 minutes, ending with the sound of a whistle and the flight of the perpetrators.

In addition, approximately 15 armed banditry incidents have taken place in Rwerere commune, Mikingo sector since March, involving at least one death. Witnesses report that the incidents have been perpetrated by the same group of individuals none of whom have yet been identified.

Another attack took place in Mutura commune on 31 May. According to witnesses, the armed robbery was carried out by four individuals with rifles and grenades. Two people were injured. The victims of the attack allege the perpetrators to have been Interahamwe.

1,798 refugees were repatriated through Gisenyi border posts in the last two weeks, most of whom had fled Rwanda in 1959-1960. Only two to three per day come from the camps. These repatriates complained that Interahamwe have acted with impunity in Zaïre.

HRFOR (Gisenyi) learned of 100 IDPs living in Ramba commune. This is the first group of IDPs found in the Prefecture aside from four women and their children living in Satimsyi. Their situation appears to be satisfactory.

There are 1,218 detainees currently held in Gisenyi Central Prison. There are 28 women, 33 minors and 9 infants with their mothers. Of nine detainees ordered by the Parquet to be released over the last two weeks, only four had been released during the reporting period. HRFOR (Gisenyi) is concerned about the RPA refusal to release five of them. The prison director began rejecting detainees without an arrest warrant two weeks ago. He has reported no problems with the implementation of this policy.

Human rights field officers were allowed to interview prisoners in private for the first time in several months at the RPA detention centre last week. HRFOR (Gisenyi) maintains that the detainees are better treated since the installation of a new RPA commander.

Human rights field officers have been refused access to the following brigades for the last three weeks: Gisenyi town, Kabaya Sub-Prefecture and Ngororero Sub-Prefecture. The appropriate authorities have been advised of the situation.

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The first meeting of the Commission de Triage took place on 24 May. As of 11 June, the number of dossiers signed by the Officer du Ministère Public was 111. The number opened by the Parquet was 259. HRFOR (Gisenyi) worked with prefecture authorities and the team has also finalized plans for a seminar on arrest and detention procedures for RPA commanders and bourgmestres to take place on 23 and 24 June.

6. Gitarama

HRFOR (Gitarama) continues to monitor the increasingly poor situation in the Gitarama prison. The prison population is well over its 800 person capacity at 8,847. 218 of these detainees are women and 102 are minors. In addition, there are 20 infants with their mothers. Many detainees must sleep without shelter forcing some to be soaked by rain for days at a time. As a result, many persons contract diseases. At present, approximately four prisoners die each day of sickness. The prison now refuses to receive more transfers due to overcrowding.

Human rights field officers indicate that the sanitary conditions in Mugina and Nyabikenke communal cahots are very poor. Apparently, local authorities have decided to limit arrests in order to ease the overall situation. HRFOR (Gitarama) continues to assist the Parquet in its prosecution work. A human rights field officer, who is currently working with the Prosecutor, reports that some 70 dossiers are being processed per week.

As of 6 June, 13,265 IDPs had returned to Gitarama prefecture. It was reported that upon arrival in Murama commune, IDPs were attacked by the local population. In addition to the newly returned IDPs, 136 refugees have returned from Burundi over the last month.

It was brought to the attention of HRFOR (Gitarama) that on separate occasions, individuals who had approached the human rights team were later intimidated or arrested by local RPA soldiers. The team has informed the appropriate authorities and is closely monitoring these incidents.

HRFOR (Gitarama) attended a ceremony to remember those killed during the genocide at Kabgayi Church on 2 June. The team made visits to Nyamabuye, Rutobwe, and Tambwe with the Président of the Tribunal de Première Instance to assess material and personnel needs. In addition, visits were made to Mussambira, Runda, and Mugina communes with the Prosecutor and Inspectors of the Judicial Police to verify the validity of witness statements taken by the bourgmestres at the time individuals were detained.

7. Kibuye

Field officers have interviewed witnesses of the genocide at Mugonero Hospital in Gishyita commune. In addition, HRFOR (Kibuye) recently received a visit from representatives of the International Tribunal for Rwanda. Human rights field officers accompanied the representatives to meetings with prefectural authorities and to several mass graves.

According to UNHCR, 198 refugees who had fled in 1959-1960 were repatriated to their home communes during the first part of June. They returned to Mabanza, Rutiro, Gisovu, Gishyita, and Gitesi communes.

The HRFOR has received reports that nine women were arbitrarily arrested on 31 May in Mubuga commune. According to the bourgmestre, these women were arrested because they had not presented themselves to the communal office with the correct documentation. The Prefect was informed of the arrest and the women were released.

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The Prefect and UNAMIR Sector Commander have since met in the presence of human rights field officers to discuss how they might work together in the future to clarify these kinds of problems.

It was reported to HRFOR (Kibuye) that a 33 year old woman of Gitesi was arbitrarily arrested by the bourgmestre and allegedly raped twice by a communal police officer. The next day she was released. The victim has since filed a complaint with the Subprefect responsible for security. The Minister of the Interior and the Minister of Justice have also been informed of the incident.

As of 8 June, Kibuye prison held 1,526 detainees of which 40 were women. Due to overcrowding, men are now quartered in the women's cell. The women have moved to two rooms formerly used as an infirmary. One detainee died of illness on 30 May. Through interviews, HRFOR (Kibuye) learned that beatings in the prison had continued.

Human rights field officers in Kibuye worked closely with prefectural authorities to organise a programme for the Day of the African Child. The Minister of Family Affairs and the Promotion of Women was accompanied by the HRFOR Deputy Chief and a human rights field officer for these activities on 16 June.

8. Kigali

The human rights situation in Kigali seems to have stabilised. The number of reported violations and arrests has decreased. Nevertheless, the situation in Kigali Central Prison continues to deteriorate due to overcrowding.

HRFOR (Kigali) recently met with the new director of Kigali Prison. As of 3 June, there were 9,401 detainees in the central prison. These included 309 women and 278 minors. In addition, there were 70 infants with their mothers. Overcrowding continues to cause health problems. Detainees are reported to have been suffering from swollen limbs due to a lack of space, which has restricted movement and has made sleeping difficult. 69 women along with 14 children now reside in a building separate from the prison compound. The cell has no windows or separate toilet facilities.

The team made its second visit to the new juvenile centre of Gitarama on 2 June. The centre is equipped to house 200 children under the age of 14, but still lacks electricity, cooking equipment, a water bladder, transport for employees and office supplies. HRFOR (Kigali) is working with a number of organisations to address these needs.

During the first week of June, the Commission de Triage released seven men and two women from Kigali Prison. Human rights field officers distributed office material to the Parquets. The team also held a second meeting with national NGOs.

9. Rikima

Since 24 April, 15,526 IDPs have registered in their home communes. 1,131 registered during the month of May, the majority of them coming from Butare. The concentration of returnees is in Ngenda, Gashora, and Kananzi communes. 2,000 people have recently arrived in Burundi near the border of Ngenda commune. They claim to be Burundese nationals who had been expelled from Rwanda.

In order to monitor the reintegration of IDPs in the region, HRFOR (Rikima) interviewed 126 IDP families in the Sub-Prefecture of Kananzi during the month of May. From the 221 people represented in the family interviews, 71 are still missing or reported

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dead (some 24%). Some two-thirds of the families report that they cannot return to their original homes because the houses either have been destroyed or occupied by others.

HRFOR (Rulima) has registered a number of disappearances. In Ngenda commune, Kavumu sector, one newly returned IDP and his 5 children were arrested on the day of their return to the commune on 27 April. Field officers contacted the bourgmestre regarding the arrest, but he is not aware of the family's whereabouts. Also in Ngenda commune, a man taken by RPA soldiers from his home on 12 May is still missing. In Nyakagaga, a man who had been abducted by a civilian gang on 12 May has since not been located.

Two families were killed in Ntungamo on 12 May. All victims appeared to have died from strangulation. The perpetrators of the incident are as yet unidentified.

The field team received a letter from the Ministry of Justice permitting it to enter Rulima Prison. They still await a letter from the Department of Military Intelligence although the local RPA commander has recently expressed the willingness to allow the team access without this letter. Human rights field officers hope to enter the prison next week.

HRFOR (Rulima) has been able to improve relations with RPA. The team is currently organising a seminar on human rights education to be attended by bourgmestres, RPA officers, Inspectors of the Judicial Police and local organisation representatives.

10. Ruhengeri

HRFOR (Ruhengeri) reports that the majority of IDPs left the Prefecture in late May. In Gatare, there are indications that since that time, some may have returned. HRFOR is monitoring approximately 30 IDPs who have remained. Another 87 have stayed in Nyamugali where they have lived since February 1995 after fleeing rural Kigali for reasons of security.

A man was allegedly killed by 5 RPA soldiers on 6 June in Kinigi commune, Kabwende sector. It is alleged that the individual was taken from Minagiri RPA Camp where he had been held since 1 June and brought to Nyabitsinde Forest where he was shot.

The former bourgmestre of Cyabingo commune was killed by unknown persons in Rutara sector on 25 May. He was beaten and then hanged. On 1 June, the acting bourgmestre and 5 communal police were arrested on charges relating to his death. HRFOR (Ruhengeri) is in contact with local authorities to gather further information.

Ruhengeri Prison currently holds 1,344 detainees of which 19 are women and 26 minors. Upon their first visit to Ruhengeri Brigade last week, human rights field officers learned that 100 people were detained. HRFOR (Ruhengeri) also visited a number of communal detention centres. HRFOR has received allegations that beatings have taken place in Nkuli and Kinigi cachots.

On 24 May, a seminar was held on the role and function of judicial officials in arrest and detention procedures. The seminar was organised by the Substitut du Procureur with the assistance of human rights field officers. HRFOR (Ruhengeri) also planned activities with the Inspector of Schools for the Day of the African Child including several activities throughout the prefecture.

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C. Technical Cooperation Unit (TCU)

Administration of Justice

1. Project to Provide 50 Legal Professionals in Cooperation with UNDP/DDSMS/UNV

Continued consultations on the rehabilitation of the justice system have been held with the Minister of Justice. The UNDP project document to provide 50 legal professionals was signed by the Minister of Planning on 22 June 1995. The first group of pre-selected candidates of experts submitted by the Centre for Human Rights has been tentatively approved by the Minister of Justice. These experts will provide advice on prosecutorial procedures. Additional experts will be proposed to the Ministry of Justice in the coming days. The Centre for Human Rights has now completed the selection process.

HRFOR is now working intensively with USAID and the International Rescue Committee (IRC) with a view to facilitating the reconstruction of all main judicial buildings, including those of the Inspectors of the Judicial Police, Parquets and Tribunaux de Première Instance. The United States Government decided in mid-May 1995 to fund this part of the project bilaterally. Construction will be carried out by IRC. HRFOR will provide information and coordination.

A training course is being prepared for the 50 legal professionals on the international standards in the administration of justice as well as the Rwandese legal system and its current situation.

2. Project "Advisory Services of Experts to the Ministry of Justice in the Administration of Justice"

This project, funded by the Voluntary Fund for Technical Cooperation in the Field of Human Rights, aims at assisting the Government to reestablish the effective functioning of the Ministry of Justice following the genocide. Six experts will act as advisors to various departments of the Ministry of Justice for a period of six months. Three experts are already in place.

3. Advisory Services on Legislation and Policy Making

A project on customary law, funded by a contribution from the Government of Switzerland, is being carried out in close cooperation with relevant Rwandese institutions such as The National University of Rwanda, the Grand Seminaire and the Institute of Scientific and Technical Research.

Preparations are taking place with the Government for the organization of a workshop on the question of genocide and impunity in order to assist the Government to develop an appropriate policy.

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Education and Promotion of Human Rights

4. Human Rights Training to the Armed Forces and Law Enforcement Officials

The Centre for Human Rights has completed the design of three human rights training programmes for the armed forces, the national gendarmerie and the communal police. It is envisaged that training for trainers from these different groups will take place simultaneously in Kigali in August 1995.

5. Human Rights and Civil Society

Under the theme, "One Orphan, One Family", activities organised by local authorities and human rights field officers for the Day of the African Child took place throughout the country on 16 June 1995. Activities were designed to promote the rights of the child and to raise awareness about the specific needs of Rwandese children, traumatized by the genocide and in particular, unaccompanied minors. The programme included the distribution of the Convention on the Rights of the Child posters and T-shirts. Funding was provided by an international NGO, "Partage avec les enfants du Rwanda."

HRFOR organized a seminar in conjunction with UNESCO to promote freedom of the press and to draw the attention of Rwandese journalists to the principles of human rights from 19-22 June in Kigali. The Editor-in-Chief of Radio Rwanda headed the seminar. Programme panellists included representatives from Government ministries, UN and NGO agencies, in addition to national and international journalists.

D. Security of Human Rights Personnel

There have been a number of incidents of concern to HRFOR with respect to the security of human rights personnel. A number of human rights field teams have reported the arrest and harassment of local interpreters by RPA soldiers.

Three human rights field officers were stopped at a roadblock in Gitarama by RPA soldiers on 31 May. The soldiers attempted to force the passengers from the vehicles, pointing a gun at one of them. The passengers immediately called for UNAMIR assistance by radio at which time they were allowed to pass unharmed.

On 2 June, three human rights field officers were stopped at a roadblock beyond Cyangugu forest on their way to Kigali. There, they were body searched by the RPA and forced to show all documents in their possession. They complied after contacting HRFOR headquarters. This type of search has become routine for all civil UN and NGO vehicles at the Cyangugu checkpoint since the beginning of the month. Another incident of this kind occurred on 17 June.

On 7 June, an HRFOR vehicle was stolen at the Butare central market. The driver reported that two men dressed in civilian clothes threatened him and took the car. The vehicle has not been recovered. Three persons pretending to be RPA soldiers attempted to enter the Kigali residence of a human rights field officer on 8 June. They were intercepted by UNAMIR military police and subsequently interrogated by the gendarmerie. On 9 June, individuals in RPA uniform in Butare attempted to enter an HRFOR residence by force. UNAMIR forces arrived at the scene, but the aggressors had already moved away. On 10 June, a human rights field officer in Kigali was stopped in his vehicle by

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individuals in RPA uniform. The soldiers apparently intended to steal the vehicle, but the driver was able to secure the vehicle by driving it into a ditch and he then found shelter in a sports centre. There, he waited for UNAMIR military police to arrive. The vehicle was recovered.

Four armed individuals in RPA uniform stole an HRFOR vehicle on 11 June at 23:00 hours in Kigali. The perpetrators followed the car for some time before forcing the three passengers out, ordering them to the ground, and taking the vehicle. With the assistance of the Kigali Gendarmerie, the vehicle was recovered within 24 hours.

In Gitarama on 13 June, individuals in RPA uniform stole a vehicle used by human rights field officers. The group approached an HRFOR residence around 00:30 hours. They jumped over the wall of the compound and stole the vehicle, which has not yet been located.

The HRFOR Deputy Chief is currently working with high-level national authorities to bring to an end the kind of incidents against HRFOR personnel described above. He is urging government officials to take necessary measures to ensure that human rights field personnel may operate safely within the parameters of the Mission Agreement.

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*copy to Ladan Rapi
8-7-95*

Evaluation report

**HEALTH STATUS OF
THE INMATES OF
GITARAMA PRISON,
RWANDA**

*Terrible!
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June 1995

Médecins Sans Frontières (MSF)

This evaluation follows the report, issued by MSF in March 1995, concerning the medical care of the detainees of Gitarama prison and their overall health status, which can still only be described as critical.

This report details the evolution of this situation, according to demographic and medical information gathered from September 1994 to May 1995. The source of this information, together with mortality figures, is the Gitarama prison authorities.

Introduction

Health and sanitary conditions for the inmates of Gitarama prison should be examined within the broader context of the events taking place in Rwanda since April 1994. From April 1994 to mid-July 1995, the Rwandan government in office at the time instigated a regime of systematic extermination of Rwandese Tutsis and the political opposition. The United Nations Security Council recognised these events as genocide in June 1994. Estimations indicate that from 500,000 to one million people were killed.

Since April 1994, the perpetrators of the genocide have been allowed to circulate freely and take up residence in many countries. Only three people - in Canada and in Belgium - have been subject to judicial proceedings. The vast majority of the military and militia responsible for the genocide have found refuge in Tanzania or Zaire, where they benefit from aid provided by the international community in the form of relief programmes for Rwandan refugees. The French army, which controlled the south-west of Rwanda in mid-June 1994, took no measures to attempt to arrest them.

In spite of an embargo on the provision of arms voted by the United Nations Security Council on 17th May 1994, the authors of the genocide have been receiving regular supplies¹ of arms in their sanctuary in Zaire (Kivu region - the towns of Uvira, Bukavu and Goma). France, a permanent member of the Security Council, is alleged to have taken an active part in these arms supplies². The military and militia perpetrators of the genocide are proceeding, unhindered, with military training³ in the Kivu region, Zaire.

One year after the start of the genocide, the international tribunal set up to judge the perpetrators is yet to get off the ground. To this day, the Rwandan tribunals have not completed a single case dealing with the genocide. As many as 47,000 people are locked up in prisons and detention centres throughout Rwanda. The majority of these detainees are suspected perpetrators of genocide.

The limited amount of international aid, provided for the new Rwandan government in order to finance reconstruction, is another significant factor to consider.

The situation remains tense in Rwanda. At the end of April 1995, the Rwandan Patriotic Army (RPA) forcibly closed displaced persons camps in the prefecture of Gikongoro, where the Interahamwe still had considerable influence. A great many displaced people - unarmed men, women and children - were indiscriminately massacred. UNAMIR, present throughout the massacre in spite of its mandate, took no steps to protect the displaced people.

These events cannot account for the fact that from September 1994 to May 1995, one in eight prisoners died in Gitarama prison. Nonetheless, recalling these events does contribute to forming a more complete picture of the background to the arrest and detention of prisoners.

¹ Sources: Human Rights Watch/Africa, Amnesty International.

² Source: Human Rights Watch/Africa.

³ Source: BBC TV.

1. Demography - the capacity of Gitarama prison

Designed to house 400 detainees in good conditions, the population of Gitarama prison amounted to:

- 6,450 detainees at the end of March 1995
- 7,043 detainees at the end of April 1995
- 6,957 detainees at the end of May 1995

The difference between May and April can be explained by the transfer of 86 prisoners.

The prison population primarily consists of young men. On May 17, the 7,003 prisoners admitted since September 1994 consisted of:

- 6,683 men (95.5 %)
- 218 women (3.1 %)
- 99 minors (1.4 %)

The construction of a surrounding wall, intended to increase the size of the prison, is currently under way. The initial area of the prison, estimated at 4,200 square metres, will be increased by 3,600 square metres. With the wall completed, the 'habitable' area will still be less than one square metre per person.

2. Mortality

From September 1994 to the end of May 1995, of the 7,003 prisoners awaiting trial admitted to the prison, 902 (13%) died. One in eight prisoners died during this nine month period, as a direct result of inhumane living conditions due to the lack of space. During this same period, the base level of mortality (deaths per 10,000 people per day) varied from 31 (September 1994) to 6 (May 1995).

In April 1995, 152 deaths were registered, 18 of which occurred in Kabgayi hospital, where the most serious cases are referred.

In May 1995, 138 deceased were registered, 42 of whom were admitted to the hospital. With a prison population of 7,000, that amounts to a mortality rate of 7 deaths per 10,000 people per day for the month of May.

Considering that 2 deaths per 10,000 people per day is deemed to be critical, this situation can only be described as catastrophic.

3. Medical conditions inside Gitarama prison

Except for the hospitalisation building for the prisoners suffering from dysentery, Gitarama prison, unlike the prisons of Kigali and Butare, is still not equipped with genuine medical facilities.

The hospitalisation building for the prisoners suffering from dysentery was opened in April in the centre of the prison, next to the male prisoners block. With a capacity of 25 mattresses, it was already filled by the end of April; there were several patients to each mattress.

Two prisoners with nursing training have been in charge of the healthcare since April. However, they are obliged to return to the detention area for the night, leaving three care assistants responsible for the medical care of the patients, thus preventing any possibility of medical treatment, particularly IV injections, during the night.

The number of latrines remains insufficient.

From a nutritional point of view, the provisions correspond in theory to an individual ration of 2,200 calories per person per day; however, the capacity of the kitchens remains insufficient to provide all the prisoners with this amount of food.

4. Kabgayi Hospital - referral figures for April and May 1995

Kabgayi hospital was restructured in the face of a sharp increase in prisoner transfers since March.

Médecins Sans Frontières is providing medical care and is in charge of 105 beds.

Surgical care, accounting for 26 beds, is provided by Caritas.

April

238 prisoners were referred from Gitarama prison (accounting for 29% of hospital patients).

75 % were admitted for medical care and 25 % for surgery.

The occupation levels for beds were 103 % for medicine and 158 % for surgery.

The average number of transfers (week days plus two extra days) was 13 per day.

May

273 prisoners were referred from the prison.

The occupation levels for beds reached 162 % for medicine and 400 % for surgery.

Hospitalisation figures:*

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Tot.
IN	13	1	31	35	49	89	166	238	273	895
Discharged	4	4	7	11	17	43	107	72	51	316
Deceased	1	2	11	21	15	18	40	18	42	168
OUT	5	6	18	32	32	61	149	148	180	631
Hospital mortality	20 %	33 %	61 %	65 %	47 %	30 %	27 %	12 %	23 %	27 %

* Due to registration problems, some minor inconsistencies appear in the sub-totals.

5. Kabgayi Hospital: the situation on 28 May

A study was conducted on 28 May to establish the principal pathologies of prisoners referred to the hospital.

The percentages recorded refer to the total of 209 hospitalised prisoners.

Foot wounds: 41% of patients had foot wounds. These were initially small wounds, whether or not trauma-related, with secondary infections caused by the prisoners permanently being on wet and dirty floors. The medical consequences become severe after a certain time: gangrene of the toes leading to frequent amputations of feet and legs (more than ten had been performed by the end of the month), deep wounds with infections, septicæmia, etc.

Trauma: 38% of patients had post-traumatic wounds (not including the foot wounds described above), and this statistic has continued to rise over the last month. In most cases, trauma wounds originate from other prisoners in detention. Examples of trauma wounds include: hæmatoma of the ear (on the increase) and human bites. 6 cases of serious burns were noted.

One third of those hospitalised in the medical wing also require surgery. Furthermore, 26% of medical patients also had an associated surgical pathology.

Diarrhoea: The numerous cases of simple diarrhoea are probably due to the consequences of dysentery, poor health and immunodeficiency. Some of those suffering from diarrhoea are waiting in hospital for a place to be vacated in the prison's dysentery building.

Pulmonary lesions: 3 cases of tuberculosis, one of which was confirmed after laboratory tests, together with acute chest infections.

Other cases: 4% abscesses, 3% pregnancy related and 6% severe malnutrition.

Morbidity rates of prisoners referred to Kabgayi hospital

- trauma	30% in April	31% in May
- dysentery	20% in April	20% in May
- chest infections	15% in April	9% in May
- foot wounds	*% in April	18% in May

* Foot wounds were not a frequently registered pathology in April and were not independently recorded.

Although cases of trauma have different origins, it was noted that a large proportion of sufferers claimed to have been attacked by other prisoners or even crushed by the sheer number of detainees. Several cases of biting were also observed, as well as cases of malnutrition: these prisoners explained that they were too weak to move to the food distribution point. Four women were also admitted to hospital, three of them for pregnancy.

Hospital Mortality Rates

April: 18 deaths were recorded - including 6 from trauma, 5 from respiratory infections and 4 from dysentery.

May: 42 deaths were recorded - the principal causes were septicaemia (24%), bleeding diarrhoea (21%), simple diarrhoea (21%) and post-traumatic disorders (17%).

6. Latest developments

The current situation, from both a medical and sanitary point of view, remains catastrophic.

Pathology developments:

Judging from the state of the prisoners transferred to Kabgayi hospital, detention conditions are rapidly deteriorating.

The development of pathologies is marked:

- Infectious pathologies are decreasing, particularly dysentery and malaria.
- Skin infections, wounds and above all trauma are regularly increasing. The frequency of face wounds and human bites is also increasing.
- Malnutrition, as the sole cause of hospitalisation, is increasing because prisoners are often too weak to reach the distribution point and the capacity of the kitchen is insufficient.
- The number of foot wounds is increasing, frequently resulting in amputations and even death from septicæmia.

Hospitalisation:

All services in Kabgayi hospital, both for civilians and prisoners, are full.

There are at the moment 209 prisoners hospitalised out of a total of 340 patients.

Initiatives recently undertaken:

- Construction of a wooden floor in the prison, which will prevent the prisoners' feet soaking in stagnant water
- Opening of the dysentery building within the prison, which has allowed the isolation of some sufferers as well as hospitalisation for the prisoners discharged from hospital

- Improvement of the procedures for referral to the hospital
- Increase in the capacity of Kabgayi hospital
- Improvement in the surveillance of prisoners hospitalised by the RPA military.

Outstanding negative points:

- Overcrowding, which continued to get worse in April 1995. There were 991 further incarcerations. In May, however, the number of incarcerations decreased (294).
- The transfer of 2,500 prisoners to another detention centre, planned for May 1995, never took place. The actual number of prisoners transferred is estimated at less than one hundred.
- The mortality rate remains catastrophic: 290 prisoners died during April and May 1995.
- The hospital capacity for medical care has reached its maximum.
- The hospital capacity for surgery is already considerably overstretched.
- The sanitary installations within the prison (water supply, latrines and facilities at the dispensary) remain insufficient.
- There is a total lack of local personnel qualified to work in the prison infirmary.

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The mortality rate for prisoners awaiting judgement in Gitarama prison is extremely high: in nine months, 902 out of 7,000 detainees died - one in eight.

This catastrophic mortality rate is due to extreme overcrowding, which results in inhumane living conditions for the detainees. The inertia of the judicial machinery both in national tribunals and the international tribunal (no trial held to this day for genocide crimes) is also a factor contributing to the overcrowding.

The improvements made in the provision of water and food and in medical care will not change the situation until such a time as vital living space is provided for the prisoners (currently less than half a square metre per person). The building extensions currently under way will not sufficiently increase the prisoners' living area. After the work is completed, less than one square metre will be available per person if the population of the prison stays at 7,000.

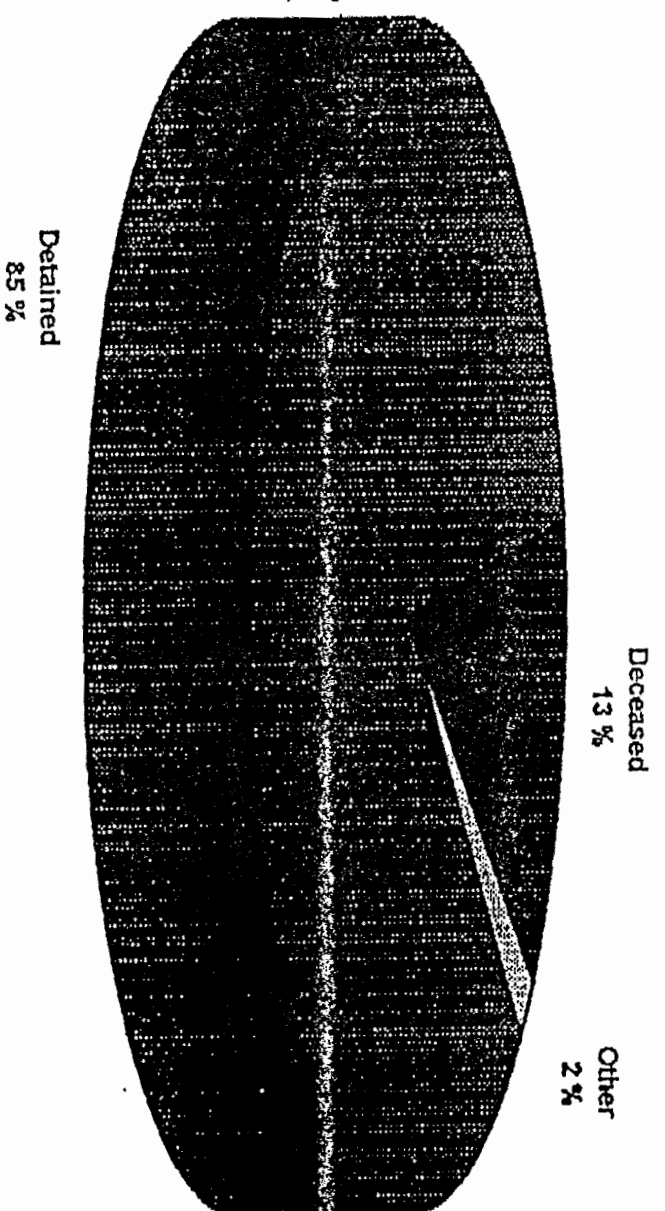
It is absolutely essential that this 'gain' in living space should not be seen as a licence to admit additional prisoners. Every new admission would only add to what is already a catastrophic mortality rate.

The Rwandan authorities are currently considering opening provisional detention centres. This should permit an increase in Rwanda's detention capacity. The inmates of Gitarama prison should certainly be amongst the first to be transferred, in order to increase the vital living space and decrease the unacceptable mortality rate of this population.

Due to the size of the prison population in Rwanda and the inertia of judicial proceedings, the advent of overpopulation and high mortality rates remains a danger for other prisons in Rwanda. This danger can and must be avoided.

Action is urgently required, by the Rwandan government and the representatives of the international community present in Rwanda, in order to provide these prisoners awaiting trial the vital living space which is essential for their survival.

Fate of the detainees from September 1994 to May 1995 Gitarama prison, Rwanda

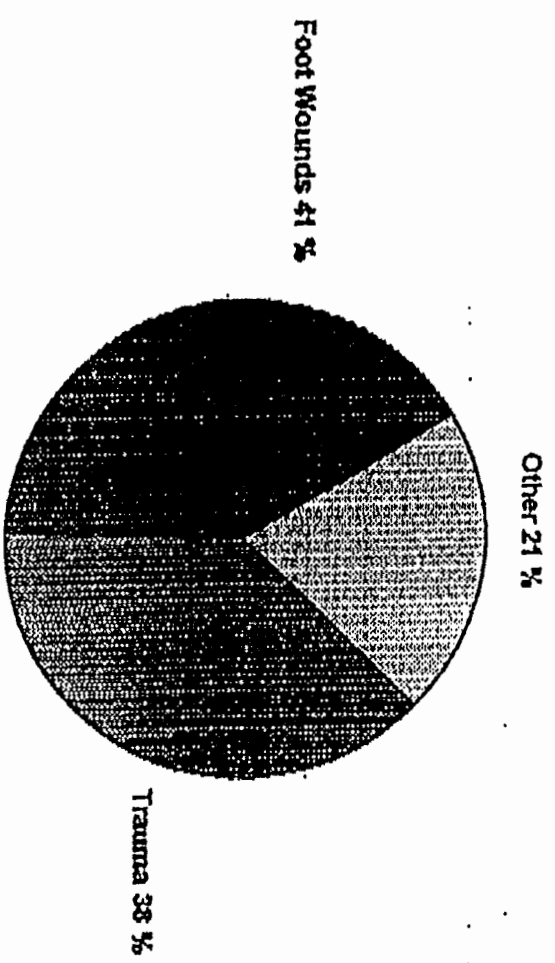


Source: *Gitarama prison management*

Other: Transferred, Escaped, Released

Pathologies of prisoners referred to the hospital

Gitarama prison
28th May 1995

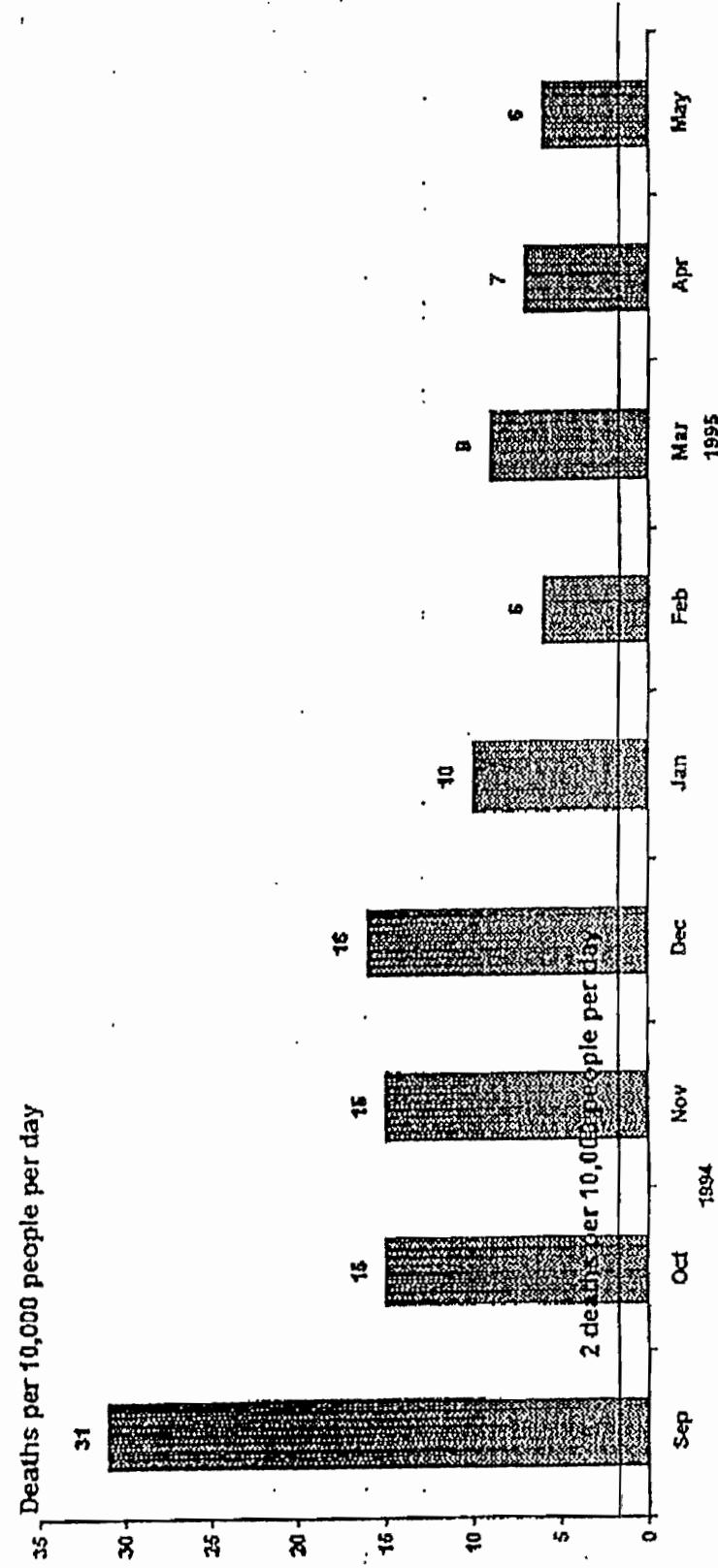


Sources: *MSF, Kabgavi Hospital / Gitarama*

Mortality

Gitarama prison, Rwanda

September 1994 to May 1995



Source: *Gitarama prison management*

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H. R. RWANDA OPERATION

No FAX 0229170353

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EMERGENCY HUMAN RIGHTS FIELD OPERATION IN RWANDA
STATEMENT OF PLEDGES AND CONTRIBUTIONS AS AT 22 JUNE 1995

Countries	Currency and Amount	Equiv. US\$	Payment effected	Other services provided + Remarks
Australia	A\$ 100,000	83,500	US\$ 73,690.00	
	A\$ 200,000	148,000	US\$ 148,800.00	
Austria	Sh. 800,000	45,000	US\$ 48,843.97	
Belgium	FB 15,000,000	488,800		Contribution pending
Canada	CDN\$ 100,000	69,375	US\$ 66,500.00	
Denmark	US\$ 100,000	100,000	US\$ 100,000.00	
Finland	FIM 400,000	75,600	US\$ 83,267.41	1 Investigator (1 1/2 months)
France	FF 1,200,000	233,100	US\$ 180,478.19	
			US\$ 40,899.80	
Germany	DM 314,704	201,700	US\$ 119,849.38	Office building in Kigali
			US\$ 92,126.28	
Ireland	Irish £ 80,000	79,600	US\$ 79,547.71	
	£ 80,000	78,923	US\$ 80,830.00	
Israel	US\$ 10,000	10,000	US\$ 10,000.00	
Japan	US\$ 800,000	500,000	US\$ 200,000.00	-Payment made in N.Y. -Payment made in Geneva
			US\$ 300,000.00	
Luxembourg	Fr.L. 850,000	17,000	US\$ 18,791.67	
Netherlands	Dfl. 75,000	42,800	US\$ 44,640.00	1 Prosecutor + 1 Forensic Doctor + 3 Criminal Investigators for (3 months)
	Dfl. 1,350,000	788,800	US\$ 784,439.41	
New Zealand	NZ\$ 50,000	29,600	US\$ 28,587.74	
Norway	NOK 700,000	101,700	US\$ 108,816.55	+ 2 Procurement Experts 3 months) + 2 criminal investigators (3 months)
Spain	US\$ 9,880	9,880	US\$ 9,880.00	2 Forensic Doctors (two months) + 1 Prosecutor (1 month) + \$208,000 for 8 UNV Monitors *For payment of above mentioned staff (3 weeks)
	US\$ 208,000	208,000	Payment made to UN Volunteers	
Sweden	SEK 1,000,000	128,500		Contribution pending
Switzerland	CHF 100,000	75,768	US\$ 78,767.58	+ 1 Criminal Investigator (9 months)
	CHF 180,000	113,838	US\$ 113,838.38	
United Kingdom	£ 250,000	383,200	US\$ 383,166.00	+ 4 vehicles in Kigali
	£ 2,000,000	3,200,000	US\$ 3,223,000.00	
United States	US\$ 750,000	750,000	Payment made to UNDP New York	5 Criminal Investigators (3 weeks) + Airlift to vehicles Kuwait to Kigali
OTHERS				
EUROPEAN UNION	ECU 5 million	8,377,551 *	n/a	33 fully equipped HR Field Officers *March 1995 exchange rate
UNDP	US\$ 250,000	250,000		Contribution envisaged for recruitment of UNVs
ACCT, Paris	US\$ 180,000	180,000	US\$ 159,617.65	Balance of \$ 20,383 pending
OXFAM	£ 50,000	80,000	n/a	In kind 3 vehicles provided in Kigali
Individuals	FF 1,000	200	US\$ 195.31	
TOTAL	-----	14,812,924	US\$ 6,557,157.89	

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**HUMAN RIGHTS FIELD OPERATION IN RWANDA
COST PLAN
AS FROM 1 SEPTEMBER 1994 UNTIL END JUNE 1995**

(in thousands of US Dollars)

RESOURCES	AMOUNT	EXPENDITURE	AMOUNT
Pro-memoria: Pledges <u>\$ 8.435.373</u> 1/			
as at 22 June 1995			
Contributions: as at 22 June 1995	6,557.1	<u>A- Staff costs</u> Salaries: 1,621.2 MSA & Travel: <u>2,350.1</u>	3,971.3
Advance CERF	3,000.0	<u>B-Operational costs</u> General operating expenses: 552.7 Supplies & materials: 164.1 Furniture & equipment: <u>693.0</u>	1,409.8
		<u>To be paid:</u> Vehicles, Communication equipment and other material supplied from DPKO & UNHCR	1,241.5
		Total Operational costs	2,651.3
		Sub-Total expenditure	6,622.6
		13% Administrative Support Cost	860.9
		Total costs	7,483.5
		Balance 2/	2,073.6
TOTAL	9,557.1	TOTAL	9,557.1

1/ Excluding the European Union contribution consisting of 33 fully equipped field officers corresponding to ECU 5 million = US\$ 6,377,551

2/ Does not include refund of the 3 million US\$ advance from CERF

Administrative Office, HRFOR, Geneva
22 June 1995

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H. R. RWANDA OPERATION

No FAX 0229170353

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HUMAN RIGHTS FIELD OPERATION IN RWANDA**COST PLAN AS FROM SEPTEMBER 1994 TO END JUNE 1995**

Expenditure incurred during the period of September 1994 to 30 June 1995

(In thousands of US Dollars)

Object	Allotment	Obligations	Disbursem.	Total	Balance
030- GTA	3,703.3	1,703.0	2,203.2	3,906.2	(202.9)
040- Consultants	82.4	—	58.1	58.1	24.3
242- Official travel	9.0	7.0	—	7.0	2.0
Sub-total				3,971.3	
300- Contractual Services	54.1	31.4	21.8	53.2	0.9
400- General Operating Expenses	524.5	422.9	76.6	499.5	25.0
Sub-total				552.7	
500- Supplies & materials	292.2	132.1	32.0	164.1	128.1
600- Acquisition of furnit. & equipm.	720.5	95.3	597.7	693.0	27.5
GRAND TOTAL	5,386.0	2,391.7	2,989.4	5,381.1	4.9

Administrative Office, HRFOR
22 June 1995

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HUMAN RIGHTS WATCH ARMS PROJECT

May 1995

Kigali
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RWANDA/ZAIRE

Rearming with Impunity International Support for the Perpetrators of the Rwandan Genocide

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1. INTRODUCTION AND SUMMARY

After a year in exile, the perpetrators of the Rwandan genocide have rebuilt their military infrastructure, largely in Zaire, and are rearming themselves in preparation for a violent return to Rwanda. Waging a campaign of terror and destabilization against the new government in Kigali, they have vowed, in the words of one official of the former Rwandan government, Col. Theoneste Bagasora, to "wage a war that will be long and full of dead people until the minority Tutsi are flushed and completely out of the country."¹ Several members of the international community, including France, Zaire and South Africa, have actively aided and abetted this effort through a combination of direct shipments of arms, facilitating such shipments from other sources, and providing other forms of military assistance, including training.

This report, which is based on four months of field investigation in central Africa, presents evidence of continuing arms shipments and other forms of military assistance to the forces of the ousted Rwandan government in Zaire. This assistance has continued despite an international arms embargo on Rwanda, imposed by the United Nations in May 1994, and despite the fact that the recipients are accused of the gravest of crimes, the crime of genocide.

Human Rights Watch calls on the international community to strictly enforce the existing arms embargo by placing United Nations monitors at key airports in Zaire, to extend the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) to include the Rwandan refugee camps in Zaire, and to disarm the armed forces and militias affiliated with the ousted government of Rwanda in Zaire. Human Rights Watch also calls on France, Zaire and South Africa to fully disclose the nature of their military and security assistance and arms transfers to the ousted Rwandan government, and to provide full information on training activity, by their own military trainers and/or at their own military bases, involving members of the ousted Rwandan government's armed forces and militias.

Over a horrific period of three and a half months in the spring of 1994, hundreds of thousands of Rwandan men, women and children were murdered during a violent campaign of genocide led by the Rwandan government, armed forces and Hutu militias. The victims were mostly Tutsi, as well as Hutu politicians and community leaders who had shown a willingness to form a more democratic government that respected the rights of all Rwandans.² At the height of the genocide, the Rwandan Patriotic Front (RPF)³ renewed a military offensive against the government in Kigali.⁴ It succeeded in defeating the government forces and winning control over the country by mid-July, thus effectively halting the genocide. The defeated government and army, in fear of retribution for the crimes committed, led a mass exodus of the Hutu population into neighboring countries, causing a refugee crisis unprecedented in scale and the speed in which it occurred. The international community, which had shamefully stood by during the height of the genocide, shifted into action only after waves of refugees began sweeping across the border into Zaire in July 1994. Among the refugee population were the bulk of those responsible for the genocide.

¹ Interview with Col. Theoneste Bagasora, Counselor to the Minister of Defense of the ousted government of Rwanda, and its chief arms procurer, Goma, November 30, 1994.

² See Human Rights Watch/Africa, "Genocide in Rwanda, April-July 1994" vol. 6, no. 4 (New York: May 1994).

³ The Rwandan Patriotic Front was formed mainly from Rwandan exiles in neighboring Uganda. Denied their right to return home, the RPF launched a military invasion into northeastern Rwanda on October 1, 1990. Prior to the genocide, the RPF had signed a cease-fire document and agreed to a political settlement based on the Arusha Accords of August 1993.

Ensnared in refugee camps, primarily in eastern Zaire, the perpetrators of the Rwandan genocide have regrouped, rebuilt their military infrastructure, and succeeded in asserting their control over the civilian population in most of the camps during the last year.⁴ Acting with impunity, these forces rule over the refugee population through intimidation and terror, effectively preventing the return of refugees to their homes in Rwanda, while inducting fresh recruits into the former Rwandan Armed Forces (FAR) and militias.⁵ Emboldened by military assistance, including arms, from France and Zaire, among other countries, they have openly declared their intent to return to Rwanda and, in the words of one ex-FAR commander, Col. Musonera, "kill all Tutsi who prevent us from returning."⁶ Currently, the ex-FAR has an estimated troop strength of 50,000 men in over a dozen camps, and has brought the militias more tightly under its control.⁷ These forces have launched cross-border raids to destabilize the already precarious situation in Rwanda and to obtain information and experience for a future offensive against the current government in Kigali.⁸ In addition, the ex-FAR and Rwandan Hutu militias have aligned themselves with Hutu militias from neighboring Burundi, inflaming an already tense situation inside Burundi and threatening to regionalize the conflict.⁹

As they prepare to resume fighting, members of the ousted Rwandan government, ex-FAR and militias continue to enjoy impunity from arrest and prosecution for their alleged involvement in last year's genocide. An international tribunal established to try Rwandans for genocide, other crimes against humanity and war crimes in 1994 has yet to hand down its first indictments. Rwanda's shattered judicial system is ill-equipped to prosecute the estimated 30,000 people who clog the country's jails on suspicion of participation in the killing.¹⁰ This lack of accountability has meant the absence so far of an effective deterrent to a resumption of the genocide, and has fueled the political and military ambitions of former Rwandan officials and their extremist Hutu followers. Undaunted by fear of prosecution, they hold audiences with journalists,

⁴ Members of the ousted Rwandan government, armed forces and militias also reside in or travel for strategic reasons to refugee camps in Tanzania and Burundi which are designated "civilian." However, the key members of the ousted government and the largest number of army and militia members, as well as their commanding officers, reside in eastern Zaire because of assistance provided by sympathetic Zairian civil and military authorities, as observed by Human Rights Watch over the course of the field investigation.

⁵ In this report, the FAR will be referred to as the "ex-FAR" in the period after July 1994.

⁶ Interview with Col. Musonera, Bukavu, March 4, 1995.

⁷ This figure is based on estimates by international NGO and United Nations staff, and observations by the Human Rights Watch researcher. In 1990, the FAR had a troop strength of 5,000. Then, following the invasion by the RPF from Uganda, new recruitment by the FAR assisted by French training raised the number of troops to about 30,000. The further increase to 50,000 in the camps in Zaire since July 1994 should be credited to two factors: the incorporation of the Hutu militias into the ex-FAR, and a vigorous recruitment drive among men implicated in the genocide.

⁸ See also Human Rights Watch/Africa, "Rwanda: A New Catastrophe? Increased International Efforts Required to Punish Genocide and Prevent Further Bloodshed," vol. 6, no. 12 (New York: December 1994).

⁹ Based on observations by Human Rights Watch in eastern Zaire and Burundi during the field investigation, and interviews with Rwandan and Burundian political and militia leaders in Nairobi, February 1995.

¹⁰ See Human Rights Watch/Africa, "The Aftermath of Genocide in Rwanda: Absence of Prosecution, Continued Killings" (New York, September 15, 1994); and Human Rights Watch/Africa and Fédération Internationale des Ligues des Droits de l'Homme, "Rwanda: The Crisis Continues," vol. 7, no. 1 (New York and Paris: April 1995).

United Nations agency staff and representatives of nongovernmental organizations (NGOs) in the camps and towns of eastern Zaire, in the Zairian capital Kinshasa, and in Nairobi, the capital of Kenya, to boldly justify their actions.¹¹ Some have traveled to foreign countries seeking assistance for their military cause.¹² They have been disturbingly successful in this endeavor.

The ex-FAR and militia auxiliaries have access to sufficient funds to buy weapons on the open market. Most of Rwanda's hard currency and financial assets were taken out of the country by officials of the rump government and officers of the ex-FAR and militias when they fled the country last summer. Additional money and assets in foreign countries (including at least Kenya, Tanzania, Zaire and the Netherlands) controlled by the ousted Rwandan government continue to be available to its leadership in exile.¹³ A racket in looted goods, including Rwandan government vehicles, provides profit for the civilian and military officials who fled Rwanda to Zaire.¹⁴ Cash income generation schemes run by former Rwandan civil and military authorities both in the civilian refugee camps and local Zairian communities provide for the maintenance and salaries of officers and troops.¹⁵

The international arms embargo, imposed by the U.N. Security Council against Rwanda on May 17, 1994, has presented the only nominal obstacle to the ousted Rwandan government's quest for arms.¹⁶ The

¹¹ Despite a refusal by the United Nations High Commissioner for Refugees (UNHCR) to meet with the "government-in-exile," UNHCR officials do meet with some of its leaders, including those implicated in the genocide, such as François Karera, the former prefect of greater Kigali, who runs the Katala camp in the Goma area. (Based on observations in Goma, November 29, 1994.)

¹² Interviews with senior ex-FAR officials, including Gen. Augustin Bizimungu, Gen. Kabiligi, and the chief arms procurer for the ex-FAR, Col. Theoneste Bagasora, during the course of the field investigation.

¹³ For example, the government that took over in Rwanda in July 1994 was not able to take possession of the Rwandan embassy in Kenya until December 1994 (because of a delay in recognition of the new government by Kenya), by which time all embassy assets had been removed by members of the previous regime, including money in the embassy's bank accounts. Interviews with Jacques Nziza, chargé d'affaires at the Rwandan embassy in Kenya (until April 1995), Nairobi, February 3, 1995, and with Cyprien Habimana, ambassador of the former government of Rwanda to Kenya, Nairobi, February 4, 1995.

¹⁴ As observed by Human Rights Watch and based on interviews with Zairian military staff, as well as former Rwandan government and military officials.

¹⁵ Income generation schemes include, among others, the sale of international relief supplies on the open market, taxi and bus services, the sale of firewood and bamboo, and illegal trade in wildlife.

¹⁶ Paragraph 13 of U.N. Security Council Resolution 918 reads: "...all States shall prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts..." (S/RES/918 (1994), 17 May 1994). In the view of Human Rights Watch, the arms embargo "on Rwanda" applies to both the current government of Rwanda and the former government, now in exile in Zaire, Kenya and elsewhere. The embargo was intended as a measure to stop the genocide in the spring of 1994. A subsequent change of government should not, in the view of Human Rights Watch, mean that the embargo would not apply to the "government-in-exile," especially in light of the evidence that the ousted government is a fighting force that has committed genocide and has vowed to resume its actions against the Tutsi population in Rwanda at the earliest opportunity. In a later resolution, Resolution 6025 of April 27, 1995, the Security Council invited "States and organizations which have information on the transport of arms into countries neighboring Rwanda for the purpose of their use in Rwanda in contravention of resolution 918 (1994) to pass that information to the Committee established under resolution 918 (1994) and requests that Committee to consider that

embargo has not been actively enforced, however, and shipments of arms have reached the ex-FAR in Zaire during the last year, mostly via the airport at Goma in eastern Zaire. These military supplies have not only enlarged the ex-FAR's stockpiles for future conflict but boosted its morale.

This report is based on a field investigation by a researcher of the Human Rights Watch Arms Project in Rwanda, Zaire, Tanzania and Burundi from November 1994 through March 1995.¹⁷ Additional material was collected in South Africa in January 1995. The researcher gained regular access to former Rwandan government officials, military commanders and bases, and was able to observe ex-FAR and militia training.

On the basis of the evidence outlined below, we conclude that Zairian forces close to president Mobutu Sese Seko have played a pivotal role in facilitating the re-emergence as a powerful military force of those directly implicated in the Rwandan genocide. Zaire has offered the former Rwandan government armed forces and allied militias shelter and protection, and rather than arresting those suspected of crimes pending their indictment for trial by the International Tribunal, has permitted them freedom of movement. In addition, the government of Zaire has permitted its territory and facilities to be used as a conduit for weapons supplies to the ex-FAR (detailed below), and private cargo companies based in Zaire have acted under contracts with Zairian officials to transport a large quantity of these weapons.

Zaire has a history of support for the ousted Rwandan leaders. President Mobutu of Zaire and president Juvénal Habyarimana of Rwanda were staunch allies, for example in their political struggles against president Museveni of neighboring Uganda. Zaire sent troops into Rwanda to aid the FAR in its fight against the RPF's invasion from Uganda in 1990, and helped train Habyarimana's newly-created Presidential Guard. Following the ouster of the Rwandan government in July 1994, the Zairian authorities have been on record as refusing to tolerate the existence of any Rwandan government-in-exile in their territory, and have proclaimed Zaire's "political neutrality" in the Rwandan civil war.¹⁸ Nevertheless, Human Rights Watch was able to interview officials representing the Rwandan "government-in-exile," such as prime minister Jean Kambanda, in Goma and Bukavu during the course of the investigation, and officials of the Habyarimana government were still declaring openly on April 26, 1995 that the "Rwandan government-in-exile" was based in Zaire.¹⁹

Behind Zaire stands France, a former colonial ruler in Africa that continues to wield enormous economic, political and military power in the continent. France was the main ally of the Habyarimana government until July 1994. It sent in 300 troops to support the government after the invasion by the RPF in October 1990 — a force later reduced to 170 soldiers — and provided military training to the FAR. In early 1993, after a new offensive by the RPF, France increased its military presence in Rwanda to 680 troops, ostensibly to "protect French citizens and other foreigners," although French troops were seen assisting the

information as a matter of urgency and to report thereon to the Security Council."

¹⁷ The researcher spent two additional months in the same countries, as well as Uganda, in a private capacity from August through October 1994. Some of the interviews conducted during this period have also been used for this report.

¹⁸ As reported by *Agence France Presse*, April 26, 1995 (*Foreign Broadcast Information Service*, FBIS-AFR-95-081, April 27, 1995, p. 4).

¹⁹ *Ibid.*

FAR in combat against the RPF.²⁰ Even after the departure of French uniformed soldiers with the arrival of U.N. forces in December 1993 (under the Arusha Accords), France continued to provide training to the militias.²¹ After the start of the genocide on April 6, 1994, France dispatched 460 troops to evacuate its citizens, but failed to take action against its allies who had launched a genocidal rampage against the Tutsi population. Following the defeat of the Habyarimana government in July 1994, France has continued to support the ousted leaders in exile, as described below.

Other countries, like South Africa, the Seychelles and China, have also either provided weapons support to the ex-FAR and militias, or have facilitated the supply of arms from ostensibly private sources.

The descriptions of arms shipments provided in this report are not exhaustive but merely indicative of the arms and ammunition which the ousted Rwandan government forces in Zaire have received during the post-embargo period of 1994-95.

Human Rights Watch holds that gross abusers of human rights should not receive arms and other forms of military assistance. The international community should in particular withhold any form of assistance to the perpetrators of genocide. Certain allies of the ousted Rwandan government, however, appear to have been guided more by geopolitical and financial than by moral or legal considerations during the past year. While public scrutiny and adverse international opinion may have discouraged open foreign support of the ex-FAR, clandestine support has continued. Some of the countries that had armed the Rwandan government prior to the genocide and international arms embargo²² now operate through middlemen and rely on false end-user certificates to conceal the final destination of weapons. While the indirect flow of arms to the perpetrators of the genocide may have slowed their resupply, the rapid re-militarization of the ex-FAR and militia that has taken place underscores the abiding threat of a resumption of the genocide campaign in Rwanda. Through this report, and the specific recommendations it makes, Human Rights Watch seeks to contribute to further international measures aimed at bringing the perpetrators of the Rwandan genocide to justice and thereby preventing a continuation of the bloodshed that engulfed Rwanda in the spring of 1994.

II. THE ROLE OF FRANCE

Arms flows to the FAR were not suspended immediately by France after the imposition of the arms embargo on May 17, 1994. Rather, they were diverted to Goma airport in Zaire as an alternative to Rwanda's capital, Kigali, where fighting between the FAR and the rebel RPF as well as an international presence made continued shipments extremely difficult. Some of the first arms shipments to arrive in Goma after May 17 were supplied to the FAR by the French government. Human Rights Watch learned from airport personnel and local businessmen that five shipments arrived in May and June containing artillery,

²⁰ Human Rights Watch Arms Project, "Arming Rwanda: The Arms Trade and Human Rights Abuses in the Rwandan War," vol. 6, no. 1 (New York: January 1994), pp. 23-24.

²¹ Rick Orth, "The Four Variables of Preventive Diplomacy: Application in the Rwanda Case." Paper presented at the 14th annual Africa Conference, The Johns Hopkins School of Advanced International Studies, Washington, D.C., April 7, 1995.

²² Notably South Africa and France. See Human Rights Watch Arms Project, "Arming Rwanda."

machine guns, assault rifles and ammunition provided by the French government.²³ These weapons were taken across the border into Rwanda by members of the Zairian military and delivered to the FAR in Gisenyi.²⁴ The French consul in Goma at the time, Jean-Claude Urbano, has justified the five shipments as a fulfillment of contracts negotiated with the government of Rwanda prior to the arms embargo.²⁵ In the view of Human Rights Watch, these shipments constituted a clear violation of the U.N.-imposed embargo, and are all the more to be condemned because the recipients were carrying out a campaign of genocide at the time.

In an interview with the Human Rights Watch researcher, the French consul also mentioned several other shipments of arms that arrived at Goma airport for the FAR in the May to July period from sources other than the French government.²⁶ Despite this, the government of France is not known to have reported these shipments to the Committee set up by the U.N. Security Council under Resolution 918 (1994).

In mid-June 1994, as the Rwandan government in Kigali was on the edge of collapse, the French government announced plans to dispatch 2,500 troops to Rwanda for humanitarian purposes. On June 22, the U.N. Security Council authorized the French intervention in Rwanda, called "Operation Turquoise." The next day, an advance team of French combat troops arrived in Goma and Bukavu to lay the groundwork for the French intervention. Soon after, the French government, without prior U.N. approval, declared its intention to carve out a "safe zone" in southwestern Rwanda. It was to this zone that the rump government and the majority of the Rwandan armed forces and militias retreated following the fighting in Kigali and the RPF's military advance. Under French protection, the FAR and militias were able to exert their control over the vast population that was quartered in the safe zone.²⁷ The rump government moved its radio station into the zone where it continued without interference to incite Hutu to kill Tutsi in its broadcasts.²⁸

For the duration of Operation Turquoise, the FAR continued to receive weapons inside the French-controlled zone via Goma airport. Zairian soldiers deployed in Goma at the time assisted in the cross-border

²³ Interviews with airport staff, local businessmen and air cargo company crews over the period of the field investigation. The precise dates of two of these shipments are known: May 25 and May 27, 1994.

²⁴ Interviews with airport staff, local businessmen, air cargo company crews and Zairian officials over the period of the field investigation.

²⁵ Interview with Jean-Claude Urbano, Goma, February 15, 1995. See also Chris McGreal, "Paris Stands by as Arms Pour Through Eastern Zaire," *The Guardian* (London), June 23, 1994.

²⁶ Interview, Jean-Claude Urbano, Goma, February 15, 1995. According to Urbano, the weapons were of Israeli, South African and Soviet manufacture. He also said that he was unaware of who had supplied the weapons or had facilitated their transfer, but that they "could have" come from private French arms dealers. Even private transfers must, however, be licensed by the French government.

²⁷ France declared that, if necessary, it would use force against any RPF encroachment on the zone. Raymond Bonner, "French Establish a Base Inside Rwanda to Block Rebels," *New York Times*, July 5, 1994.

²⁸ Bruno Delaye, Chief Counselor on Africa to the French Presidency, told Human Rights Watch/Africa in July 1994 that France was willing to stop the broadcasts but was unable to locate the transmitter (Interview, Paris, July 1994). Human Rights Watch finds it wholly unbelievable that the French military, which had full control over the zone and had close relations with the FAR, was not in a position to locate this radio transmitter.

delivery of arms.²⁹ Some of these weapons arrived from Kinshasa, the Zairian capital, apparently from Zairian stocks, while others came from outside Zaire.³⁰ It is unlikely that the French military authorities present in the zone, who conducted regular patrols at the border post between Goma and Gisenyi, and had a continuous presence at Goma airport, were not aware of these weapons entering the safe zone. Yet the French authorities neither made an attempt to interdict these shipments nor reported them to the Committee set up by the Security Council under Resolution 918.

After the defeat of the Rwandan government and the subsequent refugee exodus into Goma in mid-July, French military leaders told the United Nations Assistance Mission for Rwanda (UNAMIR) that French troops had disarmed the Rwandan forces crossing the border into Zaire and had handed over their weapons to the Zairian authorities.³¹ Given French knowledge of ongoing Zairian arms support of the FAR, the French decision to hand these weapons over to Zairian authorities was hardly appropriate.

French forces began withdrawing from Rwanda in mid-August. Local Rwandan gendarmes and administrators in the Cyangugu area of the French-controlled zone have told Human Rights Watch that they had arrested two prime suspects in the Rwandan genocide from that area, known locally as "Prima" and "Sebastien," in addition to many others, and handed them over into French custody during Operation Turquoise. These authorities added that these detainees were then escorted into Zaire in French vehicles as the French troops withdrew from Rwanda, and were subsequently released.³² In the Cyangugu as well as the Gikongoro area of the French-controlled zone, UNAMIR officers claim to have seen lists, prepared by French authorities in the zone, of persons accused locally of genocide or other criminal activities, some of whom had been detained. Departing French troops did not hand over these lists to UNAMIR forces, however, and they released jailed prisoners before U.N. replacements arrived to take over from French command.³³

Moreover, Human Rights Watch was able to confirm that French forces left behind at least one weapons cache in the Rwandan town of Kamembe in the safe zone for militia and ex-FAR personnel who remained. Our researcher viewed this cache in Kamembe, which contained over fifty assault rifles and several machine guns, on two occasions in August and September 1994, after having been informed of its existence by members of the defeated Rwandan army and gendarmerie, as well as UNAMIR officials.

According to U.N. officials, the French military flew key commanders, including Col. Theoneste Bagasora and *Interahamwe* militia leader Jean-Baptiste Gatete, and crack troops of the ex-FAR and militias out of Goma to unidentified destinations on a series of flights between July and September 1994.³⁴ Human

²⁹ Interviews with airport staff, local businessmen, air cargo company crews and Zairian officials over the period of the field investigation.

³⁰ Interviews with airport staff, local businessmen, air cargo company crews and Zairian officials over the period of the field investigation.

³¹ Interviews with UNAMIR officials, Kigali, November 1994 and February and March 1995.

³² Interviews in Kamembe, Gafunzo and Cyangugu, August 1994.

³³ Interviews with UNAMIR officials in Gikongoro and Cyangugu, August 1994.

³⁴ Interviews with U.N. officials, August 1994 - March 1995.

Rights Watch has received allegations that Hutu military and militia personnel continued to receive military training at a French military facility in the Central African Republic after the FAR's defeat.³⁵ Human Rights Watch learned from Hutu leaders that on at least one occasion members of Hutu militias from both Rwanda and Burundi traveled on an Air Cameroon flight from Nairobi to Bangui, capital of the Central African Republic, via Douala, Cameroon, between October 16 and 18, 1994, to receive training from French forces there.³⁶ Based on evidence it had acquired on its own, in late 1994 the government of Burundi asked the governments of France and the Central African Republic for official explanation of the kind of "education" being provided in the CAR to young Hutu men known to have links to the Hutu militias.³⁷

III. THE ROLE OF ZAIRE

Zairian officials, including military chiefs, have played a key role both in supplying arms and facilitating arms flows to the FAR, before but also after the international community imposed an arms embargo against Rwanda on May 17, 1994.³⁸ Some officials have openly encouraged arms trafficking by private dealers through Zaire, generally in return for kickbacks.³⁹

Cargo companies that are ostensibly private and that are either registered or based in Zaire transport many of the weapons that are being supplied covertly throughout Africa. Although some air transport companies may have links with the clandestine agencies of other countries, these companies operate under contract with Zairian government officials and senior officers in the Armed Forces of Zaire (FAZ), usually allied with president Mobutu, to transport the weapons from locations in Europe or Africa to Zairian regional allies, like the former government of Rwanda and UNITA.⁴⁰ According to company owners and staff,

³⁵ Interviews with former Rwandan government officials, ex-FAR officers and militia leaders, as well as Burundian Hutu leaders, Nairobi, February 1995, and Uvira and Bujumbura, March 1995. France maintains a force of 1,200 soldiers, including paratroopers, in the Central African Republic, divided over two bases, in Bangui and Bouar.

³⁶ Interviews with former Rwandan government officials, ex-FAR officers and militia leaders, as well as Burundian Hutu leaders, Nairobi, February 1995, and Uvira and Bujumbura, March 1995.

³⁷ Interview with officials at the Burundian Ministry of Defence, Bujumbura, February 1995.

³⁸ Determining responsibility for such actions presents a problem in the Zairian context. Various Zairian military units report to different authorities in Zaire. Military divisions generally report to regional commanders, who in turn report to the minister of defense, an intimate of president Mobutu's. Elite divisions like the *Garde Civile* (Civil Guard) and the *Division Spéciale Présidentielle* (Special Presidential Division) report directly to military chiefs under president Mobutu. Often troops must raise funds for their own salaries, and for this purpose extort or steal from the local population with impunity, or engage in illegal trade in arms. This has reduced accountability of troops to the national authorities. Even if it may be difficult for these reasons to pinpoint precise responsibility for specific actions by the military, it is clear that ultimate responsibility for such actions lies with the government of president Mobutu.

³⁹ The *Service National d'Intelligence et de Protection*, SNIP, is the Zairian secret police agency under president Mobutu's direct control. In Goma, the SNIP agent responsible for immigration from Rwanda, Danny Bimbo, has been a key player in facilitating arms transfers to the ex-FAR from Goma airport. In an interview, Bimbo claimed he had received a number of Rwandan government vehicles as payment for his services. Interview, Goma, March 11, 1995.

⁴⁰ The companies operate under contracts with Zairian officials and military commanders to carry any type of cargo over a certain period. Cargo may include weapons.

company owners who refuse such contracts are threatened with cancellation of their companies' registration, confiscation of their assets, and even deportation. Pilots file false flight plans, often listing fictitious destinations such as Swaziland, Gabon, Libya and Nigeria, under pressure from contractual partners to disguise the true origin or destination of arms cargo; staff at NDjili airport in Kinshasa are paid a minimum of \$1,000 per flight by the cargo companies to file these false flight plans. Pilots also supply false cargo manifests — the documents describing the content of the cargo.⁴¹ The Zairian contracts enabling the covert arms shipments constitute a form of indirect financial support for those procuring the weapons.

Human Rights Watch has evidence of a number of cargo flights that brought weapons into the Goma airport after the international community imposed an arms embargo against Rwanda in May 1994, most of these weapons were then delivered to the FAR in Gisenyi. Some of the planes are known to have been registered in Zaire, Nigeria, Liberia and Lebanon.⁴² For example, one shipment in mid-June arrived on an aircraft registered in Liberia, with a Belgian crew from Ostend, which picked up arms in Libya, including artillery, ammunition and rifles from old government stocks.

Several of these planes, which are registered as owned by private cargo companies, were used in the same period to fly relief supplies into Goma airport for international NGOs. In at least two instances verified by Human Rights Watch, planes bearing the logos of NGOs alternately delivered relief supplies and arms to Goma airport in May and June 1994. One of these NGOs, when confronted with the evidence, immediately took steps to prevent a recurrence.⁴³

In one important shipment, two planes of Air Zaire, a Zairian state company, flew weapons, reportedly antitank and fragmentation grenades, as well as high-calibre ammunition, to Goma from the Seychelles on the nights of June 16-17 and 18-19, 1994. These weapons were then transferred to the FAR in Gisenyi. A Zairian government functionary negotiated and accompanied the shipment from the Seychelles to Zaire.⁴⁴ These weapons were part of a stockpile that the Seychelles government had confiscated from a ship called *The Malo*. This ship was intercepted by the Seychelles navy in March 1993, reportedly on charges of illegally importing military arms and ammunition into the country.⁴⁵ The shipment was consigned for Somalia, where an international arms embargo was in place at the time. According to the Seychelles minister of defense, James Michel, end-user certificates for the shipment were provided by Zaire.⁴⁶ In this instance,

⁴¹ Interviews with cargo company staff and crews over the period of the field investigation.

⁴² One of the planes was registered in Rwanda until the Hutu-controlled government was forced to flee the country in the summer of 1994; it was then registered in Zaire. The information on the cargo flights presented here is based on interviews with airport staff, local businessmen, air cargo company staff and crews, the former French consul in Goma and Zairian officials over the period of the field investigation.

⁴³ Communication, Goma, February 13, 1995, as well as interviews with NGO officials, Goma, February 1995.

⁴⁴ Interview with Col. Theoneste Bagasora of the ex-FAR, Goma, February 15, 1995; and interview with Fred Zeller, Kinshasa, March 9, 1995.

⁴⁵ "The Seychelles: Merchants of Death," *Indian Ocean Newsletter*, July 2, 1994.

⁴⁶ Telephone interview, January 26, 1995. According to Michel, the FAR had paid \$300,000 for this shipment of arms. Michel was also quoted in the local press on this issue, "Pitiful Denial: Sale of Malo Arms," *Regar* (Seychelles), July 8, 1994.

end-user certificates served to conceal the ultimate destination of the weapons and provide a means of deniability for those involved in breaking the arms embargo against Rwanda.

Another shipment facilitated by the government of Zaire around the same time involved an American private arms dealer who allegedly was previously involved in covert CIA operations in support of UNITA in Angola, Fred Zeller. In an interview with the Human Rights Watch researcher, Zeller claimed to have been authorized by the Rwandan Central Bank to act as a middleman for an arms transfer from private sources headquartered in Belgium to the FAR in Rwanda via Goma airport. Zeller said he traveled to Belgium in May 1994 in the company of a high-ranking military official in the Zairian *Garde Civile* (Civil Guard), the government of Zaire issued end-user certificates for the weapons. The shipment was aborted when Belgian authorities arrested Zeller and three other Europeans involved in the deal on charges of attempting to cash American Express traveler's checks that had reportedly been stolen from the Rwandan Central Bank in Kigali.⁴⁷

In early July, three planeloads of weapons arrived at Goma airport from the N'Djili airport in Kinshasa, the Zairian capital. The weapons were carried by private cargo companies under contract with the FAZ, and were accompanied by representatives of the FAR. Upon arrival in Goma, the weapons were loaded onto trucks by Zairian troops and members of the FAR, and taken across the border into Gisenyi. A fourth planeload of arms arrived at Goma on July 17. The weapons from this shipment were unloaded by Zairian soldiers and escorted by Zairian and Rwandan soldiers to an unknown destination. According to eyewitnesses, the four shipments included assault rifles, ammunition, mortars, grenades and landmines, and derived from Zairian stocks.⁴⁸

In late July and August, four more planes landed at Goma carrying weapons for the ex-FAR, according to eyewitnesses. The Boeing 707 planes carrying these weapons were not registered in Zaire, and the origins of the weapons are not known. One shipment arrived on a Lebanese-registered plane which on previous occasions also had carried weapons for the ex-FAR. Ex-FAR officers and Zairian soldiers took delivery of this particular shipment, though onward destination of these weapons remains unclear.⁴⁹

Following the retreat of the FAR from Rwanda in mid-July, Zairian troops made a public display of confiscating weapons from FAR soldiers and militia members crossing into Zaire at the Gisenyi-Goma border. The events were widely covered by the international media. By contrast, as observed by Human Rights Watch, during later border crossings at Bukavu in August, which took place mostly outside public view, Zairian troops made no such effort. But even at Goma in July, not all the FAR's arms were confiscated. A large number of Rwandan troops were allowed to drive military vehicles and government buses into Zaire, carrying with them not only military supplies but also goods looted from homes and businesses during their

⁴⁷ The four men were later released. Interview with Fred Zeller, Kinshasa, March 9, 1995.

⁴⁸ Interviews with airport staff, local businessmen, air cargo company crews and Zairian officials over the period of the field investigation. According to these witnesses, the cargo plane carrying arms on July 17 came under fire by the RPF as it took off for Kinshasa later that day.

⁴⁹ Interviews with airport staff, local businessmen, air cargo company crews and Zairian officials over the period of the field investigation.

retreat. The ex-FAR and militias were able to take this equipment and goods to the camps that were set up inside Zaire.⁵⁰

A vast quantity of weapons confiscated by Zairian troops in July remains unaccounted for by Zairian authorities, despite oral and written inquiries by the UN and western governments as to their whereabouts.⁵¹ Human Rights Watch was able to obtain information about the fate of some of these weapons. According to eyewitnesses, at least one plane load of rifles was flown out of Goma to N'Djili airport in Kinshasa in July, reportedly for onward shipment to Angola. These same witnesses said the weapons were handed over to the rebel UNITA movement that has been fighting a war against the Angolan government.⁵² According to Zairian military officers, one stock of well-preserved weapons is stored and regularly oiled at a Zairian military base in Goma.⁵³ In addition, many of the heavy weapons and equipment that the ex-FAR had managed to bring across the border, including French-made AML 60 and AML 90 armored cars, 120mm armored mortar carriers, various anti-aircraft guns, rocket launchers, howitzers, mortars and military trucks, have been kept in good condition at a second Zairian military base near the center of Goma. Human Rights Watch was able to view these weapons, and, during a series of visits to the base in December 1994 and February 1995, witnessed how ex-FAR soldiers were responsible for routine maintenance of these weapons and military vehicles.

According to eyewitnesses, several plane loads of arms arrived at Goma airport for the ex-FAR in February and March 1995. Human Rights Watch is currently investigating the origins of these shipments and the countries that enabled them to be made.⁵⁴

Zaire has not only assisted the ex-FAR in weapons procurement, but also in setting up both military and civilian camps along the border with Rwanda, enabling the ex-FAR to regroup and rebuild its military infrastructure. In addition to the camps sheltering civilian refugees, Human Rights Watch has identified five types of military camps in eastern Zaire:

- Land in the North Kivu area was given to the former government of Rwanda to serve as the military headquarters of the presidential guard and other uniformed military units. The camp created there is known as Lac Vert. Human Rights Watch was able to view grenade and ammunition caches at the camp in December 1994.

⁵⁰ As our researcher was able to observe, many of these looted goods ended up in markets run by the ex-FAR in towns like Goma and Bukavu. Interviews with officers of the FAZ and ex-FAR, as well as NGO staff, Goma and Bukavu, November 1994 - March 1995.

⁵¹ Interviews with UN officials in Kigali during the period of the field investigation, and with United States embassy officials, Kinshasa, March 9, 1995.

⁵² Interviews with airport staff and air cargo company crews, Goma and Kinshasa, February and March 1995.

⁵³ Interviews with Zairian military officers, Goma, December 1994 and February 1995.

⁵⁴ Interviews with airport staff, local businessmen and air cargo company crews in Goma and Kigali, February and March 1995.

- A Zairian army/gendarmerie base near Bukavu, Panzi camp, was given to the ex-FAR and *Interahamwe* militias. At the camp, Human Rights Watch was able to take a brief look into one building that contained a stock of assault weapons during a visit in March 1995
- In the South Kivu area, nearly eighty kilometers outside of Bukavu, the ex-FAR and militias were permitted to set up a covert military training camp known as Bilongue. Human Rights Watch was able to gain admission to the camp and observe military training in March 1995
- Further south in the Uvira region, the ex-FAR and militias, in collaboration with Hutu militias from Burundi, administer and control refugee camps recognized as "civilian" camps by the United Nations High Commissioner for Refugees (UNHCR) and local Zairian authorities, from which they launch cross-border raids into both Rwanda and Burundi. Human Rights Watch visited the camps of Kamanyola, Kanganiro, Lubarika, Luvungi and Luberizi in the Uvira area in February and March 1995
- Small guerrilla camps on Idjwi Island in Lake Kivu are used mainly to train for and launch cross-border raids into Rwanda by commandos from the other military and civilian camps.⁵⁵

Despite an agreement, in December 1994, between the UNHCR and local Zairian civil authorities to consolidate camps in the Uvira region for logistical and security reasons, the authorities in South Kivu have insisted that certain clearly military camps near the borders with Rwanda and Burundi be kept intact, despite clear evidence that they are being used as launching pads for cross-border raids. For example, when the UNHCR began consolidating camps in the Uvira area from twenty-six down to eleven in December 1994, the local authorities insisted on retaining those camps that were most militarized, such as Kamanyola, which is only 800 meters from the border with Burundi and a few kilometers from the border with Rwanda. Furthermore, the local authorities tried to prevent a strong presence of U.N.-sponsored Zairian troops in the Uvira area in February 1995, claiming that the camps shelter not only Rwandans but also Burundians and fall therefore outside the U.N. mandate.⁵⁶ The governor of South Kivu, Pasteur Kyembwa wa Lumona, has appointed administrators in key militarized "civilian" camps, who supervise these camps in cooperation with the UNHCR. Militia members have told Human Rights Watch in interviews that local Zairian authorities have permitted the ex-FAR and militias to conduct political, military and propaganda activities in the camps as long as these are kept out of the view of international relief workers. According to local sources, Zairian civil and military authorities have threatened local journalists and human rights activists in Goma and Bukavu, warning them not to report on the activities of the ex-FAR and militias, or the location of their camps.

⁵⁵ This information was obtained from ex-FAR officers in Goma, Bukavu and Uvira in December 1994 and February-March 1995, and was confirmed by UNAMIR officials who said they had intercepted commandos operating from Idjwi Island. Interviews, Kigali and Cyangugu, February-March 1995

⁵⁶ The reason why Zairian authorities in South Kivu want to limit the deployment of Zairian troops operating under U.N. aegis in these camps is that this would mean that international observers of the Civilian Security Liaison Group of the UNHCR would then also be deployed in greater numbers in these camps. As of April 27, 1995, all 1,500 members of the *Contingent Zairois pour la Sécurité dans les Camps* (Zairian Contingent for Security in the Camps) had been deployed in six camps and two command centers around Goma and Bukavu. Of the Civilian Security Liaison Group, twenty-seven officers had been deployed in Goma and Bukavu by that date. (UNHCR, "Internal Update on Rwanda-Burundi Operations," May 3, 1995)

Outside the camps, Zairian authorities have permitted full freedom of movement to both uniformed and non-uniformed ex-FAR soldiers, who often travel in former Rwandan government buses, and have provided them with Zairian armed escorts, as Human Rights Watch was able to observe. In addition, Zairian military and *Garde Civile* commanders have permitted elements of the ex-FAR and militias to reside in and conduct training exercises on some of Zaire's own military bases, both in the Kivu region and farther into the interior.⁵⁷

IV. THE ROLE OF SOUTH AFRICA

Prior to the international arms embargo, South Africa was one of the main suppliers of arms to Rwanda.⁵⁸ After the embargo was imposed, South African government officials who previously had coordinated arms supplies to Rwanda helped to organize at least one shipment of arms to the FAR. Colonel Theoneste Bagasora, a senior official in the Ministry of Defense of the self-declared Rwandan government-in-exile, has stated that he met with South African officials at the end of May and early June 1994 to arrange further shipments of arms to the FAR.⁵⁹ According to Bagasora, the officials refused to consider direct South African arms shipments in violation of the embargo, but offered to help arrange shipments by other parties. Bagasora said that, following the meeting, he, a Zairian government representative, and Willem Ehlers who reportedly used to be an aide to the former president of South Africa, P. W. Botha, flew to the Seychelles on June 4, where they negotiated the purchase of arms for the FAR, which were subsequently flown to Goma.⁶⁰

In February and March 1995, several planeloads of arms were flown directly from South Africa to Zaire, arriving at an airstrip in the Kivu region.⁶¹ No further details on these shipments are available at this time.

⁵⁷ According to Zairian commanders in Goma and Kinshasa, as well as ex-FAR officers and Hutu militia members in Goma, Bukavu and Uvira, interviewed over the period of the field investigation, several of these bases are used to train other foreign troops as well, such as "UNITA rebels" and "Sudanese government forces." This point has been confirmed by expatriates with access to these bases, interviewed in Goma and Kinshasa, February and March 1995.

⁵⁸ See Human Rights Watch Arms Project, "Arming Rwanda."

⁵⁹ Interview with Col. Theoneste Bagasora, Goma, February 15, 1995. These South African officials had been directly involved in the procurement of arms for Rwanda prior to the U.N.-imposed embargo.

⁶⁰ Interview with Col. Bagasora, Goma, February 15, 1995.

⁶¹ Interviews with airport staff, local businessmen and air cargo company crews in Goma and Kinshasa, February and March 1995. Since 1993, Zaire has been on a South African Department of Foreign Affairs list of countries to which the South African armaments industry is forbidden by law to supply lethal weapons.

V. THE ROLE OF CHINA

Rwanda's vice-president, Maj Gen Paul Kagame, paid a visit to China at the end of March 1995, in part to dissuade the Chinese government from selling arms to the ex-FAR via Zaire.⁶² Kagame's visit followed a few months after a visit to China by Agathe Kanziga, the widow of the late president of Rwanda, Juvénal Habyarimana, and her brother, Séraphim Rwabukumba, in October 1994.⁶³ News reports have suggested that they placed orders for Kalashnikov rifles, grenades and rocket-propelled grenade launchers to a total value of \$5 million.⁶⁴ According to *The Observer*, a Chinese embassy official in Kigali stated that China "would not discourage the provision of arms to the Rwandan extremists if that was what the Zaire government was planning," and that there was no international arms embargo against Zaire. The paper quoted the official as saying that "China practises the politics of allowing people to solve their own problems."⁶⁵

VI. MILITARY CAPACITY OF THE EX-FAR AND MILITIAS

Human Rights Watch has visited many of the ex-FAR and militia bases in Zaire.⁶⁶ At the bases — and even in some of the civilian refugee camps from which they also operate — the ex-FAR has managed to rebuild its formal military structure since its arrival in Zaire. Military ranks are recognized and military discipline is observed. Officers meet regularly with troops to instruct and coordinate activities and issue pay. In an important development, the militias have been brought more fully under the command structure of the ex-FAR since October 1994. The ex-FAR command maintains a direct link with the political establishment through the self-declared government-in-exile's Ministry of Defense. The ex-FAR also has an extensive communications network ranging from walkie-talkies to radio stations. Human Rights Watch was able to see a major communications center inside Lac Vert camp, near Goma.

The ex-FAR generally keeps its weapons out of public view, insisting that its troops not carry weapons in the camps and towns, especially around Goma and Bukavu which are frequented by international relief workers. By contrast, in the Uvira region of eastern Zaire, which is farther from the international public view, ex-FAR and militia members often carry weapons openly in the camps. Human Rights Watch has

witnessed training by the ex-FAR and Rwandan militias close to civilian camps and inside military camps, as well as joint exercises involving both Burundian and Rwandan militias in the Uvira area

Essential services (food, water, blankets and tents) provided by the international NGOs to the civilian camps have been pilfered by the ex-FAR and militias for use at their own military bases. Human Rights Watch has been able to ascertain that in at least two instances, in Panzi and Lac Vert, the ex-FAR has kept children, including child soldiers, on its military bases in order to retain access to NGO assistance which would otherwise be denied their camps because of their predominantly military character. In this way, some NGOs appear to be contributing indirectly to the ex-FAR's attempt to rebuild its military infrastructure. One international NGO, the relief agency Caritas Internationalis, has continued to provide food supplies to two explicitly military camps, Panzi and Bilongue, its staff in Bukavu claimed that the organization does not wish to distinguish between civilian and military recipients of its humanitarian aid.⁶⁷ Another NGO, the Japanese-based Asian Volunteer Network, provides medical treatment to sick and wounded soldiers at Panzi military camp, where it runs a field hospital.⁶⁸

The ex-FAR also controls many predominantly civilian camps. Human Rights Watch has observed especially how militias operating under ex-FAR command have seized control of refugee camps in the Uvira region with mixed Rwandan and Burundian populations. The militias in these camps have taken control of food distribution, engage in theft, prevent the repatriation of refugees through attacks and intimidation, carry out vigilante killings and mutilations of persons suspected of crimes or of disloyalty, restrict the movement of persons in and out of the camps, recruit and train young men for incursions into Rwanda and Burundi, and actively launch cross-border raids. The U.N. and NGO community have tended to dismiss these raids as simple banditry. The ex-FAR and militia officials we interviewed, however, claim that most cross-border raids are carried out expressly to destabilize the situation in Rwanda (and Burundi) by creating tensions in local communities. Regardless of the precise purpose of the raids, they have enabled the participants to carry out reconnaissance, gain experience in guerrilla tactics, and steal cattle and other goods to finance the military build-up.

VII. RECOMMENDATIONS

In light of the evidence collected by Human Rights Watch of continuing transfers of weapons and other military support by members of the international community to the perpetrators of the Rwandan genocide — transfers that have taken place in violation of the arms embargo imposed by the U.N. Security Council in 1994 — Human Rights Watch makes the following recommendations

⁶⁷ Interview with a Caritas official, Bukavu, December 6, 1994, as well as with staff of other NGOs active in the region. An official at Caritas Internationalis headquarters in Rome defended his organization's position by declaring that it had "no choice," because no one else was prepared to feed these people, who included "former soldiers and their families," and "they have to eat; they are not all murderers." He also said that Caritas would feed these people only if they came for food without their uniforms and their weapons. (Telephone interview, May 17, 1995). According to Human Rights Watch's observations, there are families only in Panzi camp, not in Bilongue. In both camps, all the men wear uniforms (in Bilongue, all belong to the ex-FAR, in Panzi, there are still militia members as well).

⁶⁸ Interview with Asian Volunteer Network staff, Bukavu, December 7, 1994, as well as with staff of other NGOs active in the region.

To the International Community:

- To strictly enforce the international arms embargo instituted against Rwanda under Security Council Resolution 918 (1994) on May 17, 1994, including the forces and supporters of the ousted Rwandan government, and to deploy U.N. monitors at Kinshasa, Goma, Bukavu and Uvira airports in Zaire for this purpose
- To remove any doubt as to its meaning and scope of application, to reaffirm Security Council Resolution 918, specifying that the arms embargo applies to the former Rwandan government forces regardless of where they are located.
- To enforce Security Council Resolution 978 (1995), which urges states to "arrest and detain, in accordance with their national law and relevant standards of international law, pending prosecution by the International Tribunal for Rwanda or by the appropriate national authorities, persons found within their territory against whom there is sufficient evidence that they were responsible for acts within the jurisdiction of the International Tribunal for Rwanda."
- To secure the necessary funds for the International Tribunal for Rwanda to investigate and prosecute promptly those accused of directing the genocide, and to request that the Secretary General of the U.N. authorize funds for this purpose.
- To enlarge the presence of international observers in eastern Zaire by increasing the staff of the UNHCR Civilian Security Liaison Group.
- To act to restore security in the Rwandan refugee camps in Zaire so that the rights of refugees are protected, including their right to life and their right to return home safely and voluntarily. Specifically, the Security Council must act immediately to extend UNAMIR's mandate to include the Rwandan camps in Zaire, and to charge UNAMIR with the task of separating the "government-in-exile's" military and militias from the refugee population, and to disarm the ex-FAR and militias. Moreover, to encourage the UNHCR and international aid agencies to take effective control of relief distribution in the civilian refugee camps.
- To make future bilateral and multilateral aid to Zaire contingent on Zaire's full compliance with the international arms embargo against Rwanda, the cessation of assistance to the ex-FAR, and the directive to arrest those suspected of participation in the Rwandan genocide.
- To provide Tanzania with the resources to police the Rwandan refugee camps in the Ngara district and patrol its borders with Rwanda and Burundi, and to authorize Tanzanian troops to perform this task under U.N. auspices (just as the U.N. has sponsored Zairian troops to police the Rwandan camps in eastern Zaire)
- To cease and desist from doing business with cargo companies that are known to be shipping arms to the ex-FAR as long as these companies continue to accept contracts to transport arms to the ex-FAR.

To the Government of France:

- Fully to disclose the nature of French military and security assistance and arms transfers to the Rwandan government after May 17, 1994, including following that government's departure from Rwanda in July 1994, in light of the fact that such actions have supported a force that is widely recognized as having committed genocide. Specifically, but not exclusively, to provide full detail on the five shipments to the FAR between May 17 and the end of June 1994, which have been acknowledged by the former French consul in Goma, as well as by local ex-patriate and Zairian businessmen employed by the French government in Goma at the time.
- To make public information compiled during Operation Turquoise on the FAR and Hutu militia composition and individual command responsibilities, with a view to supporting the work of the International Tribunal for Rwanda
- To make public information on the number and nature of arms, munitions and other military equipment held by the FAR and associated militias that came under the control of French forces during Operation Turquoise, and the final disposition of these weapons and equipment
- To provide information on the precise whereabouts of light and heavy weapons confiscated from Rwandan soldiers and militias at the Rwandan border in 1994
- To inform the international community about all training activity involving members of the former Rwandan government armed forces and associated militias by French military and security training teams, either by trainers on detached duty or at French military bases in Africa or in France itself. To provide information in particular on training activities reportedly carried out by France at bases maintained in the Central African Republic and Zaire between January 1994 and the present

To the Government of Zaire:

- To end all assistance to the former government of Rwanda, the ex-FAR and Rwandan Hutu militias, in light of the fact that such assistance has buttressed a force that is widely recognized as having committed genocide
- Fully to disclose the nature of Zairian military assistance and arms transfers to the Rwandan government after May 17, 1994, including following that government's departure from Rwanda in July 1994
- Fully to disclose the nature of the services it has provided enabling the shipment of arms intended for the FAR/ex-FAR through Zaire after May 17, 1994
- To arrest and prosecute all persons in Zaire who are implicated in arms transfers that are illegal under Zairian national law and constitute clear violations of the U.N. arms embargo.

To the Government of South Africa:

- Fully to disclose the nature of South African military assistance and arms transfers to the Rwandan government, including transactions undertaken by Armscor, after May 17, 1994. This should include transactions following that government's departure from Rwanda in July 1994, in light of the fact that such actions have supported a force that is widely recognized as having committed genocide.

Specifically but not exclusively, to provide full detail on the shipment to the FAR of weapons from the Seychelles in June 1994.

- To request the Cameron Commission to investigate the role of South African government officials in the Seychelles arms deal of June 1994.

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This report was written by Kathi L. Austin, director of the Africa Project at the Institute for Policy Studies and a consultant to the Human Rights Watch Arms Project. It was edited by Joost R. Hiltermann, the director of the Arms Project, and reviewed by Alison DesForges, Human Rights Watch consultant on Rwanda and Burundi. The report is based on a field investigation by Ms. Austin in Rwanda, Zaire, Tanzania, Burundi and South Africa from November 1994 through March 1995.

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Human Rights Watch Arms Project

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Droits de l'homme et diversité culturelle

Par Diana Ayton-Shenker

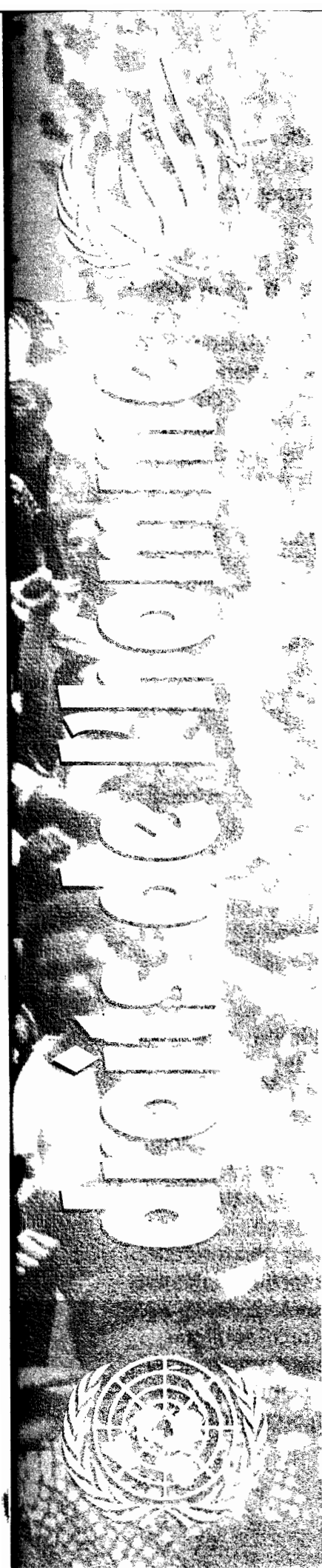
La fin de la guerre froide a engendré une série de tentatives de définition d'un "nouvel ordre mondial". Pour le moment, l'unique certitude est que la communauté internationale est entrée dans une redoutable période de transition à l'échelle mondiale qui, du moins jusqu'à présent, a créé plus de problèmes sociaux que proposé de solutions.

La fin de la rivalité des superpuissances et la disparité croissante entre Nord et Sud sur le plan de la richesse et de l'accès aux ressources coïncident avec une inquiétante aggravation de nombreux maux : violence, pauvreté et chômage, condition des sans-logis, déplacements forcés de populations, érosion de la stabilité de l'environnement. Le monde a également assisté à l'une des récessions économiques les plus sévères qu'il ait connues depuis la dépression des années 30.

Par ailleurs, des liens sont créés volontairement ou non, entre des peuples auparavant isolés, par l'intégration croissante des marchés, la formation de nouvelles alliances politiques régionales et les progrès remarquables accomplis dans les domaines des télécommunications, de la biotechnologie et des transports, qui ont provoqué des changements démographiques sans précédent.

La confluence de peuples et de cultures qui en résulte a créé un monde multiculturel dont les parties sont de plus en plus solidaires, mais qui déborde de tensions et de conflits dans le processus de son ajustement au pluralisme. On ressent un besoin compréhensible de revenir aux conventions anciennes, aux cultures traditionnelles, aux valeurs fondamentales, au sens familial, et en apparence rassurant, de l'identité individuelle. S'ils ne pouvaient s'appuyer sur ce sens rassurant de l'identité parmi les bouleversements de la transition, les humains risqueraient de chercher une issue dans l'isolationnisme, l'ethnocentrisme et l'intolérance.

Ce climat de changement et cette extrême vulnérabilité posent de nouveaux défis à la quête des droits de l'homme universels, où nous sommes constamment engagés. Comment concilier les droits de l'homme avec le heurt des cultures qui a fini par caractériser notre temps ? Le patrimoine culturel est l'une des sources d'identité principales. Il est la source, dans une large mesure, de la définition et de l'expression de l'individu, ainsi que du sentiment d'appartenance à un groupe. A mesure que les cultures influent les unes sur les autres et se combinent, les identités culturelles changent.



Un tel processus peut être enrichissant, mais il peut aussi désorienter. Le manque de certitude en matière d'identité culturelle traduit des changements fondamentaux quant à la façon dont nous nous définissons et nous exprimons aujourd'hui.

Les droits de l'homme universels et le relativisme culturel

Cette situation ne fait qu'accentuer un dilemme qui se pose de longue date : comment concevoir des droits de l'homme universels dans un monde fait de cultures diverses ? A l'heure où la communauté internationale s'intègre sans cesse davantage, comment respecter la diversité et l'intégrité des cultures ? Une culture mondiale verra-t-elle inévitablement le jour ? Dans l'affirmative, le monde est-il prêt à l'accueillir ? Comment une culture mondiale fondée sur les notions de dignité humaine et de tolérance peut-elle prendre forme ? Telles sont quelques-unes des questions et des préoccupations qui sont au cœur du débat sur les droits de l'homme universels et le relativisme culturel.

On entend par relativisme culturel l'opinion selon laquelle les valeurs, loin d'être universelles, varient considérablement selon les diverses perspectives culturelles. Certains voudraient appliquer ce relativisme à la promotion, à la protection, à l'interprétation et à l'application des droits de l'homme, qui pourraient être conçus différemment au sein de chacune des traditions culturelles, ethniques et religieuses. En d'autres termes, selon cette vue, les droits de l'homme, loin d'être universels, varient d'une culture à l'autre.

Poussé à l'extrême, ce relativisme constitue une menace dangereuse pour l'efficacité du droit international et pour le système international des droits de l'homme, mis en place au prix de plusieurs décennies d'efforts ardu. Si la tradition culturelle seule régit le respect des normes

internationales par un Etat donné, il en résulte que le mépris, l'abus et la violation des droits de l'homme pourraient devenir légitimes.

En conséquence, la promotion et la protection des droits de l'homme, s'ils sont perçus dans leur relation avec telle ou telle culture, seraient subordonnées au bon vouloir des Etats, loin de faire figure d'impératifs du droit international. En rejetant ou en ignorant leur obligation de promouvoir et de respecter les droits de l'homme universels, les Etats qui se prononcent en faveur du relativisme culturel placeraient leurs propres normes et spécificités culturelles au-dessus du droit international.

Les droits de l'homme universels et le droit international

En grande partie grâce à l'effort constant de l'Organisation des Nations Unies, l'universalité des droits de l'homme a été clairement reconnue en droit international. Les droits de l'homme figurent en bonne place parmi les objectifs des Nations Unies, conformément à la Charte, aux termes de laquelle ils s'appliquent à "tous sans distinction". Les droits de l'homme, loin de constituer un privilège, sont l'apanage naturel de tout être humain.

La Charte fait en outre obligation à l'Organisation des Nations Unies et à tous les Etats Membres de prendre des mesures promouvant "le respect universel et l'observation des droits de l'homme et des libertés fondamentales". En tant que pierre angulaire de la Charte internationale des droits de l'homme, la Déclaration universelle des droits de l'homme affirme le consensus sur des normes internationales en la matière. Dans le récent numéro de *A Global Agenda*, Charles Norchi souligne que la Déclaration universelle "représente un consensus en matière de dignité humaine plus large qu'aucune culture ou tradition".

La définition des droits de l'homme universels est approfondie dans les deux pactes internationaux relatifs aux droits de l'homme (Pacte international relatif aux droits économiques, sociaux et culturels, et Pacte international relatif aux droits civils et politiques) et dans les autres instruments internationaux normatifs qui portent sur de nombreux problèmes, à savoir le génocide, l'esclavage, la torture, la discrimination raciale, la discrimination à l'égard des femmes, les droits de l'enfant, les minorités et la tolérance religieuse.

La promulgation de ces normes en matière de droits de l'homme s'est étendue sur près de cinquante années de travail de l'Assemblée générale et d'autres organismes du système des Nations Unies. Réunissant presque tous les Etats dont se compose la communauté internationale, l'Assemblée générale est un organe représentatif plus qualifié que tout autre pour aborder et faire progresser le problème de la protection et de la promotion des droits de l'homme. A ce titre, elle constitue un excellent indicateur du consensus international sur les droits de l'homme.

Ce consensus est réaffirmé dans les termes de la Déclaration universelle elle-même. Son titre, Déclaration universelle des droits de l'homme, énonce à la lettre le caractère universel des droits de l'homme. Le préambule proclame que la Déclaration est "un modèle commun à suivre pour tous les peuples et toutes les nations".

Cette affirmation a trouvé tout récemment un écho dans la Déclaration et le Programme d'action de Vienne, qui reprennent les mêmes termes pour proclamer de nouveau que la Déclaration universelle est "un modèle commun" proposé à tous. Adoptée en juin 1993 par la Conférence mondiale des Nations Unies sur les droits de l'homme, tenue en Autriche, la Déclaration de Vienne renforce ensuite la notion d'universalité des droits de

l'homme : "Tous les droits de l'homme sont universels, indissociables, interdépendants et intimement liés." Cela signifie que les droits politiques, civils, culturels, économiques et sociaux doivent être compris dans leur intégralité. On ne peut choisir de promouvoir et de protéger certains droits au détriment des autres. Ils sont tous de valeur égale et tous les êtres humains y ont droit.

Afin de régler définitivement la question, la Déclaration de Vienne affirme dans son premier paragraphe que "le caractère universel" de tous les droits de l'homme et libertés fondamentales est "incontestable". L'universalité indiscutable des droits de l'homme est présentée dans le contexte de la réaffirmation de l'obligation faite aux Etats de promouvoir et de protéger les droits de l'homme.

Il est aussi réaffirmé que tous les Etats ont l'obligation juridique de promouvoir "le respect universel, l'observation et la protection de l'ensemble des droits de l'homme et des libertés fondamentales pour tous". Il est ainsi clairement affirmé que les Etats sont tenus de promouvoir le respect universel et l'observation des droits de l'homme. Un respect, une observation et une protection ni sélectifs ni relatifs, mais universels.

En outre, cette obligation est prescrite à tous les Etats, conformément à la Charte des Nations Unies et aux autres instruments relatifs aux droits de l'homme et au droit international. Aucun Etat n'est exempt de cette obligation. Tous les Etats Membres de l'Organisation des Nations Unies ont l'obligation juridique de promouvoir et de protéger les droits de l'homme, quelles que soient leurs perspectives culturelles particulières. Aux termes de la Déclaration de Vienne, la protection et la promotion des droits de l'homme universels "incombent au premier chef" à tous les gouvernements.

Tout être humain a droit à bénéficier des droits de l'homme sans discrimination d'aucune sorte. Le principe de non-discrimination est une règle fondamentale du droit international. Cela signifie que les droits de l'homme s'appliquent à tous les êtres humains, sans distinction de "race, couleur, sexe, langue, religion, opinion politique ou autre, origine nationale ou sociale, de fortune, de naissance ou autre". Le principe de non-discrimination protège les individus et les groupes contre le déni ou la violation des droits de l'homme. Le fait de dénier le jouissance des droits de l'homme pour motif de différence culturelle constitue une discrimination. Les droits de l'homme doivent s'appliquer à tout être humain, dans toutes les cultures.

Les droits de l'homme sont l'apanage inaliénable de toute personne. Si un Etat rejette la notion de droits de l'homme universels en se fondant sur le relativisme culturel, il en résulte que certains droits seront déniés aux personnes vivant sous l'autorité dudit Etat. Le déni ou l'abus des droits de l'homme sont inacceptables, quelle que soit la culture de l'auteur de la violation.

Les droits de l'homme, l'intégrité et la diversité des cultures

Les droits de l'homme universels n'imposent pas une norme culturelle, mais plutôt une norme juridique relative à la protection minimale au-dessous de laquelle la dignité humaine cesse d'exister. Les droits de l'homme universels, en leur qualité de norme juridique adoptée par l'entremise de l'Organisation des Nations Unies, représentent le consensus difficilement acquis de la communauté internationale, non l'impérialisme culturel d'une région ou d'un ensemble de traditions données.

Comme la plupart des domaines du droit international, les droits de l'homme

universels sont un acquis contemporain, nouveau pour toutes les cultures. Les droits de l'homme ne représentent ni ne s'orientent vers une culture à l'exclusion des autres. Les droits de l'homme universels sont le résultat des efforts dynamiques et coordonnés menés par la communauté internationale pour formuler et imposer progressivement une norme commune et un système juridique international visant à protéger la dignité humaine.

Souplesse interne

Issus de ce processus, les droits de l'homme universels s'avèrent assez souples pour respecter et protéger la diversité et l'intégrité des cultures. L'élaboration de normes minimales et l'incorporation des droits culturels facilitent une souple adaptation des droits de l'homme à des cultures diverses.

Les instruments définissent des normes minimales en matière de droits économiques, sociaux, culturels, civils et politiques. Dans ce cadre, les Etats ont toute liberté d'admettre des normes culturelles diverses sans diluer ou altérer les normes minimales définies par le droit international en matière de droits de l'homme. Ces normes minimales sont en fait très exigeantes, en ce qu'elles imposent à l'Etat un comportement exemplaire dans le domaine des droits de l'homme.

La Déclaration de Vienne fait explicitement place à la culture en matière de promotion et de protection des droits de l'homme, affirmant qu'"il faut garder à l'esprit l'importance des particularités nationales et régionales et la diversité des patrimoines historiques, culturels et religieux". Ce point est expressément admis dans le contexte du devoir des Etats de promouvoir et de protéger les droits de l'homme, quels que soient leurs systèmes culturels. Si son importance est reconnue, le respect de la culture nationale ne diminue en rien les

obligations des Etats au regard des droits de l'homme.

Plus directement, les droits de l'homme facilitent le respect et la protection de la diversité et de l'intégrité des cultures grâce à l'institution de droits culturels inscrits dans les instruments du droit international s'y rapportant, à savoir : la Charte internationale des droits de l'homme; la Convention relative aux droits de l'enfant; la Convention internationale sur l'élimination de toutes les formes de discrimination raciale; la Déclaration sur la race et les préjugés raciaux; la Déclaration sur l'élimination de toutes les formes d'intolérance et de discrimination fondées sur la religion ou la conviction; la Déclaration relative aux principes de la coopération culturelle internationale; la Déclaration sur les droits des personnes appartenant à des minorités nationales ou ethniques, religieuses et linguistiques; la Déclaration sur le droit au développement; la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille; et la Convention n° 169 de l'OIT sur les droits des peuples autochtones et tribaux.

Les droits de l'homme relatifs à la diversité et à l'intégrité des cultures englobent un large éventail de concepts, à savoir : le droit à la participation culturelle; le droit de jouir des arts; la préservation, l'essor et la diffusion de la culture; la protection du patrimoine culturel; la liberté de l'activité créatrice; la protection des personnes appartenant à des minorités ethniques, religieuses ou linguistiques; la liberté de réunion et d'association; le droit à l'éducation; la liberté de pensée, de conscience et de religion; la liberté d'opinion et d'expression; et le principe de non-discrimination.

Les droits culturels

Tout être humain a droit à la culture, y compris le droit de jouir d'une identité

culturelle et de la développer. Les droits culturels, toutefois, ne sont pas sans limites. Le droit à la culture prend fin là où il empiète sur un autre droit de l'homme. Selon le droit international, il est interdit de faire usage d'un droit si son exercice entraîne la diminution ou l'annihilation d'un autre.

Cela signifie que les droits culturels ne sauraient être invoqués ou interprétés de manière à justifier tout acte conduisant à dénier ou violer tout autre droit de l'homme ou liberté fondamentale. Le fait de se réclamer du relativisme culturel pour violer ou dénier les droits de l'homme constitue un abus du droit à la culture.

Même au sein des traditions les mieux établies, les pratiques culturelles sont soumises à des limitations légitimes. Par exemple, aucune culture ne peut aujourd'hui revendiquer légitimement le droit de pratiquer l'esclavage. Bien que de nombreuses cultures l'aient pratiqué au cours de l'histoire, l'esclavage ne saurait aujourd'hui passer pour légitime ou légal, ni faire figure de legs culturel pouvant prétendre à une protection quelconque. Tout au contraire, toutes les formes d'esclavage, y compris les pratiques contemporaines proches de l'esclavage, constituent une violation flagrante des droits de l'homme selon le droit international.

De même, les droits culturels ne justifient pas la torture, le meurtre, le génocide, la discrimination pour raison de sexe, de race, de langue ou de religion, ni la violation de tout autre droit de l'homme et liberté fondamentale reconnus par le droit international. Toute tentative visant à justifier ces violations sous un prétexte culturel est dépourvue de validité au regard du droit international.

Un contexte culturel

Les plaidoyers en faveur du relativisme culturel comportent souvent l'affirmation que la culture traditionnelle suffit à

**Déclaration et Programme
d'action de Vienne
Juin 1993**

**Déclaration liminaire
du Secrétaire général de l'Organisation
des Nations Unies, M. Boutros Boutros-Ghali**



NATIONS UNIES

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Introduction

La Conférence mondiale sur les droits de l'homme Vienne (Autriche), 14-25 juin 1993

Le 25 juin 1993, les représentants de 171 Etats ont adopté par consensus la Déclaration et le Programme d'action de Vienne de la Conférence mondiale sur les droits de l'homme, clôturant ainsi avec succès la Conférence, qui avait duré deux semaines, et présentant à la communauté internationale un plan commun de renforcement des activités relatives aux droits de l'homme dans le monde entier.

La Conférence a été marquée par une participation sans précédent des représentants des gouvernements et de la communauté internationale des droits de l'homme. Quelque 7 000 participants, parmi lesquels des universitaires, représentant des organes créés par traité, des institutions nationales et plus de 800 organisations non gouvernementales (ONG), dont la plupart sont actives au niveau communautaire, se sont réunis à Vienne pour mettre en commun leurs expériences, les examiner et en tirer profit.

Dans un message à la Conférence, M. Boutros Boutros-Ghali, secrétaire général de l'Organisation des Nations Unies, a dit aux représentants qu'en adoptant la Déclaration et le Plan d'action de Vienne ils avaient réaffirmé la détermination de la communauté internationale de promouvoir et de protéger les droits de l'homme. Il a loué la Conférence d'avoir forgé "une nouvelle vision de l'action à mener au niveau mondial en faveur des droits de l'homme jusque dans le prochain siècle".

La Déclaration et le Programme d'action de Vienne, que la présente brochure présente dans leur totalité, marquent le sommet d'un long processus d'examen et de débat sur l'état actuel du mécanisme de promotion des droits de l'homme dans le monde. Ils marquent aussi

le point de départ d'un effort renouvelé de consolidation et d'application plus complète de l'ensemble d'instruments relatifs aux droits de l'homme, édifié au prix de grands efforts depuis 1948 sur la base de la Déclaration universelle des droits de l'homme.

Présentant le document lors de la session plénière finale, M. Ibrahim Fall, secrétaire général de la Conférence, a déclaré que la Déclaration de Vienne fournissait à la communauté internationale un nouveau "cadre de planification, de dialogue et de coopération" qui permettrait une approche globale de la promotion des droits de l'homme et ferait intervenir divers acteurs à tous les niveaux—international, national et local.

En 1989, l'Assemblée générale a lancé un appel à la convocation d'une réunion mondiale qui serait chargée d'examiner et d'évaluer les progrès réalisés dans le domaine des droits de l'homme depuis l'adoption de la Déclaration universelle des droits de l'homme, ainsi que d'identifier les obstacles et les moyens de les surmonter. La première réunion mondiale sur les droits de l'homme s'est tenue en 1968 à Téhéran.

L'ordre du jour de la Conférence, tel qu'établi par l'Assemblée générale à sa quarante-septième session, en 1992, prévoyait aussi l'étude du lien existant entre le développement, la démocratie et les droits économiques, sociaux, culturels, civils et politiques, ainsi que l'évaluation de l'efficacité des méthodes et mécanismes de l'Organisation des Nations Unies, dans le but de recommander les moyens de faire en sorte que les activités de l'Organisation en matière de droits de l'homme disposent des ressources financières ou autres adéquates.

Dès la première des quatre réunions du Comité préparatoire, tenue en septembre 1991 à Genève, il est clairement apparu que c'étaient là les tâches qui soulevaient des questions ardues, et parfois des divisions, concernant la souveraineté nationale, le principe de l'universalité, le rôle des organisations non gouvernementales, ainsi que des questions relatives à la faisabilité, à la viabilité et à

l'impartialité des instruments nouveaux ou consolidés relatifs aux droits de l'homme.

La recherche d'un terrain commun sur ces questions et de nombreuses autres a donné lieu à un dialogue intense entre les gouvernements et des dizaines d'organismes des Nations Unies, institutions spécialisées et autres organisations intergouvernementales, ainsi que des milliers d'ONG du monde entier actives dans le domaine des droits de l'homme et du développement.

Le processus préparatoire a compris trois réunions régionales clefs à Tunis, San José et Bangkok, qui ont présenté des déclarations mettant l'accent sur les préoccupations et perspectives particulières des régions de l'Afrique, de l'Amérique latine et des Caraïbes, enfin de l'Asie et du Pacifique. En outre, des réunions officieuses en Europe et en Amérique du Nord et une multitude de réunions subsidiaires dans le monde entier, auxquelles participaient de larges secteurs de la société, ont apporté des contributions extrêmement précieuses. A la réunion finale de mai 1993, le Comité préparatoire a établi un projet de document final sur la base duquel la Conférence, accueillie à Vienne par le Gouvernement autrichien, a commencé ses travaux et les négociations finales.

Le document final sur lequel l'accord s'est fait à Vienne, approuvé par l'Assemblée générale à sa quarante-huitième session (résolution 48/121, du 20 décembre 1993), réaffirme les principes qui avaient progressivement pris forme durant les 45 années précédentes et consolide les fondements de nouveaux progrès dans le domaine des droits de l'homme. La reconnaissance d'une relation d'interdépendance entre la démocratie, le développement et les droits de l'homme, par exemple, prépare les voies d'une coopération future des organisations internationales et d'organismes nationaux au service de la promotion des droits de l'homme, y compris le droit au développement.

De même, la Conférence a pris de nouvelles mesures, de portée historique, pour promouvoir et protéger les droits des femmes, des enfants

et des peuples autochtones, à savoir, respectivement : soutien de la création d'un nouveau mécanisme, le poste de Rapporteur spécial sur la violence contre les femmes; appel à la ratification universelle de la Convention relative aux droits de l'enfant d'ici à 1995; et recommandation à l'Assemblée générale de proclamer une Décennie internationale des peuples autochtones du monde. L'Assemblée générale a ultérieurement donné suite à cette recommandation.

La Déclaration de Vienne comporte aussi des recommandations concrètes tendant à renforcer et harmoniser la capacité de suivi du système des Nations Unies. A cet égard, il y est demandé à l'Assemblée générale de créer le poste de Haut Commissaire aux droits de l'homme, ce qu'elle a fait effectivement le 20 décembre 1993 (résolution 48/141). M. José Ayala Lasso, nommé à cette fonction par le Secrétaire général, en a pris possession le 5 avril 1994.

La Déclaration de Vienne souligne en outre la nécessité de ratifier sans délai les autres instruments relatifs aux droits de l'homme et d'affecter des ressources additionnelles au Centre pour les droits de l'homme, qui a assuré le secrétariat de la Conférence.

"En adoptant cette déclaration," a conclu M. Fall dans son allocution finale devant la Conférence, "les Etats Membres de l'Organisation des Nations Unies se sont solennellement engagés à respecter les droits de l'homme et les libertés fondamentales et à entreprendre, tant individuellement que collectivement, des activités et des programmes tendant à faire de la jouissance des droits de l'homme une réalité pour chaque être humain."

Outre le texte de la Déclaration et du Programme d'action de Vienne, la présente brochure contient l'allocution d'ouverture prononcée le 14 juin par M. Boutros Boutros-Ghali, secrétaire général, devant la Conférence mondiale, dans laquelle il expose le contexte historique de la première réunion mondiale tenue sur les droits de l'homme depuis 25 ans, ainsi que les besoins urgents auxquels le document final devra répondre.

**Les droits de l'homme :
Quintessence des valeurs par lesquelles
nous affirmons que nous sommes
une seule communauté humaine**

Texte de la déclaration du Secrétaire général des Nations Unies, M. Boutros Boutros-Ghali, à l'ouverture de la Conférence mondiale sur les droits de l'homme, Vienne le 14 juin 1993 :

La Conférence mondiale sur les droits de l'homme qui s'ouvre, aujourd'hui, à Vienne, constitue l'un de ces moments rares et essentiels où la communauté des Etats se trouve, tout entière, sous le regard du monde.

Ce regard, c'est celui des milliards d'hommes et de femmes qui aspirent à se reconnaître dans les débats que nous allons mener et les actes que nous allons prendre en leur nom. Ce regard, c'est celui de toutes celles et de tous ceux qui, en cette heure même, souffrent dans leur esprit ou dans leur corps de ne pas voir reconnue, ou de voir bafouée, leur dignité humaine. Ce regard, c'est aussi, dans la période cruciale où nous nous réunissons, le regard de l'Histoire,

Lorsque, en 1989, l'Assemblée générale des Nations Unies demanda au Secrétaire général de consulter les gouvernements et les institutions concernées sur l'opportunité de convoquer une Conférence mondiale sur les droits de l'homme, elle faisait déjà preuve d'une intuition historique remarquable.

Deux mois plus tôt, le mur de Berlin s'était écroulé, emportant avec lui une certaine représentation du monde, et esquissant, par là même, de nouvelles perspectives. C'est au nom de la liberté, de la démocratie, des droits de l'homme, que des peuples entiers prenaient la parole. Leur détermination, leur abnégation

— parfois leur sacrifice — disaient, et disent encore, leur volonté d'en finir avec l'aliénation et le totalitarisme.

Ainsi, la préparation de la Conférence d'aujourd'hui est-elle allée de pair avec une impressionnante accélération de l'Histoire.

Il ne faut pas voir dans ce rapprochement un pur hasard ou une simple coïncidence. C'est toujours lorsque le monde se métamorphose, lorsque les certitudes s'écroulent, lorsque les repères s'estompent, que l'appel aux références fondamentales se fait le plus grand, que la quête d'une morale devient plus pressante, que la volonté de se comprendre soi-même s'impose comme une nécessité.

Il est donc naturel que la Communauté internationale ressent, aujourd'hui, le besoin de se pencher sur ses propres valeurs. Et, réfléchissant sur son histoire, de s'interroger sur ce qui fait son identité la plus profonde, c'est-à-dire sur l'Homme et sur la protection qu'en lui accordant, elle s'accorde à elle-même.

Les objectifs fixés à la Conférence témoignent fidèlement de ces interrogations cruciales :

Quels progrès ont été réalisés dans le domaine des droits de l'homme depuis la Déclaration universelle de 1948 ?

Quels sont les obstacles, et comment les surmonter ?

Comment améliorer l'application des textes relatifs aux droits de l'homme ?

Quelle est l'efficacité des méthodes et des mécanismes mis en place par les Nations Unies ?

Quelles ressources financières faut-il affecter à l'action des Nations Unies en faveur des droits de l'homme ?

Et, plus profondément, quels sont les liens existant entre les buts poursuivis par l'Organisation et les droits de l'homme, notamment le lien entre le développement, la démocratie et la jouissance universelle de droits économiques, sociaux, culturels, civils et politiques ?

Ces interrogations, universellement partagées, ne connaissent pas, pour autant, de réponse unique. Si les droits de l'homme constituent un objectif commun à l'ensemble des membres de la so-

ciété internationale, si chacun se reconnaît dans cette question, chaque culture a sa façon particulière de la formuler. A cet égard, il faut être reconnaissant aux Etats Membres qui ont, au niveau régional, rappelé cette réalité.

Encore faut-il que ce rappel soit source de réflexions positives, et non pas de malentendus stériles.

En effet, les droits de l'homme, pensés à l'échelle universelle, nous confrontent à la dialectique la plus exigeante qui soit : la dialectique de l'identité et de l'altérité, du "moi" et de l'"autre". Ils nous enseignent, sans détour, que nous sommes tout à la fois identiques et différents.

Dès lors, les droits de l'homme que nous énonçons, et que nous cherchons à garantir, ne peuvent être que le résultat d'un dépassement, le produit d'un effort conscient pour retrouver notre essence commune par-delà nos clivages apparents, nos différences du moment, nos barrières idéologiques et culturelles.

Bref, je veux dire par là, de la façon la plus solennelle, que les droits de l'homme dont nous allons débattre ici à Vienne ne sont pas le plus petit dénominateur commun de toutes les nations, mais, au contraire, ce que je voudrais appeler "l'irréductible humain", c'est-à-dire la quintessence des valeurs par lesquelles nous affirmons, ensemble, que nous sommes une seule communauté humaine.

Je ne veux pas sous-estimer la nature de l'effort qui nous attend. Pourtant, il ne s'agit pas, dans un tel domaine, de rechercher des compromis prudents ou des solutions approximatives, de nous contenter de déclarations lénifiantes ou, ce qui serait pire encore, de nous enfermer dans des querelles de mots. Mais, au contraire, nous devons nous élever jusqu'à une conception des droits de l'homme qui les rende vraiment universels.

C'est bien là qu'est la difficulté de notre entreprise, c'est bien là que réside notre travail, car c'est là aussi que l'on jugera, dans l'avenir, les résultats de cette Conférence.

Pour aborder nos débats dans les meilleures conditions, voire pour suggérer une méthode, il nous faut nous convaincre que les

droits de l'homme nous entraînent dans un univers complexe, parce qu'ils sont, à la fois, un instrument de référence et un processus de synthèse :

En tant qu'instrument de référence, les droits de l'homme constituent le langage commun de l'humanité grâce auquel tous les peuples peuvent, dans le même temps, comprendre les autres et écrire leur propre histoire. Les droits de l'homme sont, par définition, la norme ultime de toute politique.

En tant que processus de synthèse, les droits de l'homme sont, par essence, des droits en mouvement. Je veux dire par là qu'ils ont à la fois pour objet d'exprimer des commandements immuables et d'énoncer un moment de la conscience historique. Ils sont donc, tout ensemble, absolus et situés.

Si j'ai voulu commencer mes propos par ces affirmations de principe — au risque d'apparaître, a priori, fort abstrait — c'est parce que je suis convaincu que toutes les questions que nous serons appelés à examiner dans les jours qui viennent, même les plus techniques, ne pourront trouver de solutions convenables que si nous gardons présente à l'esprit cette dialectique fondamentale de l'universel et du particulier, de l'identité et de la différence.

Notre tâche est d'autant plus urgente que, grâce au développement des communications, c'est le monde entier qui, chaque jour, est pris à témoin du libre exercice — ou de la violation — des droits de l'homme.

Pas un jour qui ne nous montre la guerre ou la famine, les arrestations arbitraires, les tortures, les viols, les meurtres, les expulsions, les transferts de populations, les nettoyages ethniques. Pas un jour qui ne nous parle des atteintes aux libertés les plus fondamentales. Pas un jour qui ne nous rappelle le racisme et ses forfaits, l'intolérance et ses excès, le sous-développement et ses méfaits.

Et, devant ces hommes, ces femmes, ces enfants qui souffrent et qui meurent, s'impose, de façon plus insupportable que jamais, cette réalité : nous sommes tous semblables, et pourtant l'Histoire nous traite comme si nous étions différents et dresse,

entre nous, des barrières de toute nature : politique, économique, sociale, culturelle.

Certes, nous avons appris que les différences peuvent être, en elles-mêmes, objet de respect et sources d'enrichissement mutuel. Mais lorsqu'elles se traduisent par des inégalités manifestes, alors nous les vivons comme des injustices.

Ce sentiment est aujourd'hui partagé par tous les peuples et toutes les nations. Il marque un incontestable progrès de la conscience humaine.

Cela est d'autant plus à souligner que le passage de la constatation des inégalités à la révolte contre les injustices n'a pu s'opérer que par l'affirmation universelle de la notion de droits de l'homme. C'est, en dernière analyse, cette notion qui nous permet de passer de la morale au droit, et de poser des échelles de valeur et des normes juridiques sur les activités humaines.

Ne nous berçons pas, cependant, d'illusions. Cette échelle de normes et de valeurs, parce qu'elle est source de jugement, est aussi un enjeu de pouvoir. Sans doute est-ce pourquoi certains Etats cherchent, souvent et par des moyens divers, à confisquer les droits de l'homme à leur profit, jusqu'à en faire un instrument de leur politique nationale. Ne nous le cachons pas, les droits de l'homme sont l'objet de tentatives permanentes de récupération ou de détournement de la part de certains Etats.

En disant cela, je n'entends, bien entendu, désigner aucun membre de la Communauté internationale. Je veux seulement souligner que les droits de l'homme sont, dans leur énoncé même, l'expression d'un rapport de force.

Soyons-en tous convaincus. Les droits de l'homme sont intimement liés à la manière dont les Etats les considèrent, c'est-à-dire à la manière dont ils gouvernent leurs peuples, c'est-à-dire encore, au caractère plus ou moins démocratique de leur régime politique.

Si nous avons à l'esprit l'ensemble de ces problèmes, nous éviterons, j'en suis sûr, le double danger qui nous guette à l'aube de cette Conférence : le danger d'un cynisme qui ne voudrait voir

dans la dimension internationale des droits de l'homme que la couverture idéologique de la Realpolitik des Etats; et le danger d'une naïveté qui voudrait voir dans les droits de l'homme l'expression de valeurs universellement partagées vers lesquelles tendraient naturellement tous les Membres de la Communauté internationale.

Cette considération doit rester présente à notre esprit tout au long de nos débats, afin de nous rendre à la fois audacieux dans nos propositions, et fermes dans nos principes.

Dans cette perspective, je voudrais émettre un vœu solennel : que cette Conférence soit à la hauteur du sujet qui est ici le nôtre, et qu'elle soit ainsi placée sous l'égide d'une triple exigence, de ce que j'appellerai "les trois impératifs de la Conférence de Vienne" : universalité, garantie, démocratisation.

En premier lieu, l'impératif d'universalité. Certes, les droits de l'homme sont un produit de l'Histoire. A ce titre, ils doivent être en adéquation avec elle, évoluer en même temps qu'elle, et renvoyer aux divers peuples et nations une image dans laquelle ils se reconnaissent. Mais, cette adéquation des droits à l'évolution de l'Histoire ne doit pas altérer ce qui fait leur essence même, c'est-à-dire leur universalité.

En second lieu, l'impératif de garantie. Nous voyons chaque jour combien, aux yeux de l'opinion internationale, les droits de l'homme et l'Organisation des Nations Unies elle-même, seront discrédités si les déclarations, les pactes, les chartes, les conventions, les traités que nous élaborons pour protéger les droits de l'homme restent lettres mortes ou font l'objet de violations permanentes. Bref, s'ils ne font pas l'objet de mécanismes et de procédures efficaces de garantie, de protection et de sanction.

Enfin, l'impératif de démocratisation. Il s'agit là, à mes yeux, de l'enjeu fondamental de cette fin de siècle. Seule la démocratie, à l'intérieur des Etats, et à l'intérieur de la Communauté des Etats, est le véritable garant des droits de l'homme. C'est par la démocratie que se réconcilient les droits individuels et les droits collectifs, les droits des peuples et les droits des personnes. C'est par

la démocratie que se réconcilient les droits des Etats et les droits de la Communauté des Etats.

Ce sont ces trois impératifs — universalité, garantie, démocratisation — que je voudrais offrir à votre réflexion.

L'impératif d'universalité sera assurément présent tout au long de nos débats. Comment pourrait-il en être autrement ? L'universalité est inhérente aux droits de l'homme. La Charte l'exprime de la façon la plus catégorique en affirmant, dans son article 55, que les Nations Unies favoriseront "le respect universel et effectif des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion". L'intitulé même de la Déclaration de 1948 — universelle et non pas internationale — amplifie encore cette tendance.

Encore faut-il que cette notion d'universalité soit clairement comprise et acceptée par tous. Quel contresens ferions-nous si l'impératif d'universalité qui fonde notre conception commune des droits de l'homme devenait, entre nous, source de malentendus.

Il faut donc affirmer, de la manière la plus nette, que l'universalité ne se décrète pas, et qu'elle n'est pas l'expression de la domination idéologique d'un groupe d'Etats sur le reste du monde.

C'est l'Assemblée générale des Nations Unies qui, par sa nature et sa composition, a vocation à exprimer le mieux cette idée d'universalité. Et, il faut rendre hommage à l'action normative qu'elle déploie, dans le domaine des droits de l'homme, depuis bientôt un demi-siècle.

Ainsi, les domaines de protection sont-ils devenus de plus en plus précis : répression du génocide, abolition de l'esclavage, lutte contre la torture, élimination de toutes les formes de discrimination, fondées sur la race ou sur le sexe, sur la religion ou sur la conviction.

Par ailleurs, les destinataires des droits ont été mieux définis : droit des peuples, protection des réfugiés, des apatrides, des femmes, des enfants, des handicapés, des personnes atteintes de maladies mentales, protection des personnes emprisonnées, des personnes victimes de disparition forcée, protection des droits des

travailleurs migrants et de leurs familles, protection des populations indigènes. A cet égard, il faut féliciter l'Assemblée générale de préparer, dans le cadre des activités relatives à l'année internationale des populations indigènes, une Déclaration universelle qui sera examinée à l'automne prochain.

Cette action normative de l'Assemblée générale des Nations Unies est aujourd'hui notre bien commun. Elle a de quoi satisfaire tous les Etats, tous les peuples et toutes les cultures. Car l'universalité qui s'y affirme est bien celle de la Communauté internationale dans son ensemble.

Lorsqu'on se penche aujourd'hui — et la Conférence mondiale des droits de l'homme nous en fournit opportunément l'occasion — sur la nature de ces textes, on peut être frappé, et légitimement fier, de l'approfondissement permanent dont l'Assemblée générale a fait preuve concernant l'idée même d'universalité.

En effet, si une conception générale et abstraite des droits de l'homme, issue des valeurs libérales, a d'abord prévalu, comme en témoigne le texte de la Déclaration universelle de 1948, l'apport des Etats socialistes et des Etats du tiers monde a permis d'élargir cette vision initiale. Les pactes de 1966 témoignent de cet élargissement. Ils nous permettent d'affirmer — et il faut le redire ici fortement — que les droits civils et politiques, d'une part, et les droits économiques, sociaux et culturels, d'autre part, sont sur le même plan d'importance et de dignité.

Mais, chacun le sait, l'Assemblée générale a poussé plus avant sa réflexion sur l'universalité en élaborant à la suite des droits collectifs, ce que j'aime appeler des droits de solidarité, des droits qui nous renvoient à une universalité projetée, supposant l'action conjuguée de tous les acteurs sociaux, tant sur le plan interne que sur le plan international. Depuis que la Charte a consacré, dès son article premier, le droit des peuples à disposer d'eux-mêmes, l'Assemblée générale a énoncé le "droit à l'environnement", le "droit à la paix", le "droit à la sécurité alimentaire", le "droit de propriété sur le patrimoine commun de l'humanité", et surtout le "droit au développement".

Ce dernier droit, me semble-t-il, est une invitation particulière à comprendre la modernité de la notion d'universalité. L'Assemblée générale est déjà allée très loin dans cette voie en affirmant, dès 1979, que "le droit au développement est un droit de l'homme", et que "l'égalité des chances en matière de développement est une prérogative des nations, aussi bien que des Etats qui les composent".

De façon plus nette encore, elle a, en 1986, adopté une Déclaration sur le droit au développement dans laquelle elle affirme que "l'être humain est le sujet central du développement et doit donc être le participant actif et le bénéficiaire du droit au développement". Dans le même texte, elle insiste corrélativement sur les obligations que ce droit crée pour les Etats : devoir de coopérer les uns avec les autres pour assurer le développement, pour promouvoir des politiques internationales de développement, et sur le plan interne, devoir d'ouvrir aux citoyens "l'accès aux ressources de base, à l'éducation, aux services de santé, à l'alimentation, au logement, à l'emploi et à une répartition équitable du revenu".

Cet approfondissement de la notion d'universalité me semble aller dans le bon sens, et cette voie doit être poursuivie.

En effet, il faut ici que nous soyons bien conscients que si les clivages idéologiques et les inégalités économiques restent la réalité de notre société internationale, ils ne sauraient constituer des entraves au caractère universel des droits de l'homme.

A l'heure actuelle, l'urgence me semble moins de définir de nouveaux droits que d'amener les Etats à adopter les textes existants et à les appliquer effectivement.

Il existe, dans ce domaine essentiel, de fortes disparités, lourdes de significations, et qu'il convient de corriger.

Certaines conventions sur les droits de l'homme, dont les Nations Unies sont dépositaires, bénéficient d'un pourcentage important de ratifications. Ainsi, à la veille de notre Conférence, la Convention sur l'élimination de toutes les formes de discrimination raciale avait-elle été ratifiée par 135 Etats; la Convention

sur la prévention et la punition du crime de génocide a été ratifiée par 110 Etats; en ce qui concerne les deux Pactes de 1966, celui relatif aux droits économiques, sociaux et culturels avait été ratifié par 121 Etats, et celui ayant trait aux droits civils et politiques a été ratifié par 118 Etats; par ailleurs, la Convention sur l'élimination de toutes les formes de discrimination contre les femmes a été ratifiée par 123 Etats; enfin, la Convention sur les droits de l'enfant a été ratifiée par 138 Etats.

En revanche, le niveau de ratification d'autres conventions est très insuffisant. Ainsi, à l'heure actuelle, 73 Etats seulement ont ratifié la Convention des Nations Unies contre la torture, et autres peines ou traitements cruels, inhumains ou dégradants; la Convention internationale contre l'Apartheid dans le sport n'a été ratifiée que par 55 Etats; le deuxième Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques visant à abolir la peine de mort, adopté par l'Assemblée générale le 15 décembre 1989, n'a été ratifié que par 17 Etats; la Convention internationale sur la protection de tous les travailleurs migrants et des membres de leur famille, adoptée par l'Assemblée générale le 18 décembre 1990, n'a reçu qu'une seule ratification.

En tant que Secrétaire général des Nations Unies, je ne peux donc qu'inciter vivement les Etats à ratifier l'ensemble des instruments juridiques relatifs aux droits de l'homme. A cette fin, j'entends ouvrir un dialogue avec les Etats Membres pour identifier les obstacles à la ratification et essayer de les surmonter.

Je suis, d'autre part, persuadé du rôle bénéfique que doivent jouer les organisations régionales dans la sensibilisation de plus en plus grande des Etats à ce problème. L'action régionale en faveur des droits de l'homme ne contrevient en rien, bien au contraire, à celle menée par l'Organisation des Nations Unies au niveau universel.

J'ai voulu voir, dans les récentes réflexions qui ont été menées au niveau régional, le souci de rester fidèle à cette conception de l'universalité, quels que soient les sérieux problèmes qu'elle peut poser, ou les légitimes questions qu'elle peut soulever.

Des textes importants existent en Amérique latine : Déclaration américaine des droits de l'homme de 1948, puis Commission de 1960, enfin Convention américaine des droits de l'homme de 1969 aujourd'hui en vigueur.

Des textes importants existent en Europe : notamment la Convention de Rome de 1950, élaborée dans le cadre du Conseil de l'Europe ou la Charte sociale européenne de 1961.

Des textes importants existent en Afrique : je pense en particulier à la Charte africaine des droits de l'homme et des peuples, adoptée par le Sommet de l'OUA en juin 1981 et entrée en vigueur en 1986.

Ces organismes doivent concourir efficacement à la protection des droits de l'homme, notamment lorsqu'ils peuvent mettre en œuvre des mécanismes et des procédures de garantie.

L'impératif de garantie doit constituer, en effet, la seconde préoccupation de notre Conférence. Que sont les droits de l'homme s'ils ne bénéficient pas de mécanismes et de structures propres à en assurer l'effectivité, tant sur le plan interne que sur le plan international ? Ici encore, la Conférence de Vienne ne doit tomber ni dans les faux débats, ni dans les polémiques inutiles. Pour éviter l'un et l'autre, il faut en revenir à l'essence même des droits de l'homme, dans la société internationale, et à ce qui fait leur singularité.

Je suis tenté de dire que, par leur nature, les droits de l'homme abolissent la distinction traditionnelle entre l'ordre interne et l'ordre international. Ils sont créateurs d'une perméabilité juridique nouvelle. Il s'agit donc de ne les considérer, ni sous l'angle de la souveraineté absolue, ni sous celui de l'ingérence politique. Mais, au contraire, il faut comprendre que les droits de l'homme impliquent la collaboration et la coordination des Etats et des organisations internationales.

Dans ce contexte, l'Etat devrait être le meilleur garant des droits de l'homme. C'est à l'Etat que la Communauté internationale devrait, à titre principal, déléguer le soin d'assurer la protection des individus.

Mais la question de l'action internationale doit se poser lorsque les Etats se révèlent indignes de cette mission, lorsqu'ils contreviennent aux principes fondamentaux de la Charte et lorsque, loin d'être les protecteurs de la personne humaine, ils en deviennent les bourreaux.

Ce problème est évidemment, pour nous, une interpellation permanente, d'autant plus que la circulation des informations et l'action de l'opinion publique internationale rendent ces questions plus pressantes encore.

Dans de telles circonstances, c'est à la Communauté internationale de prendre le relais des Etats défaillants, c'est-à-dire aux organisations internationales, universelles ou régionales. Il y a là une construction juridique et institutionnelle qui n'a rien de choquant et qui ne me semble pas attentatoire à la conception moderne que nous avons de la souveraineté. Car je pose — je nous pose — la question : est-il en droit d'espérer le respect absolu de la communauté internationale, l'Etat qui ternit la belle idée de Souveraineté en en faisant ouvertement un usage que la conscience universelle et que le droit réprouvent. Lorsque la Souveraineté devient l'ultime argument invoqué par des régimes autoritaires pour porter atteinte aux droits et libertés, des hommes, des femmes, des enfants, à l'abri des regards, alors — je le dis gravement — cette Souveraineté-là est déjà condamnée par l'Histoire.

Tous les membres de la communauté internationale ont d'ailleurs, me semble-t-il, avantage à ce que l'action internationale soit ainsi énoncée et dirigée. Rien ne serait plus préjudiciable aux Etats eux-mêmes que de laisser à des associations privées ou à des organisations non gouvernementales — si motivées soient-elles — le soin de prendre seules en charge, la défense des droits de l'homme à l'intérieur des Etats.

Oui, les Etats doivent être convaincus que le contrôle exercé par la Communauté internationale est, en définitive, celui qui respecte le plus leurs souverainetés et leurs compétences.

C'est donc avec raison que la Conférence de Vienne a décidé d'évaluer les méthodes et les mécanismes chargés de garantir les

droits de l'homme, dans le but de les améliorer. Il est en effet important que nous soyons tous ici sensibles à l'évolution qui s'est produite, en ce qui concerne ces contrôles, sur le plan administratif, sur le plan juridictionnel et dans le domaine opérationnel.

Sur le plan administratif, les procédures destinées à garantir les droits de l'homme se multiplient depuis des années, non seulement au sein de l'Organisation des Nations Unies, mais aussi au sein d'institutions spécialisées comme l'OIT ou l'UNESCO, ou d'institutions régionales comme le Conseil de l'Europe ou l'Organisation des Etats Américains.

Au sein des Nations Unies, on peut même constater une prolifération des organes chargés de veiller à la bonne exécution de telle ou telle convention particulière. Chacun pense au rôle que jouent par exemple le Comité des droits de l'homme, le Comité des droits économiques et sociaux, le Comité sur l'élimination de la discrimination raciale, le Comité sur l'élimination de la discrimination à l'égard des femmes, le Comité contre la torture, le Comité des droits de l'enfant.

Sur le plan général, il convient de faire une place particulière à la Commission des droits de l'homme et au Centre des Nations Unies pour les droits de l'homme.

Le Centre, notamment, a connu une évolution profonde au cours des années récentes.

Conçu au départ pour assumer une fonction d'études et d'informations sur tous les aspects concernant les droits de l'homme, il a peu à peu été amené à contribuer à la mise en œuvre de conventions, à participer à des comités ad hoc constitués de rapporteurs spéciaux et chargés d'enquêter sur des thèmes aussi divers que les exécutions sommaires, les disparitions, les détentions arbitraires.

Assumant le secrétariat des divers organes compétents dans le domaine des droits de l'homme, il prend en considération, chaque année, des milliers de pétitions dont certaines débouchent, par la volonté de la Commission des droits de l'homme, sur d'importantes missions d'enquête sur le terrain.

Enfin, le Centre pour les droits de l'homme a été conduit à assurer un travail d'assistance et de conseils techniques auprès des Etats. Cette assistance porte tout aussi bien sur la préparation des élections, sur la rédaction de constitutions que sur le renforcement des structures judiciaires des Etats demandeurs.

Mais, garantir les droits de l'homme signifie aussi mettre en place des contrôles juridictionnels pour réprimer des violations éventuelles.

Dans ce domaine, les organisations régionales ont ouvert des voies, notamment dans le cadre du Conseil de l'Europe avec la Cour européenne des droits de l'homme, ou sur le continent américain dans le cadre de la Cour interaméricaine.

Il faut donc souligner les efforts mis en œuvre aujourd'hui, au sein des Nations Unies pour promouvoir aussi bien une Cour internationale criminelle permanente, qu'un Tribunal international ad hoc chargé de juger les crimes commis en Yougoslavie.

S'agissant de celui-ci, c'est en février dernier que le Conseil de sécurité a décidé sa création "pour juger les personnes présumées responsables de violations graves du droit international humanitaire commises sur le territoire de l'ex-Yougoslavie depuis 1991".

En demandant au Secrétaire général d'étudier ce projet, c'est incontestablement un mandat nouveau que le Conseil de sécurité s'est octroyé. Il me semble que ce Tribunal devrait être créé par voie de décision du Conseil de sécurité, prise sur la base du Chapitre VII de la Charte. Cette méthode aurait l'avantage d'être rapide et immédiatement effective, puisque tous les Etats seraient tenus de prendre les mesures nécessaires pour exécuter une décision adoptée de cette manière. Ainsi, le Conseil de sécurité aurait-il créé, dans le cadre d'une mesure coercitive, certes un organe subsidiaire au sens de l'Article 29 de la Charte, mais un organe de caractère judiciaire.

Je ne voudrais pas évoquer l'évolution des mesures de garantie des droits de l'homme mises en œuvre par l'Organisation, sans

mentionner l'action déterminante de l'Assemblée générale des Nations Unies dans le domaine de l'assistance humanitaire.

Depuis qu'en décembre 1988 l'Assemblée générale a adopté la Résolution 43/131 relative à l'assistance humanitaire aux victimes des catastrophes naturelles et situations d'urgence du même ordre, la notion de droit d'assistance humanitaire est devenue, en quelque sorte, l'une des dimensions opérationnelles de la garantie des droits de l'homme.

On sait le rôle joué par cette évolution dans l'action des Nations Unies au Soudan, en Somalie, dans le cas particulier de l'Irak, ou aujourd'hui dans l'ex-Yougoslavie.

Une fois de plus, il ne s'agit pas, à travers ces résolutions, d'habiliter je ne sais quel droit d'ingérence, mais seulement de prendre en compte une idée-force de l'évolution actuelle de la protection des droits de l'homme : le lien existant entre cette protection et l'impératif démocratique que s'assigne aujourd'hui justement la société internationale.

L'impératif de démocratisation est la dernière règle de conduite — et sans doute la plus importante — qui doit guider nos travaux. Cet impératif s'impose progressivement à la conscience internationale. Le processus de démocratisation est, dans mon esprit, indissociable de la protection des droits de l'homme. Plus précisément, la démocratie constitue le projet politique dans lequel doit s'inscrire la garantie des droits de l'homme.

En disant cela, il ne s'agit pas de s'en tenir à une simple affirmation de principe ou céder à je ne sais quelle mode, mais bien de constater que la démocratie est le régime politique par lequel s'affirment le plus librement les droits des individus, et qu'ainsi on ne saurait dissocier l'action que mène l'Organisation des Nations Unies en faveur des droits de l'homme et l'instauration de régimes démocratiques dans la société internationale.

Là encore, il convient de préciser cette réflexion, afin d'éviter de heurter certains esprits.

Lorsque j'insiste, après tant d'autres, sur l'impératif de démocratisation, il ne s'agit pas pour moi d'inciter les Etats à je ne

sais quel mimétisme, ni de les inviter à emprunter des formes politiques venues d'ailleurs, ni a fortiori de complaire à certains Etats occidentaux. Bien au contraire. Il faut le dire fortement : la démocratie n'appartient à personne. Elle peut être et elle doit être assimilée par toutes les cultures. Elle est susceptible de s'incarner dans des formes multiples, afin de mieux s'inscrire dans la réalité des peuples. La démocratie n'est pas un modèle à copier sur certains Etats, mais un objectif à atteindre par tous les peuples. Elle est l'expression politique de notre patrimoine commun. Elle est un bien qui doit être partagé par tous. Et ainsi, à l'instar des droits de l'homme, elle revêt une dimension universelle.

Il faut que chacun soit convaincu de cela, et ainsi, nous éviterons tous les contresens et tous les malentendus. La démocratisation ne doit pas être une source d'inquiétude pour certains mais, au contraire, une aspiration pour tous les Etats. Dans cet esprit, l'Organisation des Nations Unies, dans sa mission de garantir les droits de l'homme, se doit d'assister les Etats — souvent parmi les plus démunis — dans la voie, toujours difficile, de la démocratisation.

C'est ainsi que doit s'établir, loin des polémiques inutiles, et de façon constructive, le lien qui déjà s'impose à notre esprit entre développement, démocratie, et droits de l'homme.

Une chose est sûre : il ne saurait y avoir de développement durable sans promotion de la démocratie, et donc sans respect des droits de l'homme. Nous savons tous que des pratiques non démocratiques, des politiques autoritaires ont parfois accompagné les premiers pas de certains pays dans la voie du développement. Mais nous savons aussi que si, une fois obtenus les premiers résultats économiques, ces Etats n'engagent pas des réformes démocratiques, alors ils n'aboutiront en fin de compte qu'à une croissance désincarnée, source d'inégalités accrues et de désordres sociaux à venir. Seule la démocratie donne sa signification au développement.

Cette analyse doit conduire les pays développés à une attitude sans cesse plus responsable à l'égard des Etats en développe-

ment qui s'engagent dans la voie de la démocratisation. Plus que jamais, il faut que chacun mesure sa responsabilité dans ce qui constitue une aventure collective. Il faut que chacun comprenne que c'est l'aide au développement qui favorisera la démocratie et les droits de l'homme. Cela n'atténue en rien, par ailleurs, la responsabilité impérieuse qui incombe, à tous les Etats, y compris les pays en développement, de promouvoir la démocratie et les droits de l'homme à l'intérieur de leur propre pays. La Communauté internationale tout entière est concernée, car seul le développement de chacun assurera la paix pour tous.

En effet, chaque jour nous confirme que les régimes autoritaires sont, potentiellement, des fauteurs de guerre et combien, à l'inverse, la démocratie est une garantie pour la paix. Et, rien mieux que les mandats confiés aux forces des Nations Unies n'illustrent la liaison que fait l'Organisation des Nations Unies, sur le plan opérationnel et de la façon la plus concrète qui soit, entre le maintien de la paix, l'instauration de la démocratie et la protection des droits de l'homme.

Déjà, le mandat confié à l'opération des Nations Unies en Namibie d'avril 1989 à mars 1990 contenait, en puissance, tous les éléments de cette évolution. Depuis 1991, de grandes Opérations incluent, dans leur mission, cette dimension politique de protection des droits de l'homme et de restauration de la démocratie. Ainsi en est-il des opérations mises en œuvre en Angola, au Mozambique, au Salvador, en Somalie et, bien sûr, au Cambodge.

De nombreux Etats sont bien conscients, d'ailleurs, de l'attrait que représente pour eux l'assistance électorale dont ils souhaitent de plus en plus bénéficier auprès de l'Organisation des Nations Unies.

Dès 1989, une Mission a été créée pour vérifier le processus électoral au Nicaragua. L'année suivante, une Mission similaire a été mise en place en Haïti. Par la suite, les demandes d'assistance électorale se sont multipliées à un rythme soutenu, et l'Assemblée générale s'est prononcée à l'automne 1991 en faveur de la création, au sein du Département des affaires politiques,

d'une unité d'assistance électorale qui est devenue opérationnelle en avril 1992.

Depuis lors, muni de ce nouvel instrument, les Nations Unies ont été en mesure de mieux répondre aux demandes d'assistance électorale formulées par de nombreux Etats : l'Argentine, le Burundi, la République centrafricaine, la Colombie, le Congo, Djibouti, la Guinée équatoriale, l'Erythrée, l'Ethiopie, la Guinée, la Guinée-Bissau, le Guyana, le Kenya, le Lesotho, Madagascar, Malawi, le Mali, le Niger, l'Ouganda, la Roumanie, le Sénégal, les Seychelles, le Tchad, le Togo ... La liste est impressionnante.

Ces demandes portent aussi bien sur l'organisation et la conduite des élections que sur leur contrôle et leur vérification, aussi bien sur la coordination des observateurs internationaux dépêchés sur place que sur l'assistance technique de tous ordres requise pour le bon déroulement d'élections démocratiques.

Il s'agit là d'une action considérable des Nations Unies et dont il faut souligner l'ampleur. Il ne faut pas cependant en cacher les limites. La supervision et le contrôle des élections ne signifient pas pour autant une garantie à long terme dans la voie de la démocratisation et du respect des droits de l'homme. Les expériences de l'Angola et d'Haïti sont là, hélas, pour le prouver. L'Organisation des Nations Unies ne peut pas garantir qu'existera, dans le pays, une conscience démocratique suffisante pour respecter le résultat des élections.

Il faut donc aller plus loin encore. Aider les Etats à changer les mentalités, les convaincre de s'engager dans la voie des réformes de structure. L'Organisation des Nations Unies doit ainsi pouvoir leur fournir une assistance technique permettant d'adapter les institutions, d'éduquer les citoyens, de former des cadres, d'élaborer des réglementations respectueuses de la démocratie et soucieuses du respect des droits de l'homme. Je pense notamment à l'importance de créer des administrations judiciaires indépendantes, de constituer une armée respectueuse de l'Etat de droit, de former une police garante des libertés publiques, de mettre en

place des systèmes d'éducation de la population dans le domaine des droits de l'homme.

Oui, je suis convaincu que nous devons mettre en œuvre un vaste chantier d'instruction civique à l'échelle de la planète!

Seule cette sensibilisation internationale aux droits de l'homme et cette participation de tous peuvent permettre, dans l'avenir, de prévenir des violations que notre conscience réprouve et que le droit condamne. Ici comme ailleurs, il est donc urgent de mettre en mouvement une diplomatie préventive.

J'attends de la Conférence des suggestions, des innovations, des projets pour donner une consistance toujours plus grande à cette diplomatie des droits de l'homme.

Je tenais à montrer, par ces réflexions et par ces exemples, que l'Organisation des Nations Unies a su déjà prendre un tournant décisif dans son Histoire. Désormais, insensiblement, par des actions concrètes et pragmatiques, la volonté de respecter les droits de l'homme s'inscrit dans toutes nos actions.

Il s'agit là, pour nous, d'un enseignement capital. Il doit rester présent à notre esprit tout au long de cette Conférence : la protection des droits de l'homme constitue un objectif à la fois spécifique et global. Il nous invite, d'une part, à déterminer des droits sans cesse plus précis, à imaginer des mesures sans cesse plus efficaces. Mais il nous montre, d'autre part, que les droits de l'homme irradient l'ensemble des activités de notre Organisation, dont ils constituent à la fois le fondement initial et le but suprême.

Permettez-moi donc, en guise de conclusion, et à l'aube de cette Conférence, de lancer une ultime exhortation :

Puissent les droits de l'homme créer, ici, pour nous, un espace privilégié de solidarité et de responsabilité!

Puissent-ils opérer la fusion entre l'Assemblée des Etats et la Communauté des hommes!

Puissent les droits de l'homme apparaître, enfin, comme le angage commun de l'Humanité!



**Vienne (AUTRICHE)
JUIN 1993**

Déclaration et Programme d'action de Vienne

Adoptés par la
Conférence mondiale sur les droits de l'homme
le 25 juin 1993

La Conférence mondiale sur les droits de l'homme,

Considérant que la promotion et la protection des droits de l'homme est une question prioritaire pour la communauté internationale et que sa tenue offre une occasion unique de procéder à une analyse globale du système international des droits de l'homme et des mécanismes de protection de ces droits, afin d'inciter à les respecter intégralement et donc d'en promouvoir le plein exercice, de manière équitable et équilibrée,

Reconnaissant et affirmant que tous les droits de l'homme découlent de la dignité et de la valeur inhérentes à la personne humaine, que la personne humaine est le sujet même des droits de l'homme et des libertés fondamentales et que, par conséquent, elle doit en être le principal bénéficiaire et participer activement à leur réalisation,

Réaffirmant son attachement aux buts et principes énoncés dans la Charte des Nations Unies et la Déclaration universelle des droits de l'homme,

Réaffirmant l'engagement pris à l'Article 56 de la Charte des Nations Unies d'agir, tant conjointement que séparément, en

accordant l'importance qu'il mérite au développement d'une coopération internationale efficace pour atteindre les buts énoncés à l'Article 55, y compris le respect universel et effectif des droits de l'homme et des libertés fondamentales pour tous,

Soulignant l'obligation qu'ont tous les Etats, conformément à la Charte des Nations Unies, de développer et d'encourager le respect des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion,

Rappelant le préambule de la Charte des Nations Unies, en particulier la détermination des peuples des Nations Unies à proclamer à nouveau leur foi dans les droits fondamentaux de l'homme, dans la dignité et la valeur de la personne humaine, dans l'égalité de droits des hommes et des femmes, ainsi que des nations, grandes et petites,

Rappelant en outre la détermination des peuples des Nations Unies, exprimée dans le Préambule de la Charte des Nations Unies, à préserver les générations futures du fléau de la guerre, à créer les conditions nécessaires au maintien de la justice et du respect des obligations nées des traités et autres sources du droit international, à favoriser le progrès social et instaurer de meilleures conditions de vie dans une liberté plus grande, à pratiquer la tolérance et à vivre en bon voisinage et à recourir aux institutions internationales pour favoriser le progrès économique et social de tous les peuples,

Soulignant que la Déclaration universelle des droits de l'homme, qui constitue un modèle commun à suivre pour tous les peuples et toutes les nations, est la source d'inspiration de l'Organisation des Nations Unies et l'assise à partir de laquelle elle a progressivement élaboré les normes énoncées dans les instruments internationaux en vigueur dans le domaine considéré, en particulier dans le Pacte international relatif aux droits civils et politi-

ques et le Pacte international relatif aux droits économiques, sociaux et culturels,

Considérant les importants changements qui se produisent sur la scène internationale et le fait que tous les peuples aspirent à l'instauration d'un ordre international reposant sur les principes énoncés dans la Charte des Nations Unies, laquelle souligne notamment la nécessité de promouvoir et d'encourager le respect des droits de l'homme et des libertés fondamentales pour tous ainsi que le respect du principe de l'égalité de droits et du droit des peuples à disposer d'eux-mêmes, et sur la paix, la démocratie, la justice, l'égalité, l'Etat de droit, le pluralisme, le développement, l'amélioration des conditions de vie et la solidarité,

Profondément préoccupée par les diverses formes de discrimination et de violence auxquelles les femmes continuent d'être exposées dans le monde entier,

Reconnaissant que les activités de l'Organisation des Nations Unies dans le domaine des droits de l'homme devraient être rationalisées et améliorées pour renforcer les mécanismes de l'Organisation dans ce domaine et pour contribuer au respect universel et effectif des normes internationales en la matière,

Ayant pris acte des déclarations adoptées par les trois réunions régionales tenues à Tunis, à San José et à Bangkok et des communications faites par les gouvernements, et ayant présentes à l'esprit les suggestions émises par les organisations intergouvernementales et non gouvernementales ainsi que les études établies par des experts indépendants au cours des préparatifs de la Conférence,

Se félicitant de la célébration, en 1993, de l'Année internationale des populations autochtones du monde par laquelle se trouve réaffirmé l'engagement de la communauté internationale

d'assurer à ces populations la jouissance de tous les droits de l'homme et de toutes les libertés fondamentales et de respecter la valeur et la diversité de leurs cultures et leur identité,

Reconnaissant également que la communauté internationale devrait concevoir des moyens pour éliminer les obstacles actuels, faire face aux difficultés qui entravent la pleine réalisation de tous les droits de l'homme et mettre fin aux violations continues de ces droits qui en résultent dans le monde entier,

Invoquant l'esprit et les réalités de notre temps pour demander aux peuples du monde et à tous les Etats Membres de l'Organisation des Nations Unies de se consacrer à nouveau à la tâche universelle que constitue la promotion et la protection de tous les droits de l'homme et de toutes les libertés fondamentales afin d'en garantir la jouissance intégrale et universelle,

Soucieuse de renforcer la détermination de la communauté internationale en vue de la réalisation de progrès sensibles dans l'action menée en faveur des droits de l'homme, grâce à un effort accru et soutenu de coopération et de solidarité internationales,

*Adopte solennellement la **Déclaration et le Programme d'action** suivants.*

I

1. La Conférence mondiale sur les droits de l'homme réaffirme l'engagement solennel pris par tous les Etats de s'acquitter de l'obligation de promouvoir le respect universel, l'observation et la protection de l'ensemble des droits de l'homme et des libertés fondamentales pour tous, conformément à la Charte des Nations Unies, aux autres instruments relatifs aux droits de l'homme et au droit international. Le caractère universel de ces droits et libertés est incontestable.

Dans ce contexte, le renforcement de la coopération internationale dans le domaine des droits de l'homme est essentiel pour que les objectifs de l'Organisation des Nations Unies soient pleinement atteints.

Les droits de l'homme et les libertés fondamentales sont inhérents à tous les êtres humains; leur promotion et leur protection incombent au premier chef aux gouvernements.

2. Tous les peuples ont le droit de disposer d'eux-mêmes. En vertu de ce droit, ils déterminent librement leur statut politique et poursuivent librement leur développement économique, social et culturel.

Compte tenu de la situation particulière des peuples soumis à la domination coloniale ou à d'autres formes de domination ou d'occupation étrangères, la Conférence mondiale sur les droits de l'homme reconnaît que les peuples ont le droit de prendre toute mesure légitime, conformément à la Charte des Nations Unies, pour réaliser leur droit inaliénable à l'autodétermination. Elle considère que le déni du droit à l'autodétermination est une violation des droits de l'homme et souligne qu'il importe que ce droit soit effectivement réalisé.

En application de la Déclaration relative aux principes du droit international touchant les relations amicales et la coopération entre les Etats conformément à la Charte des Nations Unies, ce qui précède ne devra pas être interprété comme autorisant ou encourageant toute mesure de nature à démembrer ou compromettre, en totalité ou en partie, l'intégrité territoriale ou l'unité politique d'Etats souverains et indépendants respectueux du principe de l'égalité de droits et de l'autodétermination des peuples et, partant, dotés d'un gouvernement représentant la totalité de la population appartenant au territoire, sans distinction aucune.

3. Il faudrait prendre des mesures internationales efficaces pour garantir et contrôler l'application des normes relatives aux

droits de l'homme à l'égard des populations soumises à une occupation étrangère et leur assurer une protection juridique efficace contre la violation de ces droits conformément aux normes relatives aux droits de l'homme et au droit international, en particulier à la Convention de Genève de 1949 relative à la protection des personnes civiles en temps de guerre et aux autres normes du droit humanitaire applicables.

4. La promotion et la protection de tous les droits de l'homme et de toutes les libertés fondamentales doivent être considérées comme un objectif prioritaire de l'Organisation des Nations Unies conformément à ses buts et principes, eu égard en particulier à l'objectif de coopération internationale. Eu égard à ces buts et principes, la promotion et la protection de tous les droits de l'homme est une préoccupation légitime de la communauté internationale. Les organes et les institutions spécialisées s'occupant des droits de l'homme doivent donc renforcer encore la coordination de leurs activités en se fondant sur l'application uniforme et objective des instruments internationaux en la matière.

5. Tous les droits de l'homme sont universels, indissociables, interdépendants et intimement liés. La communauté internationale doit traiter des droits de l'homme globalement, de manière équitable et équilibrée, sur un pied d'égalité et en leur accordant la même importance. S'il convient de ne pas perdre de vue l'importance des particularismes nationaux et régionaux et la diversité historique, culturelle et religieuse, il est du devoir des Etats, quel qu'en soit le système politique, économique et culturel, de promouvoir et de protéger tous les droits de l'homme et toutes les libertés fondamentales.

6. Les efforts du système des Nations Unies en faveur du respect et de la mise en œuvre universels des droits de l'homme et des libertés fondamentales pour tous contribuent à la stabilité et au bien-être nécessaires à l'établissement de relations pacifiques

et amicales entre les nations, ainsi qu'à l'établissement de conditions plus propices à la paix, à la sécurité et au développement social et économique, conformément à la Charte des Nations Unies.

7. La promotion et la protection des droits de l'homme devraient se faire conformément aux buts et principes de la Charte des Nations Unies et au droit international.

8. La démocratie, le développement et le respect des droits de l'homme et des libertés fondamentales sont interdépendants et se renforcent mutuellement. La démocratie est fondée sur la volonté, librement exprimée, du peuple qui détermine le système politique, économique, social et culturel qui sera le sien et sur sa pleine participation à tous les aspects de la vie de la société. Cela posé, la promotion et la protection des droits de l'homme et des libertés fondamentales, aux niveaux national et international, devraient être universelles et se réaliser sans l'imposition d'aucune condition. La communauté internationale devrait s'employer à renforcer et promouvoir la démocratie, le développement et le respect des droits de l'homme et des libertés fondamentales dans le monde entier.

9. La Conférence mondiale sur les droits de l'homme réaffirme que les pays les moins avancés qui s'attachent à faire progresser la démocratisation et les réformes économiques, dont nombre de pays africains, devraient recevoir l'appui de la communauté internationale de manière à franchir le cap du passage à la démocratie et au développement économique.

10. La Conférence mondiale sur les droits de l'homme réaffirme que le droit au développement, tel qu'il est établi dans la Déclaration sur le droit au développement, est un droit universel et inaliénable qui fait partie intégrante des droits fondamentaux de la personne humaine.

Ainsi qu'il est dit dans la Déclaration sur le droit au développement, la personne humaine est le sujet central du développement.

Si le développement facilite la jouissance de tous les droits de l'homme, l'insuffisance de développement ne peut être invoquée pour justifier une limitation des droits de l'homme internationalement reconnus.

Les Etats devraient coopérer pour assurer le développement et éliminer les obstacles qui s'y opposent. La communauté internationale devrait promouvoir une coopération internationale efficace pour éliminer ces obstacles et réaliser le droit au développement.

Pour progresser durablement dans la réalisation du droit au développement, il faut, au niveau national, des politiques de développement efficaces et, au niveau international, des relations économiques équitables et un environnement économique favorable.

11. Le droit au développement devrait se réaliser de manière à satisfaire équitablement les besoins des générations actuelles et futures en matière de développement et d'environnement. La Conférence mondiale sur les droits de l'homme reconnaît que le déversement illicite de substances et de déchets toxiques et nocifs peut constituer une grave menace pour les droits de chacun à la vie et à la santé.

En conséquence, elle engage tous les Etats à adopter et appliquer énergiquement les conventions en vigueur concernant le déversement de produits et déchets toxiques ou nocifs et à coopérer à la prévention des déversements illicites.

Chacun a le droit de jouir des fruits du progrès scientifique et de ses applications. Notant que certaines avancées, notamment dans les sciences biomédicales et les sciences de la vie ainsi que dans les techniques de l'information, peuvent avoir des conséquences néfastes pour l'intégrité, la dignité de l'individu et l'exercice de ses droits, la Conférence mondiale sur les droits de l'homme

appelle les Etats à coopérer de manière à veiller à ce que les droits et la dignité de la personne humaine soient pleinement respectés dans ce domaine d'intérêt universel.

12. La Conférence mondiale sur les droits de l'homme lance un appel à la communauté internationale pour qu'elle mette tout en œuvre afin d'alléger le fardeau de la dette extérieure des pays en développement de manière à compléter les efforts que déploient les gouvernements de ces pays pour réaliser pleinement les droits économiques, sociaux et culturels de leur population.

13. La nécessité s'impose aux Etats et aux organisations internationales, agissant en coopération avec les organisations non gouvernementales, de créer, aux niveaux national, régional et international, des conditions propres à assurer la jouissance pleine et effective des droits de l'homme. Les Etats devraient mettre un terme à toutes les violations des droits de l'homme et en éliminer toutes les causes ainsi que les obstacles à la jouissance de ces droits.

14. L'extrême pauvreté généralisée s'opposant à la jouissance pleine et effective des droits de l'homme, la communauté internationale doit continuer à accorder un rang de priorité élevé aux mesures visant à l'atténuer dans l'immédiat pour, finalement, l'éliminer.

15. Le respect des droits de l'homme et des libertés fondamentales sans distinction aucune est une règle élémentaire du droit international en la matière. Eliminer rapidement et intégralement toutes les formes de racisme et de discrimination raciale, ainsi que de xénophobie, et l'intolérance dont elles s'accompagnent, est pour la communauté internationale une tâche prioritaire. Les gouvernements devraient prendre des mesures efficaces pour les empêcher et les combattre. Les groupes, institutions, organisations intergouvernementales et non gouvernementales et les particuliers sont instamment priés de redoubler d'efforts pour lutter contre ces

fléaux en coopérant et coordonnant les activités qu'ils déploient à cette fin.

16. La Conférence mondiale sur les droits de l'homme se félicite des progrès accomplis en vue de démanteler l'apartheid et lance un appel à la communauté internationale et aux organismes des Nations Unies pour qu'ils facilitent ce processus.

Elle déplore d'autre part la persistance d'actes de violence visant à compromettre la recherche d'un démantèlement pacifique de l'apartheid.

17. Les actes, méthodes et pratiques de terrorisme sous quelque forme que ce soit et dans toutes ses manifestations et leur lien, dans certains pays, avec le trafic de stupéfiants, visent l'anéantissement des droits de l'homme, des libertés fondamentales et de la démocratie, menacent l'intégrité territoriale et la sécurité des Etats et déstabilisent des gouvernements légitimement constitués. La communauté internationale doit prendre les mesures qui s'imposent pour renforcer la coopération en vue d'empêcher et de combattre le terrorisme.

18. Les droits fondamentaux des femmes et des fillettes font inaliénablement, intégralement et indissociablement partie des droits universels de la personne. L'égalité et pleine participation des femmes à la vie politique, civile, économique, sociale et culturelle, aux niveaux national, régional et international, et l'élimination totale de toutes les formes de discrimination fondées sur le sexe sont des objectifs prioritaires de la communauté internationale.

Les violences qui s'exercent en fonction du sexe et toutes les formes de harcèlement et d'exploitation sexuels, y compris celles qui sont la conséquence de préjugés culturels et d'une traite internationale, sont incompatibles avec la dignité et la valeur de la personne humaine et doivent être éliminées. On peut y parvenir au moyen de mesures juridiques et grâce à une action nationale et à la coopération internationale dans divers domaines comme

le développement économique et social, l'éducation, la protection de la maternité, les soins de santé et l'aide sociale.

Les droits fondamentaux des femmes doivent faire partie intégrante des activités de l'Organisation des Nations Unies dans le domaine des droits de l'homme, qui doivent inclure notamment la promotion de tous les instruments en la matière qui concernent les femmes.

La Conférence mondiale sur les droits de l'homme demande instamment aux gouvernements, aux institutions, aux organisations intergouvernementales et non gouvernementales d'intensifier leurs efforts en vue de protéger et de promouvoir les droits fondamentaux des femmes et des fillettes.

19. Considérant l'importance que revêtent la promotion et la protection des droits des personnes appartenant à des minorités et le fait que l'on contribue par ces moyens à la stabilité politique et sociale des Etats dans lesquels elles vivent,

La Conférence mondiale sur les droits de l'homme réaffirme que les Etats ont l'obligation de veiller à ce que les personnes appartenant à des minorités puissent exercer intégralement et effectivement tous les droits et toutes les libertés fondamentales de l'homme sans aucune discrimination et en toute égalité devant la loi, conformément à la Déclaration sur les droits des personnes appartenant à des minorités nationales ou ethniques, religieuses et linguistiques.

Les personnes appartenant à des minorités ont le droit de jouir de leur propre culture, de professer et de pratiquer leur propre religion et d'utiliser leur propre langue, en privé et en public, librement et sans immixtion ou ni aucune discrimination que ce soit.

20. La Conférence mondiale sur les droits de l'homme reconnaît la dignité intrinsèque des populations autochtones et la contribution unique qu'elles apportent au développement et à la diversité des sociétés et réaffirme énergiquement l'engagement pris

par la communauté internationale d'assurer leur bien-être économique, social et culturel et de les faire bénéficier des fruits d'un développement durable. Les Etats devraient veiller à la pleine et libre participation de ces populations à tous les aspects de la vie sociale, en particulier dans les domaines qui les intéressent. Considérant l'importance de la promotion et de la protection des droits des populations autochtones et le fait que l'on contribue, par ces moyens, à la stabilité politique et sociale des Etats dans lesquels elles vivent, les Etats devraient, conformément au droit international, prendre des mesures constructives concertées pour leur garantir le respect de tous les droits de l'homme et de toutes les libertés fondamentales, en se fondant sur l'égalité et la non-discrimination, et reconnaître la valeur et la diversité de leurs identités, de leurs cultures et de leur organisation sociale.

21. La Conférence mondiale sur les droits de l'homme, se félicitant de la ratification rapide de la Convention relative aux droits de l'enfant par un grand nombre d'Etats et notant que les droits de l'enfant ont été reconnus dans la Déclaration mondiale et le Plan d'action en faveur de la survie, de la protection et du développement de l'enfant adoptés par le Sommet mondial pour les enfants, recommande instamment que la Convention soit ratifiée par tous les pays avant 1995 et qu'elle soit effectivement appliquée par les Etats parties qui devraient adopter toutes les mesures législatives, administratives et autres qui sont nécessaires et affecter un maximum de ressources à cette fin. Dans toutes les actions entreprises, les considérations dominantes devraient être la non-discrimination et l'intérêt supérieur de l'enfant dont les vues devraient être dûment prises en considération. Il conviendrait de renforcer les mécanismes et programmes nationaux et internationaux de défense et de protection des enfants, en particulier des fillettes, des enfants abandonnés, des enfants des rues, des enfants victimes d'une exploitation économique et sexuelle, à des fins notamment de pornographie ou de prostitution ou pour la vente d'organes, des enfants victimes de maladies, dont le Syndrome

d'immunodéficience humaine acquise, des enfants réfugiés et déplacés, des enfants en détention, des enfants mêlés à des conflits armés, ainsi que des enfants victimes de la famine et de la sécheresse ou d'autres situations d'urgence. Il faudrait susciter un surcroît de coopération et de solidarité internationales pour étayer l'application de la Convention et les droits de l'enfant devraient recevoir la priorité dans l'action menée à l'échelle du système des Nations Unies dans le domaine des droits de l'homme.

La Conférence mondiale sur les droits de l'homme souligne aussi que, pour que sa personnalité se développe pleinement et harmonieusement, l'enfant doit pouvoir grandir dans un environnement familial qui mérite de ce fait d'être plus largement protégé.

22. Il faut veiller particulièrement à ce que les handicapés ne soient pas victimes de discrimination et puissent exercer dans des conditions d'égalité tous les droits et libertés fondamentales de la personne humaine, y compris en participant activement à tous les aspects de la vie sociale.

23. La Conférence mondiale sur les droits de l'homme réaffirme que chacun, sans distinction d'aucune sorte, a le droit de chercher et de trouver asile dans d'autres pays pour échapper à la persécution, ainsi que celui de retourner dans son propre pays. A cet égard, elle souligne l'importance de la Déclaration universelle des droits de l'homme, de la Convention de 1951 relative au statut des réfugiés, du Protocole de 1967 s'y rapportant et des instruments régionaux. Elle sait gré aux Etats qui continuent à accueillir un grand nombre de réfugiés sur leur territoire et remercie le Haut Commissariat des Nations Unies pour les réfugiés du dévouement avec lequel il s'acquitte de sa tâche. Elle rend également hommage à l'Office de secours et de travaux des Nations Unies pour les réfugiés de Palestine dans le Proche-Orient.

La Conférence mondiale sur les droits de l'homme considère que les violations flagrantes des droits de l'homme, notam-

ment lors de conflits armés, comptent parmi les facteurs multiples et complexes qui entraînent des déplacements de population.

Elle estime qu'étant donné la complexité de la crise mondiale des réfugiés la communauté internationale, agissant en coordination et en coopération avec les pays concernés ainsi que les organisations compétentes, et tenant compte du mandat du HCR, devrait adopter une démarche globale, conformément à la Charte des Nations Unies et aux instruments internationaux pertinents, dans un esprit de solidarité internationale et de partage des charges. Il faudrait mettre au point des stratégies afin de s'attaquer aux causes mêmes du problème et remédier aux conséquences des mouvements de réfugiés et autres déplacements de personnes, renforcer les mécanismes de préparation et de réaction aux situations d'urgence, fournir une protection et une assistance efficaces, compte tenu des besoins particuliers des femmes et des enfants, et trouver des solutions durables en privilégiant le rapatriement volontaire dans la dignité et la sécurité, notamment des solutions analogues à celles préconisées par les conférences internationales sur les réfugiés. La Conférence mondiale sur les droits de l'homme insiste sur les responsabilités des Etats, en particulier des pays d'origine.

Dans cette optique globale, elle souligne la nécessité d'accorder une attention particulière, en faisant notamment appel au concours d'organisations intergouvernementales et humanitaires, aux problèmes des personnes déplacées à l'intérieur de leur propre pays et d'y apporter des solutions durables, notamment en favorisant le retour volontaire dans la sécurité et la réinsertion.

Conformément à la Charte des Nations Unies et aux principes du droit humanitaire, elle souligne également combien il est important et nécessaire de fournir une assistance humanitaire aux victimes de toutes les catastrophes, naturelles ou causées par l'homme.

24. Il faut accorder une grande importance à la promotion et à la protection des droits des personnes appartenant à des grou-

pes rendus vulnérables, y compris les travailleurs migrants, à l'élimination de toutes les formes de discrimination à leur égard, ainsi qu'au renforcement et à l'application plus efficace des instruments relatifs aux droits de l'homme. Les Etats ont l'obligation de prendre au niveau national des mesures appropriées et d'en assurer la continuité, en particulier dans le domaine de l'éducation, de la santé et de l'aide sociale, pour promouvoir et protéger les droits des personnes appartenant à des secteurs vulnérables de la population, ainsi que de veiller à ce que les intéressés puissent participer à la solution de leurs propres problèmes.

25. La Conférence mondiale sur les droits de l'homme affirme que l'extrême pauvreté et l'exclusion sociale constituent une violation de la dignité humaine et qu'il s'impose de prendre sans attendre des mesures de manière à mieux connaître le phénomène de l'extrême pauvreté et ses causes, notamment celles liées aux problèmes de développement, afin de promouvoir les droits de l'homme des plus démunis, de mettre fin à l'extrême pauvreté et à l'exclusion sociale et de mieux assurer la jouissance des fruits du progrès social. Il est indispensable que les Etats favorisent la participation des plus démunis à la prise des décisions au sein de la communauté dans laquelle ils vivent, à la promotion des droits de l'homme et à la lutte contre l'extrême pauvreté.

26. La Conférence mondiale sur les droits de l'homme se félicite des progrès réalisés dans la codification des instruments en la matière, processus dynamique en évolution constante, et souhaite vivement que les traités relatifs aux droits de l'homme soient universellement ratifiés. Tous les Etats sont encouragés à adhérer à ces instruments internationaux; tous les Etats sont encouragés à éviter, autant que possible, d'émettre des réserves.

27. Il faudrait qu'il y ait dans chaque Etat un ensemble de recours efficaces pour remédier aux violations des droits de l'homme. L'administration de la justice, notamment les organes chargés de

faire respecter la loi et les organes chargés des poursuites et, surtout, un corps judiciaire et un barreau indépendants, en pleine conformité avec les normes applicables énoncées dans les instruments internationaux relatifs aux droits de l'homme, sont essentiels à la pleine réalisation de ces droits, sans discrimination aucune, et sont indispensables à la démocratisation et à un développement durable. Il faudrait, à ce sujet, que les institutions chargées de l'administration de la justice puissent compter sur des ressources financières suffisantes et que la communauté internationale accroisse tant son assistance technique que son aide financière. Il incombe à l'Organisation des Nations Unies d'utiliser à titre prioritaire les programmes spéciaux de services consultatifs pour mettre en place une administration de la justice efficace et indépendante.

28. La Conférence mondiale sur les droits de l'homme se déclare consternée par les violations massives des droits de l'homme, notamment celles qui prennent la forme de génocide, de "nettoyage ethnique" et de viol systématique des femmes en temps de guerre, violations qui sont à l'origine d'exodes massifs de réfugiés et de déplacements de personnes. Elle condamne énergiquement des pratiques aussi révoltantes et elle demande à son tour que les auteurs de tels crimes soient punis et qu'il soit immédiatement mis fin à ces pratiques.

29. La Conférence mondiale sur les droits de l'homme exprime ses vives inquiétudes devant les violations des droits de l'homme qui continuent de se commettre partout dans tout le monde au mépris des normes énoncées dans les instruments internationaux en la matière et du droit humanitaire international, et devant l'absence de recours suffisants et efficaces pour les victimes.

Elle est profondément préoccupée par les violations des droits de l'homme en période de conflit armé, qui visent la population civile, en particulier les femmes, les enfants, les personnes âgées et les personnes handicapées. En conséquence, elle invite les Etats et toutes les parties aux conflits armés à respecter scru-

puleusement le droit humanitaire international, énoncé dans les Conventions de Genève de 1949 et d'autres règles et principes de droit international, ainsi que les normes minima de protection des droits de l'homme, énoncées dans les conventions internationales.

Elle réaffirme le droit des victimes à recevoir l'assistance d'organisations humanitaires, comme prévu dans les Conventions de Genève de 1949 et les autres instruments de droit humanitaire international pertinents, et demande à ce que soit assuré l'accès à cette assistance dans des conditions de sécurité et dans les meilleurs délais.

30. La Conférence mondiale sur les droits de l'homme se déclare consternée que des violations flagrantes et systématiques et des situations faisant gravement obstacle au plein exercice de tous les droits de l'homme continuent à se produire en divers endroits du monde et elle les condamne. Ces violations et obstacles se traduisent, outre par la torture et des peines ou traitements cruels, inhumains et dégradants, par des exécutions sommaires et arbitraires, des disparitions, des détentions arbitraires, toutes les formes de racisme, de discrimination raciale et d'apartheid, par l'occupation et la domination étrangères, par la xénophobie, la pauvreté, la faim, le non-respect des droits économiques, sociaux et culturels, l'intolérance religieuse, le terrorisme, la discrimination à l'égard des femmes et l'absence de légalité.

31. La Conférence mondiale sur les droits de l'homme demande aux Etats de ne prendre unilatéralement aucune mesure incompatible avec le droit international et la Charte des Nations Unies qui fasse obstacle aux relations commerciales internationales et s'oppose à la pleine réalisation des droits énoncés dans la Déclaration universelle des droits de l'homme et les instruments internationaux en la matière, en particulier à la réalisation du droit de toute personne à un niveau de vie suffisant pour assurer sa santé et son bien-être, y compris en ce qui concerne l'alimentation, les soins médicaux et les services sociaux. Elle affirme que l'alimen-

tation ne devrait pas être utilisée comme un instrument de pression politique.

32. La Conférence mondiale sur les droits de l'homme réaffirme qu'il importe d'assurer que l'examen des questions relatives aux droits de l'homme se fasse dans un esprit d'universalité, d'objectivité et de non-sélectivité.

33. La Conférence mondiale sur les droits de l'homme réaffirme que les Etats sont tenus, comme le stipulent la Déclaration universelle des droits de l'homme, le Pacte international relatif aux droits économiques, sociaux et culturels et d'autres instruments internationaux en la matière, de veiller à ce que l'éducation vise au renforcement du respect des droits de l'homme et des libertés fondamentales. Elle souligne à quel point il importe que la question des droits de l'homme ait sa place dans les programmes d'enseignement et invite les Etats à y veiller. L'éducation devrait favoriser la compréhension, la tolérance, la paix et les relations amicales entre les nations et entre tous les groupes raciaux ou religieux, et encourager le développement des activités menées par l'Organisation des Nations Unies pour atteindre ces objectifs. L'éducation en matière de droits de l'homme et la diffusion d'une information appropriée, à la fois théorique et pratique, jouent donc un rôle important dans la promotion et en faveur du respect des droits de tous les individus, sans distinction d'aucune sorte fondée sur la race, le sexe, la langue ou la religion, et cela devrait être pris en considération dans les politiques d'éducation aux niveaux aussi bien national qu'international. La Conférence mondiale sur les droits de l'homme note que le manque de ressources et la faiblesse des institutions peuvent faire obstacle à la réalisation immédiate de ces objectifs.

34. Il faudrait faire davantage d'efforts pour aider les pays qui le demandent à créer les conditions permettant à chacun de jouir des droits universels et des libertés fondamentales de l'homme.

Les gouvernements, les organismes des Nations Unies ainsi que d'autres organisations multilatérales sont instamment priés d'accroître considérablement les ressources qui sont allouées aux programmes concernant l'élaboration de lois et le renforcement de la législation nationale, la création ou le renforcement d'institutions nationales et d'infrastructures connexes qui maintiennent l'Etat de droit et la démocratie, l'assistance électorale, la sensibilisation aux droits de l'homme par la formation, l'enseignement et l'éducation, le développement de la participation populaire et le renforcement de la société civile.

Il faudrait à la fois renforcer les programmes de services consultatifs et de coopération technique exécutés sous les auspices du Centre pour les droits de l'homme et les rendre plus efficaces et transparents pour qu'ils contribuent, de la sorte, dans une large mesure à améliorer le respect des droits de l'homme. Les Etats sont invités à contribuer plus largement à ces programmes, à la fois en encourageant l'Organisation des Nations Unies à leur octroyer une part plus importante des ressources de son budget ordinaire et en versant des contributions volontaires à cette fin.

35. La réalisation intégrale et effective des activités de l'Organisation des Nations Unies visant à promouvoir et protéger les droits de l'homme doit être à la hauteur de l'importance que la Charte des Nations Unies accorde à ces derniers et de l'ampleur de la tâche incombant à l'Organisation dans le domaine considéré, conformément au mandat donné par des Etats Membres. Il faudrait pour cela consacrer davantage de ressources aux activités de l'Organisation des Nations Unies dans le domaine des droits de l'homme.

36. La Conférence mondiale sur les droits de l'homme réaffirme le rôle important et constructif que jouent les institutions nationales pour la promotion et la protection des droits de l'homme, en particulier en leur qualité de conseillers des autorités compétentes, ainsi que leur rôle dans l'action visant à remédier aux vio-

lations dont ces droits font l'objet et celui concernant la diffusion d'informations sur les droits de l'homme et l'éducation en la matière.

La Conférence mondiale sur les droits de l'homme encourage la création et le renforcement d'institutions nationales, compte tenu des "Principes concernant le statut des institutions nationales" et reconnaissant qu'il appartient à chaque Etat de choisir le cadre le mieux adapté à ses besoins particuliers au niveau national.

37. Les mécanismes régionaux jouent un rôle fondamental pour la promotion et la protection des droits de l'homme. Ils devraient renforcer les normes universelles en la matière énoncées dans les instruments internationaux pertinents et la protection de ces droits. La Conférence mondiale sur les droits de l'homme appuie les efforts qui sont faits pour renforcer ces mécanismes et en accroître l'efficacité, tout en soulignant l'importance de la coopération avec l'Organisation des Nations Unies dans le domaine considéré.

Elle réaffirme qu'il est nécessaire d'envisager la possibilité de créer là où il n'en existe pas encore des mécanismes régionaux et sous-régionaux pour la promotion et la protection des droits de l'homme.

38. La Conférence mondiale sur les droits de l'homme reconnaît l'importance du rôle des organisations non gouvernementales dans la promotion de tous les droits de l'homme et dans l'action humanitaire aux niveaux national, régional et international. Elle se félicite de la contribution qu'elles apportent à l'effort de sensibilisation du public aux questions liées aux droits de l'homme, à la réalisation de programmes d'éducation, de formation et de recherche dans ce domaine, ainsi qu'à la promotion et à la protection des droits de l'homme et des libertés fondamentales. Tout en reconnaissant que la responsabilité essentielle de l'élaboration de normes revient aux Etats, elle se félicite de la contribution apportée en la matière par ces organisations. A cet égard, elle souligne l'importance de la poursuite du dialogue

et de la coopération entre gouvernements et organisations non gouvernementales.

Les organisations non gouvernementales et leurs membres qui œuvrent véritablement en faveur des droits de l'homme devraient jouir des droits et des libertés reconnus dans la Déclaration universelle des droits de l'homme et de la protection de la loi nationale. Ces droits et libertés ne peuvent pas s'exercer de façon contraire aux buts et aux principes de l'Organisation des Nations Unies. Les organisations non gouvernementales devraient être libres d'exercer leurs activités relatives aux droits de l'homme, sans ingérence aucune, dans le cadre de la législation nationale et de la Déclaration universelle des droits de l'homme.

39. Soulignant l'importance d'une information objective, responsable et impartiale pour ce qui a trait aux droits de l'homme et aux questions humanitaires, la Conférence mondiale sur les droits de l'homme préconise une participation accrue des médias auxquels liberté et protection devraient être garanties dans le cadre de la législation nationale.

II

A. Coordination accrue au sein du système des Nations Unies dans le domaine des droits de l'homme

1. La Conférence mondiale sur les droits de l'homme recommande d'accroître la coordination en faveur des droits de l'homme et des libertés fondamentales au sein du système des Nations Unies. A cet effet, elle demande instamment à tous les organes, organismes et institutions spécialisées qui s'occupent des droits de l'homme dans le cadre de leurs activités de coopérer pour renforcer, rationaliser et simplifier celles-ci, compte tenu de la nécessité d'éviter les doubles emplois. Elle recommande également au Secrétaire

général de faire en sorte qu'à leur réunion annuelle les hauts responsables des organes et institutions spécialisées compétents des Nations Unies non seulement coordonnent leurs activités, mais aussi évaluent l'effet de leurs stratégies et politiques quant à la jouissance de tous les droits de l'homme.

2. La Conférence mondiale sur les droits de l'homme invite par ailleurs les organisations régionales et les principales institutions internationales et régionales de financement et de développement à évaluer elles aussi l'effet de leurs politiques et de leurs programmes quant à la jouissance des droits de l'homme.

3. La Conférence mondiale sur les droits de l'homme estime que les institutions spécialisées et les organes et organismes des Nations Unies ainsi que les autres organisations intergouvernementales qui s'occupent des droits de l'homme dans le cadre de leurs activités jouent, au titre de leur mandat respectif, un rôle vital dans l'élaboration, la promotion et l'application des normes en la matière et qu'ils devraient tenir compte des résultats auxquels elle a abouti dans leur domaine de compétence.

4. La Conférence mondiale sur les droits de l'homme recommande vivement de mener une action concertée en vue d'encourager et de faciliter la ratification des traités internationaux relatifs aux droits de l'homme et des protocoles s'y rapportant adoptés dans le cadre du système des Nations Unies, l'adhésion à ces instruments ou la succession en la matière, l'objectif consistant à les faire reconnaître universellement. Le Secrétaire général, agissant en consultation avec les organes créés en vertu de traités, devrait envisager d'ouvrir un dialogue avec les Etats qui ne sont pas parties à ces instruments, afin de déterminer quels sont les obstacles qui s'y opposent et de voir comment les surmonter.

5. La Conférence mondiale sur les droits de l'homme encourage les Etats à envisager de limiter la portée des réserves qu'ils

formulent à l'égard des instruments internationaux en la matière, à formuler toutes réserves avec autant de précision et de circonspection que possible, à veiller à ce qu'aucune ne soit incompatible avec l'objet et le but du traité en cause et à examiner régulièrement les réserves qu'ils auraient formulées en vue de les retirer.

6. La Conférence mondiale sur les droits de l'homme, reconnaissant qu'il importe de maintenir la haute qualité des normes internationales en vigueur et de prévenir la prolifération des instruments relatifs aux droits de l'homme, rappelle les principes directeurs relatifs à l'élaboration de nouveaux instruments internationaux, énoncés dans la résolution 41/120 de l'Assemblée générale, en date du 4 décembre 1986, et invite les organes des Nations Unies s'occupant des droits de l'homme, lorsqu'ils envisagent d'élaborer de nouvelles normes internationales, à garder à l'esprit lesdits principes, à examiner, en consultation avec les organes créés en vertu de traités relatifs aux droits de l'homme, s'il est nécessaire d'élaborer de nouvelles normes et à demander au Secrétariat de procéder à une étude technique des nouveaux instruments proposés.

7. La Conférence mondiale sur les droits de l'homme recommande d'affecter, lorsque cela est nécessaire, aux bureaux régionaux de l'Organisation des Nations Unies, des spécialistes des droits de l'homme chargés de diffuser l'information et d'offrir une formation et d'autres types d'assistance technique dans le domaine considéré à la demande des Etats Membres intéressés. Il faudrait organiser des programmes de formation à l'intention des fonctionnaires internationaux devant s'occuper des droits de l'homme.

8. La Conférence mondiale sur les droits de l'homme se félicite de ce que la Commission des droits de l'homme se réunisse en sessions d'urgence, initiative qu'elle juge heureuse, et de ce que les organes compétents du système des Nations Unies envisagent divers moyens pour répondre aux violations flagrantes des droits de l'homme.

9. La Conférence mondiale sur les droits de l'homme, inquiète de la disproportion croissante entre les activités du Centre pour les droits de l'homme et les ressources humaines, financières et autres qui sont dégagées pour les exécuter et cependant consciente que des ressources sont nécessaires pour d'autres programmes importants des Nations Unies, demande au Secrétaire général et à l'Assemblée générale de prendre immédiatement des mesures pour accroître substantiellement celles qui sont affectées à ce programme dans le cadre des budgets ordinaires, actuels et futurs, de l'Organisation et pour trouver un surcroît de ressources extrabudgétaires.

10. Une proportion accrue du budget ordinaire devrait être directement allouée au Centre pour les droits de l'homme afin de couvrir ses coûts de fonctionnement et tous les autres frais qu'il prend en charge, notamment ceux qui concernent les autres organes des Nations Unies s'occupant des droits de l'homme. Ce budget étoffé devrait être renforcé grâce aux moyens de financement volontaire des activités de coopération technique du Centre; la Conférence mondiale sur les droits de l'homme lance un appel pour que des contributions généreuses soient versées aux fonds d'affectation spéciale existants.

11. La Conférence mondiale sur les droits de l'homme demande au Secrétaire général et à l'Assemblée générale d'assurer au Centre pour les droits de l'homme des ressources humaines, financières et autres qui lui soient suffisantes pour exécuter dûment, efficacement et rapidement ses activités.

12. La Conférence mondiale sur les droits de l'homme, notant la nécessité de faire en sorte que des ressources humaines et financières soient disponibles pour mener à bien les activités en matière de droits de l'homme dont l'exécution est demandée par des organismes intergouvernementaux, engage instamment le

Secrétaire général, conformément à l'Article 101 de la Charte des Nations Unies, et les Etats Membres à adopter une démarche cohérente afin d'assurer au Secrétariat des ressources qui soient à la mesure de mandats étendus. Elle invite le Secrétaire général à envisager la nécessité ou l'utilité d'ajuster les procédures prévues dans le cycle du budget-programme, de manière à assurer l'exécution effective, en temps voulu, des activités relatives aux droits de l'homme, conformément aux mandats donnés par les Etats Membres.

Centre pour les droits de l'homme

13. La Conférence mondiale sur les droits de l'homme souligne qu'il importe de renforcer le Centre pour les droits de l'homme de l'Organisation des Nations Unies.

14. Le Centre pour les droits de l'homme devrait jouer un rôle important dans la coordination des activités en la matière, dans l'ensemble du système. C'est en étant à même de coopérer pleinement avec les autres organes de l'Organisation des Nations Unies que le Centre s'acquittera le mieux de sa fonction d'animateur. Le rôle coordonnateur du Centre pour les droits de l'homme implique également que son Bureau de New York soit renforcé.

15. Le Centre pour les droits de l'homme devrait être assuré de disposer de moyens suffisants pour faire fonctionner le système de rapporteurs thématiques et par pays, d'experts, de groupes de travail et d'organes créés en vertu de traités. La Commission des droits de l'homme devrait étudier à titre prioritaire comment donner suite à leurs recommandations.

16. Le Centre pour les droits de l'homme devrait jouer un rôle plus important dans la promotion des droits de l'homme. Ce rôle pourrait se concrétiser grâce à la coopération des Etats Membres et par un renforcement du programme de services consultatifs et

d'assistance technique. A cette fin, il faudrait augmenter dans des proportions notables les fonds de contributions volontaires actuels et en coordonner plus efficacement la gestion. Toutes les activités devraient être exécutées dans le respect de règles rigoureuses et transparentes de gestion des projets et il faudrait évaluer périodiquement les programmes et les projets. Le résultat des évaluations et tous autres renseignements pertinents devraient être communiqués régulièrement. Le Centre devrait, en particulier, organiser au moins une fois par an des réunions d'information ouvertes à tous les Etats Membres et à toutes les organisations qui participent directement à ces projets et programmes.

Adaptation et renforcement des mécanismes de l'ONU pour les droits de l'homme, y compris la question de la création d'un haut commissariat des Nations Unies aux droits de l'homme

17. La Conférence mondiale sur les droits de l'homme reconnaît la nécessité d'adapter constamment les mécanismes de l'Organisation des Nations Unies pour les droits de l'homme aux besoins actuels et futurs qu'impliquent leur promotion et leur protection, dans le sens indiqué par la présente Déclaration et dans la perspective d'un développement équilibré et durable pour tous. Les organes de l'Organisation des Nations Unies s'occupant des droits de l'homme devraient en particulier améliorer la coordination et l'efficacité de leurs activités.

18. La Conférence mondiale sur les droits de l'homme recommande à l'Assemblée générale, lorsqu'elle examinera son rapport, à sa quarante-huitième session, d'étudier en priorité la question de la création d'un haut commissariat aux droits de l'homme pour promouvoir et protéger l'ensemble de ces droits.

B. Egalité, dignité et tolérance

1. Racisme, discrimination raciale, xénophobie et autres formes d'intolérance

19. La Conférence mondiale sur les droits de l'homme considère que l'élimination du racisme et de la discrimination raciale, en particulier sous une forme institutionnalisée comme l'apartheid ou résultant de doctrines fondées sur la supériorité raciale ou sur l'exclusion, ainsi que d'autres formes et manifestations contemporaines de racisme, constitue un objectif primordial de la communauté internationale et d'un programme mondial de promotion des droits de l'homme. Les organes et organismes du système des Nations Unies devraient redoubler d'efforts pour mettre en œuvre le programme d'action lié à la troisième Décennie de la lutte contre le racisme et la discrimination raciale et pour remplir par la suite d'autres mandats ayant le même objet. La Conférence mondiale sur les droits de l'homme engage vivement la communauté internationale à contribuer généreusement au Fonds d'affectation spéciale pour le programme relatif à la Décennie de la lutte contre le racisme et la discrimination raciale.

20. La Conférence mondiale sur les droits de l'homme demande instamment à tous les gouvernements d'agir sans attendre et d'élaborer des politiques vigoureuses pour prévenir et combattre toutes les formes et manifestations de racisme, de xénophobie et d'intolérance, en adoptant, si nécessaire, une législation appropriée prévoyant des mesures pénales et en créant des institutions nationales pour lutter contre ces phénomènes.

21. La Conférence mondiale sur les droits de l'homme se félicite de la décision de la Commission des droits de l'homme de nommer un rapporteur spécial qui sera chargé d'étudier les formes contemporaines de racisme, de discrimination raciale et de xénophobie et les manifestations d'intolérance connexes. Elle invite

instamment aussi tous les Etats parties à la Convention internationale sur l'élimination de toutes les formes de discrimination raciale à envisager de faire la déclaration prévue à l'article 14 de ladite Convention.

22. La Conférence mondiale sur les droits de l'homme demande instamment à tous les gouvernements de prendre toutes les mesures appropriées en application de leurs obligations internationales et compte dûment tenu de leurs systèmes juridiques respectifs pour contrecarrer l'intolérance fondée sur la religion ou les convictions, et la violence dont elle s'accompagne, y compris les pratiques discriminatoires à l'encontre des femmes et la profanation des sites religieux, en reconnaissant que tout individu a le droit à la liberté de pensée, de conscience, d'expression et de religion. Elle invite également tous les Etats à mettre en pratique les dispositions de la Déclaration sur l'élimination de toutes les formes d'intolérance et de discrimination fondées sur la religion ou les convictions.

23. La Conférence mondiale sur les droits de l'homme souligne que toutes les personnes qui commettent ou autorisent des actes criminels aux fins de nettoyage ethnique sont individuellement responsables de ces violations des droits de l'homme et doivent en rendre compte et que la communauté internationale doit tout mettre en œuvre pour traduire en justice ceux qui sont responsables en droit de ces violations.

24. La Conférence mondiale sur les droits de l'homme engage tous les Etats à prendre sur le champ, individuellement et collectivement, des mesures pour combattre le nettoyage ethnique afin d'y mettre rapidement un terme. Les victimes de cette pratique odieuse ont droit à des recours appropriés et efficaces.

2. Personnes appartenant à des minorités nationales ou ethniques, religieuses et linguistiques

25. La Conférence mondiale sur les droits de l'homme demande instamment à la Commission des droits de l'homme d'examiner les moyens de promouvoir et protéger effectivement les droits des personnes appartenant à des minorités énoncés dans la Déclaration des droits des personnes appartenant à des minorités nationales ou ethniques, religieuses et linguistiques. A cet égard, elle prie le Centre pour les droits de l'homme de fournir, à la demande des gouvernements intéressés et dans le cadre de son programme de services consultatifs et d'assistance technique, des services d'experts concernant les problèmes des minorités et les droits de l'homme ainsi que la prévention et le règlement des différends, pour aider à résoudre les problèmes qui se posent ou pourraient se poser à propos des minorités.

26. La Conférence mondiale sur les droits de l'homme demande instamment aux Etats et à la communauté internationale de promouvoir et de protéger, conformément à ladite Déclaration, les droits des personnes appartenant à des minorités nationales ou ethniques, religieuses et linguistiques.

27. Les mesures à prendre, s'il y a lieu, devraient consister notamment à faciliter la pleine participation de ces personnes à tous les aspects, politique, économique, social, religieux et culturel, de la vie de la société, et au progrès et au développement économiques de leur pays.

Populations autochtones

28. La Conférence mondiale sur les droits de l'homme invite le Groupe de travail sur les populations autochtones de la Sous-Commission de la lutte contre les mesures discriminatoires et de la protection des minorités à achever, lors de sa

onzième session, la rédaction d'une déclaration sur les droits de ces populations.

29. La Conférence mondiale sur les droits de l'homme recommande que la Commission des droits de l'homme envisage le renouvellement et la mise à jour du mandat du Groupe de travail sur les populations autochtones, une fois achevée la rédaction de ladite déclaration.

30. La Conférence mondiale sur les droits de l'homme recommande aussi que les services consultatifs et les programmes d'assistance technique du système des Nations Unies répondent favorablement aux demandes formulées par les Etats en vue d'une assistance qui présenterait un avantage direct pour les populations autochtones. Elle recommande en outre que des ressources humaines et financières suffisantes soient mises à la disposition du Centre pour les droits de l'homme dans le cadre général du renforcement des activités du Centre qu'envisage la présente Déclaration.

31. La Conférence mondiale sur les droits de l'homme demande instamment aux Etats d'assurer la libre et pleine participation des populations autochtones à la vie de la société sous tous ses aspects, spécialement s'agissant des questions qui les concernent.

32. La Conférence mondiale sur les droits de l'homme recommande que l'Assemblée générale proclame une Décennie internationale des populations autochtones qui commencerait en janvier 1994 et dans le cadre de laquelle on prévoirait l'exécution de programmes orientés vers l'action, lesquels seraient arrêtés de concert avec les populations concernées. Il faudrait créer à cette fin un fonds d'affectation spéciale alimenté par des contributions volontaires. A l'occasion de cette décennie, il faudrait envisager de créer dans le système des Nations Unies un forum permanent des populations autochtones.

Travailleurs migrants

33. La Conférence mondiale sur les droits de l'homme prie instamment tous les Etats de garantir la protection des droits de tous les travailleurs migrants et des membres de leur famille.

34. La Conférence mondiale sur les droits de l'homme estime qu'il est particulièrement important de créer des conditions propres à susciter plus d'harmonie et de tolérance entre les travailleurs migrants et le reste de la population de l'Etat dans lequel ils résident.

35. La Conférence mondiale sur les droits de l'homme invite les Etats à envisager la possibilité de signer ou de ratifier, dans les plus brefs délais possibles, la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille.

3. Egalité de condition et droits fondamentaux de la femme

36. La Conférence mondiale sur les droits de l'homme demande instamment que les femmes jouissent pleinement et dans des conditions d'égalité de tous leurs droits fondamentaux, et que cela soit une priorité pour les gouvernements et pour l'Organisation des Nations Unies. Elle souligne aussi l'importance de l'intégration et de la pleine participation des femmes au développement en tant qu'agents et bénéficiaires de celui-ci et rappelle les objectifs de l'action mondiale en faveur de la participation des femmes à un développement durable et équitable qui sont énoncés dans la Déclaration de Rio sur l'environnement et le développement et au chapitre 24 du programme Action 21, adoptés par la Conférence des Nations Unies sur l'environnement et le développement (Rio de Janeiro, Brésil, 3-14 juin 1992).

37. Dans les principales activités du système des Nations Unies devrait figurer une composante se rapportant à l'égalité de condition et aux droits fondamentaux de la femme. L'ensemble des organes et mécanismes compétents de l'Organisation des Nations Unies devrait examiner régulièrement et systématiquement ces questions. En particulier, des mesures devraient être prises pour accroître la coopération entre la Commission de la condition de la femme, la Commission des droits de l'homme, le Comité pour l'élimination de la discrimination à l'égard des femmes, le Fonds de développement des Nations Unies pour la femme, le Programme des Nations Unies pour le développement et les autres organismes des Nations Unies et pour mieux en intégrer les objectifs. A ce propos, il faudrait renforcer la coopération et la coordination entre le Centre pour les droits de l'homme et la Division de la promotion de la femme.

38. La Conférence mondiale sur les droits de l'homme souligne, en particulier, à quel point il importe de s'employer à éliminer la violence à laquelle sont exposées les femmes dans la vie publique et privée, toutes les formes de harcèlement sexuel, d'exploitation et de traite dont elles sont victimes ainsi que les préjugés dont elles font l'objet dans l'administration de la justice, et à venir à bout des contradictions qui peuvent exister entre les droits des femmes et les effets nuisibles de certaines pratiques traditionnelles ou coutumières, des préjugés culturels et de l'extrémisme religieux. Elle demande à l'Assemblée générale d'adopter le projet de déclaration sur la violence contre les femmes et invite instamment les Etats à lutter, conformément aux dispositions prévues, contre la violence dont celles-ci sont victimes. Les violations des droits fondamentaux des femmes dans les situations de conflit armé contreviennent aux principes fondateurs des droits de la personne humaine et du droit humanitaire internationalement reconnus. Toutes les violations de cette nature, y compris et en particulier le meurtre, le viol systématique, l'esclavage sexuel et la grossesse forcée, exigent des mesures particulièrement efficaces.

39. La Conférence mondiale sur les droits de l'homme demande instamment qu'il soit mis fin à toutes les formes de discrimination, occulte ou flagrante, à l'encontre des femmes. L'Organisation des Nations Unies devrait encourager tous les Etats à ratifier la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes d'ici à l'an 2000. Il faudrait favoriser la recherche de moyens permettant de remédier au nombre particulièrement élevé de réserves formulées à l'égard de cette Convention. Le Comité pour l'élimination de la discrimination à l'égard des femmes devrait notamment poursuivre l'examen des réserves dont elle fait l'objet. Les Etats sont invités instamment à retirer les réserves qui sont contraires à l'objet et au but de la Convention ou qui, de toute autre façon, sont incompatibles avec le droit international des traités.

40. Les organes de surveillance de l'application des traités devraient diffuser l'information nécessaire afin de permettre aux femmes de tirer meilleur parti des procédures en vigueur pour s'assurer la pleine jouissance en toute égalité de leurs droits à l'abri de la discrimination. Il faudrait aussi adopter de nouvelles procédures de manière à ce que l'engagement d'assurer l'égalité et les droits fondamentaux des femmes soit mieux suivi d'effets. La Commission de la condition de la femme et le Comité pour l'élimination de la discrimination à l'égard des femmes devraient étudier sans tarder la possibilité d'introduire un droit de présenter des plaintes en élaborant un protocole facultatif se rapportant à la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes. La Conférence mondiale sur les droits de l'homme se félicite de la décision de la Commission des droits de l'homme d'envisager à sa cinquantième session la nomination d'un rapporteur spécial sur la violence à l'égard des femmes.

41. La Conférence mondiale sur les droits de l'homme reconnaît qu'il importe que les femmes jouissent tout au long de leur vie du niveau de santé physique et mentale le meilleur possible.

Ayant à l'esprit la Conférence mondiale sur les femmes, la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes, ainsi que la Proclamation de Téhéran de 1968, elle réaffirme, en se fondant sur le principe de l'égalité de l'homme et de la femme, le droit de la femme à des soins de santé accessibles et suffisants et à la gamme la plus large possible de services de planification familiale, ainsi qu'à l'égalité d'accès à l'éducation à tous les niveaux.

42. Les organes de surveillance de l'application des traités devraient consacrer une partie de leurs travaux à la condition et aux droits fondamentaux de la femme, en s'aidant de données spécifiques ventilées par sexe. Les Etats devraient être encouragés à fournir, dans leurs rapports à ces organes, des informations sur la situation des femmes, *de jure* et de facto. La Conférence mondiale sur les droits de l'homme note avec satisfaction que la Commission des droits de l'homme a adopté à sa quarante-neuvième session la résolution 1993/46, du 8 mars 1993 dans laquelle elle déclarait que les rapporteurs et les groupes de travail qui œuvrent dans le domaine des droits de l'homme devraient être encouragés à faire de même. La Division de la promotion de la femme, en coopération avec d'autres organes des Nations Unies, spécialement le Centre pour les droits de l'homme, devrait prendre également des mesures pour veiller à ce que les instances de l'Organisation des Nations Unies actives dans ce domaine s'intéressent systématiquement aux violations des droits fondamentaux des femmes, y compris aux violences dont celles-ci sont victimes en raison de leur sexe. Il faudrait encourager la formation des fonctionnaires de l'Organisation des Nations Unies travaillant dans le secteur des droits de l'homme et des secours humanitaires de manière à ce qu'ils puissent reconnaître les violations de droits dont les femmes, en particulier, sont victimes, y remédier et s'acquitter de leur tâche sans parti pris d'ordre sexuel.

43. La Conférence mondiale sur les droits de l'homme invite instamment les gouvernements et les organisations régionales et internationales à faciliter l'accès des postes de responsabilité aux femmes et à leur assurer une plus grande participation au processus de prise des décisions. Elle encourage le Secrétariat de l'Organisation des Nations Unies à adopter de nouvelles mesures de manière à nommer et promouvoir des fonctionnaires de sexe féminin, conformément à la Charte des Nations Unies, et invite les autres organismes, principaux et subsidiaires, du système à garantir la participation des femmes dans des conditions d'égalité.

44. La Conférence mondiale sur les droits de l'homme se félicite qu'une Conférence mondiale sur les femmes se tienne à Beijing en 1995 et demande instamment que l'on y accorde, dans les délibérations, une place importante à leurs droits fondamentaux, conformément aux thèmes prioritaires de la Conférence qui sont l'égalité, le développement et la paix.

4. Droits de l'enfant

45. La Conférence mondiale sur les droits de l'homme réaffirme le principe de l'action prioritaire en faveur des enfants et, à cet égard, souligne l'importance des efforts déployés à l'échelle nationale et internationale, en particulier par le Fonds des Nations Unies pour l'enfance, pour promouvoir le respect des droits de l'enfant à la survie, à la protection, au développement et à la participation.

46. Des mesures devraient être prises de manière à ce que la Convention relative aux droits de l'enfant soit ratifiée par tous les pays avant 1995 et que la Déclaration mondiale en faveur de la survie, de la protection et du développement de l'enfant et le Plan d'action adoptés à l'issue du Sommet mondial pour les enfants soient universellement signés et effectivement mis en œuvre. La

Conférence mondiale sur les droits de l'homme prie instamment les Etats de retirer les réserves qu'ils ont formulées en ratifiant la Convention relative aux droits de l'enfant qui seraient contraires à l'objet et au but de cet instrument ou qui, de toute autre façon, ne seraient pas conformes au droit international des traités.

47. La Conférence mondiale sur les droits de l'homme demande instamment à tous les pays de prendre, dans toute la mesure de leurs moyens et à l'aide de la coopération internationale, des dispositions pour atteindre les objectifs du Plan d'action publié à l'issue du Sommet mondial. Elle prie les Etats d'intégrer la Convention relative aux droits de l'enfant dans leurs plans d'action nationaux. Grâce à ces plans d'action nationaux et à l'effort international, un rang de priorité particulier devrait être attribué à la réduction des taux de mortalité infantile et maternelle, à la lutte contre la malnutrition et l'analphabétisme, à l'approvisionnement en eau potable salubre et à l'éducation de base. Chaque fois que cela s'impose, les plans d'action nationaux devraient être conçus pour lutter contre les effets dévastateurs des situations d'urgence résultant de catastrophes naturelles et de conflits armés ainsi que contre le problème également grave de l'extrême pauvreté dans laquelle des enfants se trouvent plongés.

48. La Conférence mondiale sur les droits de l'homme demande instamment à tous les Etats de venir en aide, en faisant appel à la coopération internationale, aux enfants qui se trouvent dans des situations particulièrement difficiles. Il faudrait lutter activement contre l'exploitation des enfants et contre les mauvais traitements qui leur sont infligés et s'attaquer aux racines du mal. Il faudrait prendre effectivement des mesures pour lutter contre l'infanticide des filles, l'emploi des enfants à des travaux dangereux, la vente d'enfants et d'organes d'enfants, la prostitution infantine, la pornographie impliquant des enfants et autres formes de sévices sexuels.

49. La Conférence mondiale sur les droits de l'homme appuie toutes les mesures prises par l'Organisation des Nations Unies et ses institutions spécialisées en vue d'assurer une protection et une promotion efficaces des droits des enfants de sexe féminin. Elle prie instamment les Etats d'abroger les lois et règlements en vigueur et d'éliminer les coutumes et pratiques qui sont discriminatoires et néfastes à l'endroit des filles.

50. La Conférence mondiale sur les droits de l'homme soutient sans réserve la proposition visant à ce que le Secrétaire général étudie les moyens d'améliorer la protection des enfants en cas de conflit armé. Les normes humanitaires devraient être appliquées et des mesures devraient être prises pour protéger les enfants dans les zones de guerre et leur venir plus facilement en aide. Il faudrait notamment les protéger contre l'utilisation aveugle de toutes les armes de guerre spécialement des mines antipersonnel. Il faut, de toute urgence, répondre aux besoins de soins et de rééducation des enfants victimes de la guerre. La Conférence prie le Comité des droits de l'enfant d'étudier la question du relèvement de l'âge minimal de l'enrôlement dans les forces armées.

51. La Conférence mondiale sur les droits de l'homme recommande que les questions relatives aux droits de l'homme et à la situation des enfants soient régulièrement examinées et suivies par tous les organes et mécanismes compétents du système des Nations Unies et par les organes de surveillance des institutions spécialisées, conformément à leur mandat.

52. La Conférence mondiale sur les droits de l'homme reconnaît l'importance du rôle joué par les organisations non gouvernementales dans la mise en œuvre effective de tous les instruments internationaux relatifs aux droits de l'homme et, en particulier, de la Convention relative aux droits de l'enfant.

53. La Conférence mondiale sur les droits de l'homme recommande que le Comité des droits de l'enfant, avec le concours du Centre pour les droits de l'homme, soit doté des moyens voulus pour s'acquitter sans retard et efficacement de son mandat, compte tenu en particulier du fait qu'un nombre sans précédent d'Etats ont ratifié la Convention et présenté des rapports.

5. *Droit de ne pas être torturé*

54. La Conférence mondiale sur les droits de l'homme se félicite que de nombreux Etats Membres aient ratifié la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants, et encourage tous les autres Etats Membres à ratifier rapidement cet instrument.

55. La Conférence mondiale sur les droits de l'homme souligne que l'une des violations les plus atroces de la dignité humaine est l'acte de torture, qui a pour conséquence d'ôter sa dignité à la victime et de porter atteinte à sa capacité de vivre et de poursuivre ses activités normalement.

56. La Conférence mondiale sur les droits de l'homme réaffirme que, conformément au droit en la matière et au droit humanitaire, le droit de ne pas être soumis à la torture est un droit qui doit être protégé en toutes circonstances, notamment en temps de troubles internes ou internationaux ou de conflits armés.

57. La Conférence mondiale sur les droits de l'homme demande donc instamment à tous les Etats de mettre immédiatement fin à la pratique de la torture et d'éliminer à jamais ce fléau en donnant pleinement effet à la Déclaration universelle des droits de l'homme ainsi qu'aux conventions pertinentes, et en renforçant si nécessaire les mécanismes existants. Elle appelle tous les Etats à coopérer pleinement avec le Rapporteur

spécial sur la question de la torture dans l'accomplissement de son mandat.

58. Il faudrait veiller spécialement à assurer le respect universel et l'application effective des "Principes d'éthique médicale applicables au rôle du personnel de santé, en particulier des médecins, dans la protection des prisonniers et des détenus contre la torture et les autres peines ou traitements cruels, inhumains ou dégradants", adoptés par l'Assemblée générale des Nations Unies.

59. La Conférence mondiale sur les droits de l'homme souligne qu'il importe de prendre des mesures concrètes supplémentaires, dans le cadre de l'Organisation des Nations Unies, en vue de fournir une assistance aux victimes de la torture et de leur assurer des moyens plus efficaces de réadaptation physique, psychologique et sociale. Il faudrait, en toute priorité, fournir les ressources nécessaires à cet effet, notamment grâce à des contributions additionnelles au Fonds de contributions volontaires des Nations Unies pour les victimes de la torture.

60. Les Etats devraient abroger les lois qui assurent, en fait, l'impunité aux personnes responsables de violations graves des droits de l'homme telles que les actes de torture et ils devraient poursuivre les auteurs de ces violations, asseyant ainsi la légalité sur des bases solides.

61. La Conférence mondiale sur les droits de l'homme réaffirme que les efforts tendant à éliminer la torture devraient, avant tout, être centrés sur la prévention et, en conséquence, elle demande que soit rapidement adopté le Protocole facultatif se rapportant à la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants, protocole qui vise à mettre en place un système préventif de visites régulières sur les lieux de détention.

62. La Conférence mondiale sur les droits de l'homme, se félicitant de l'adoption par l'Assemblée générale de la Déclaration sur la protection de toutes les personnes contre les disparitions forcées, appelle tous les Etats à prendre les mesures appropriées, législatives, administratives, judiciaires ou autres, pour prévenir, éliminer et sanctionner les actes conduisant à des disparitions forcées. Elle réaffirme que les Etats ont le devoir, en toutes circonstances, de faire procéder à des enquêtes dès qu'il y a des raisons de penser qu'une disparition forcée s'est produite dans un territoire placé sous leur juridiction. Si les faits sont vérifiés, les auteurs doivent être poursuivis.

6. Droits des personnes handicapées

63. La Conférence mondiale sur les droits de l'homme réaffirme que les droits de l'homme et les libertés fondamentales sont tous universels et, de ce fait, s'appliquent sans réserve aucune aux personnes souffrant d'incapacités. Tous les êtres humains naissent égaux et ont les mêmes droits à la vie et au bien-être, à l'éducation et au travail, à une vie indépendante et à une participation active à tous les aspects de la vie en société. Toute forme de discrimination directe, tout traitement discriminatoire à l'encontre d'une personne handicapée, constitue donc une violation des droits de celle-ci. La Conférence demande aux gouvernements, le cas échéant, d'adopter des lois ou de modifier les textes existants de manière à assurer aux personnes handicapées la jouissance de tous leurs droits.

64. Les personnes handicapées doivent trouver place partout. Il faudrait leur garantir des chances égales en éliminant tous les obstacles qu'ils rencontrent, tant d'ordre physique ou financier que

social ou psychologique, qui restreignent ou empêchent leur pleine participation à la vie en société.

65. Se référant au Programme d'action mondial concernant les personnes handicapées, adopté par l'Assemblée générale à sa trente-septième session, la Conférence mondiale sur les droits de l'homme invite l'Assemblée générale et le Conseil économique et social à adopter, à leurs sessions de 1993, le projet de règles pour l'égalisation des chances des personnes handicapées.

C. Coopération, développement et renforcement des droits de l'homme

66. La Conférence mondiale sur les droits de l'homme recommande de donner la priorité à une action nationale et internationale visant à promouvoir la démocratie, le développement et les droits de l'homme.

67. L'accent devrait être mis spécialement sur les mesures propres à contribuer à la création et au renforcement d'institutions ayant des activités en rapport avec les droits de l'homme, au renforcement d'une société civile pluraliste et à la protection des groupes qui ont été rendus vulnérables. A ce propos, l'assistance apportée aux gouvernements qui le demandent pour la tenue d'élections libres et régulières, notamment l'assistance concernant les aspects des élections touchant les droits de l'homme et l'information du public sur le processus électoral, revêt une importance particulière. Est également importante l'assistance à fournir pour consolider la légalité, promouvoir la liberté d'expression et mieux administrer la justice, et pour assurer véritablement la participation de la population à la prise des décisions.

68. La Conférence mondiale sur les droits de l'homme souligne qu'il est nécessaire que le Centre pour les droits de l'homme

mette en oeuvre des activités renforcées de services consultatifs et d'assistance technique. Il devrait fournir aux Etats qui le demandent une assistance portant sur des questions précises en matière de droits de l'homme, notamment en ce qui concerne l'établissement des rapports que ceux-ci sont tenus de présenter en vertu des instruments conventionnels et l'application de plans d'action cohérents et complets visant à promouvoir et protéger les droits de l'homme. Ces programmes devraient comporter un élément de renforcement des institutions qui défendent les droits de l'homme et la démocratie, de protection juridique des droits de l'homme, de formation des fonctionnaires et autre personnel et d'éducation et d'information du grand public en vue de promouvoir le respect des droits de l'homme.

69. La Conférence mondiale sur les droits de l'homme recommande vivement la mise sur pied, dans le cadre du système des Nations Unies, d'un programme global visant à aider les Etats à établir et renforcer des structures nationales de nature à influencer directement sur l'observation générale des droits de l'homme et sur le maintien de la légalité. Ce programme, qui doit être coordonné par le Centre pour les droits de l'homme, devrait permettre de fournir, à la demande des gouvernements intéressés, un appui technique et financier aux projets nationaux portant sur la réforme des établissements pénitentiaires et correctionnels, la formation théorique et pratique des avocats, des juges et des agents des forces de sécurité en matière de droits de l'homme, et dans toute autre sphère d'activités contribuant au bon fonctionnement d'une société de droit. Au titre de ce programme, les Etats devraient pouvoir bénéficier d'une assistance dans l'application de plans d'action visant à promouvoir et protéger les droits de l'homme.

70. La Conférence mondiale sur les droits de l'homme prie le Secrétaire général de l'Organisation des Nations Unies de présenter à l'Assemblée générale des Nations Unies diverses options

touchant la création, la structure, le mode de fonctionnement et le financement du programme proposé.

71. La Conférence mondiale sur les droits de l'homme recommande que chaque Etat examine s'il est souhaitable d'élaborer un plan d'action national prévoyant des mesures par lesquelles il améliorerait la promotion et la protection des droits de l'homme.

72. La Conférence mondiale sur les droits de l'homme réaffirme que le droit universel et inaliénable au développement, tel qu'il est établi par la Déclaration sur le droit au développement, doit se concrétiser dans la réalité. A cet égard, elle se félicite de la création par la Commission des droits de l'homme d'un Groupe de travail thématique sur le droit au développement et demande instamment que celui-ci, en consultation et en coopération avec d'autres organes et institutions du système des Nations Unies, formule rapidement, pour les soumettre dès que possible à l'examen de l'Assemblée générale, des mesures globales et efficaces visant à éliminer les obstacles à la mise en œuvre et à la concrétisation de la Déclaration sur le droit au développement et recommande des moyens qui favorisent la réalisation de ce droit dans tous les Etats.

73. La Conférence mondiale sur les droits de l'homme recommande de donner aux organisations non gouvernementales et autres organisations locales, dont le développement ou les droits de l'homme sont le champ d'action, les moyens de jouer un rôle majeur aux échelons national et international dans le débat, et les activités de mise en œuvre du droit au développement et, aux côtés des gouvernements, dans la coopération au service du développement, sous tous les aspects pertinents.

74. La Conférence mondiale sur les droits de l'homme demande instamment aux gouvernements et aux organismes et institutions compétents d'accroître sensiblement les ressources con-

sacrées à la mise en place de systèmes juridiques fonctionnels de protection des droits de l'homme et au renforcement des institutions nationales actives dans ce domaine. Les organismes de coopération pour le développement devraient être conscients des relations d'interdépendance entre développement, démocratie et droits de l'homme, chacun de ces éléments contribuant à renforcer l'autre. La coopération devrait être fondée sur le dialogue et la transparence. La Conférence demande également que soient adoptés des programmes globaux, notamment que soient mises en place des banques de données sur les ressources et le personnel compétent, en vue de renforcer l'état de droit et les institutions démocratiques.

75. La Conférence mondiale sur les droits de l'homme encourage la Commission des droits de l'homme à poursuivre, en coopération avec le Comité des droits économiques, sociaux et culturels, l'étude de protocoles facultatifs se rapportant au Pacte international relatif aux droits économiques, sociaux et culturels.

76. La Conférence mondiale sur les droits de l'homme recommande d'accroître les ressources consacrées au renforcement ou à l'établissement d'arrangements régionaux pour la promotion et la protection des droits de l'homme, dans le cadre des programmes de services consultatifs et d'assistance technique du Centre pour les droits de l'homme. Les Etats sont encouragés à demander, à cette fin, une assistance sous forme d'ateliers, séminaires et échanges d'informations, au niveau régional et sous-régional, destinés à renforcer les arrangements régionaux pour la promotion et la protection des droits de l'homme conformément aux normes universelles en la matière énoncées dans les instruments internationaux pertinents.

77. La Conférence mondiale sur les droits de l'homme appuie toutes les mesures prises par l'Organisation des Nations Unies et ses institutions spécialisées compétentes pour assurer la protec-

tion et la promotion effectives des droits syndicaux, conformément aux dispositions du Pacte international relatif aux droits économiques, sociaux et culturels, et des autres instruments internationaux pertinents. Elle demande à tous les Etats de s'acquitter pleinement des obligations qui leur incombent à cet égard en vertu des instruments internationaux.

D. Education en matière de droits de l'homme

78. La Conférence mondiale sur les droits de l'homme estime que l'éducation, la formation et l'information en la matière sont indispensables à l'instauration et à la promotion de relations intercommunautaires stables et harmonieuses, ainsi qu'à la promotion de la compréhension mutuelle, de la tolérance et de la paix.

79. Les Etats devraient s'efforcer d'éliminer l'analphabétisme et orienter l'éducation vers le plein épanouissement de la personne et le renforcement du respect des droits de l'homme et des libertés fondamentales. La Conférence mondiale sur les droits de l'homme invite tous les Etats et institutions à inscrire les droits de l'homme, le droit humanitaire, la démocratie et la primauté du droit au programme de tous les établissements d'enseignement, de type classique et autre.

80. L'éducation en matière de droits de l'homme devrait porter sur la paix, la démocratie, le développement et la justice sociale, comme prévu dans les instruments internationaux et régionaux relatifs aux droits de l'homme, afin de susciter une compréhension et une prise de conscience qui renforcent l'engagement universel en leur faveur.

81. Tenant compte du Plan d'action mondial adopté en mars 1993 par le Congrès international sur l'éducation en matière de droits de l'homme et de démocratie tenu sous les auspices de

l'UNESCO et d'autres textes relatifs aux droits de l'homme, la Conférence mondiale sur les droits de l'homme recommande aux Etats d'élaborer des programmes et des stratégies spécifiques pour assurer le plus largement possible une éducation en la matière et la diffusion de l'information auprès du public, compte tenu en particulier des besoins des femmes à cet égard.

82. Les gouvernements, avec le concours d'organisations intergouvernementales, d'institutions nationales et d'organisations non gouvernementales devraient susciter une prise de conscience accrue des droits de l'homme et de la nécessité d'une tolérance mutuelle. La Conférence mondiale sur les droits de l'homme souligne combien il importe de renforcer la Campagne mondiale d'information sur les droits de l'homme menée par l'Organisation des Nations Unies. Les pouvoirs publics devraient lancer des programmes d'éducation aux droits de l'homme, les soutenir et assurer la diffusion de l'information dans ce domaine. Les services consultatifs et les programmes d'assistance technique du système des Nations Unies devraient être en mesure de répondre immédiatement aux demandes des Etats touchant l'éducation et la formation en la matière, ainsi que l'enseignement spécifique des normes énoncées dans les instruments internationaux relatifs aux droits de l'homme et dans le droit humanitaire et leur application à des groupes donnés tels que les forces armées, les responsables de l'application des lois, le personnel de la police et les spécialistes de la santé. Il faudrait envisager de proclamer une décennie des Nations Unies pour l'éducation en matière de droits de l'homme afin de promouvoir, d'encourager et de mettre en relief ce type d'activités.

E. Méthodes de mise en œuvre et de surveillance

83. La Conférence mondiale sur les droits de l'homme prie instamment les gouvernements d'incorporer les normes énoncées

dans les instruments internationaux en la matière dans leur législation interne et de renforcer les structures et institutions nationales et les organes de la société qui jouent un rôle dans la promotion et la sauvegarde des droits de l'homme.

84. La Conférence mondiale sur les droits de l'homme recommande le renforcement des activités et des programmes des Nations Unies destinés à répondre aux demandes d'assistance des Etats qui souhaitent créer ou renforcer leurs propres institutions nationales de promotion et de protection des droits de l'homme.

85. La Conférence mondiale sur les droits de l'homme est aussi favorable au renforcement de la coopération entre les institutions nationales de promotion et de protection des droits de l'homme, en particulier au moyen d'échanges d'information et d'expérience, ainsi que de la coopération avec les organisations régionales et l'Organisation des Nations Unies.

86. La Conférence mondiale sur les droits de l'homme recommande vivement à cet égard que les représentants des institutions nationales de promotion et de protection des droits de l'homme tiennent périodiquement des réunions sous les auspices du Centre pour les droits de l'homme afin d'examiner les moyens d'améliorer leurs mécanismes et de partager leur expérience.

87. La Conférence mondiale sur les droits de l'homme recommande aux organes créés en vertu de traités relatifs aux droits de l'homme, aux réunions des présidents de ces organes et aux réunions des Etats parties de continuer à prendre des mesures pour coordonner les multiples obligations imposées aux Etats en matière de rapports et harmoniser les directives pour l'établissement des rapports qu'ils doivent soumettre en vertu de chaque instrument et voir si en leur donnant, comme on l'a suggéré, la possibilité de faire rapport en un seul document sur la manière dont ils respectent les obligations auxquelles ils

ont souscrit on n'accroîtrait pas l'efficacité et l'utilité de cette procédure.

88. La Conférence mondiale sur les droits de l'homme recommande aux Etats parties aux instruments internationaux relatifs aux droits de l'homme, à l'Assemblée générale et au Conseil économique et social d'envisager d'examiner les organes créés en vertu de traités dans le domaine considéré et les différents mécanismes thématiques et procédures en vue d'en accroître l'efficacité et l'utilité grâce à une meilleure coordination en tenant compte de la nécessité d'éviter les doubles emplois et les chevauchements de mandats et de tâches.

89. La Conférence mondiale sur les droits de l'homme recommande de poursuivre l'effort d'amélioration du fonctionnement, notamment des tâches de surveillance, des organes conventionnels en tenant compte des multiples propositions avancées à ce sujet et, en particulier, de celles de ces organes mêmes et de celles des réunions de leurs présidents. Il faudrait encourager aussi l'approche nationale globale adoptée par le Comité des droits de l'enfant.

90. La Conférence mondiale sur les droits de l'homme recommande aux Etats parties aux instruments créés en vertu de traités en la matière d'envisager d'accepter toutes les procédures facultatives de communication utilisables.

91. La Conférence mondiale sur les droits de l'homme s'inquiète de la question de l'impunité des auteurs de violations des droits de l'homme et appuie les efforts que déploient la Commission des droits de l'homme et la Sous-Commission de la lutte contre les mesures discriminatoires et de la protection des minorités pour examiner tous les aspects de ce problème.

92. La Conférence mondiale sur les droits de l'homme recommande que la Commission des droits de l'homme examine la possibilité de mieux appliquer, aux plans international et régional, les instruments en vigueur en la matière et encourage la Commission du droit international à poursuivre ses travaux sur la question de la création d'une cour criminelle internationale.

93. La Conférence mondiale sur les droits de l'homme demande instamment aux Etats qui ne l'ont pas encore fait d'adhérer aux Conventions de Genève de 1949 et aux Protocoles s'y rapportant et de prendre toutes les mesures appropriées au plan national, y compris des mesures législatives, pour en assurer la pleine application.

94. La Conférence mondiale sur les droits de l'homme recommande que soit rapidement achevé et adopté le projet de déclaration sur le droit et la responsabilité des individus, groupes et organes de la société de promouvoir et de protéger les droits de l'homme et les libertés fondamentales universellement reconnus.

95. La Conférence mondiale sur les droits de l'homme souligne qu'il importe de préserver et de renforcer le système de procédures spéciales : rapporteurs, représentants, experts et groupes de travail de la Commission des droits de l'homme et de la Sous-Commission de la lutte contre les mesures discriminatoires et de la protection des minorités, afin de leur permettre de remplir leurs mandats dans tous les pays du monde, en leur fournissant les ressources humaines et financières nécessaires. Des réunions périodiques devraient permettre d'harmoniser et de rationaliser le fonctionnement de ces procédures et mécanismes. L'entière coopération de tous les Etats est demandée à cet égard.

96. La Conférence mondiale sur les droits de l'homme recommande que l'Organisation des Nations Unies joue un rôle plus actif pour ce qui est de promouvoir et de protéger les droits de l'homme

et d'assurer le plein respect du droit humanitaire international dans toutes les situations de conflit armé, conformément aux objectifs et principes de la Charte des Nations Unies.

97. Reconnaissant l'importance d'une composante droits de l'homme dans certains arrangements concernant les opérations de maintien de la paix de l'Organisation des Nations Unies, la Conférence mondiale recommande que le Secrétaire général tienne compte de l'expérience et des capacités en matière de présentation de rapports du Centre pour les droits de l'homme et des mécanismes de protection de ces droits, en conformité avec la Charte des Nations Unies.

98. Pour renforcer la jouissance des droits économiques, sociaux et culturels, il faudrait envisager de nouvelles approches, par exemple un système d'indicateurs pour évaluer les progrès accomplis dans la réalisation des droits énoncés dans le Pacte international relatif aux droits économiques, sociaux et culturels. Il doit y avoir un effort concerté pour assurer la reconnaissance des droits économiques, sociaux et culturels aux niveaux national, régional et international.

F. Suivi de la Conférence mondiale

99. La Conférence mondiale sur les droits de l'homme recommande à l'Assemblée générale, à la Commission des droits de l'homme et aux autres organes et organismes des Nations Unies qui s'occupent des droits de l'homme d'étudier les moyens d'assurer l'application, sans tarder, des recommandations figurant dans la présente Déclaration, y compris la possibilité de proclamer une Décennie des Nations Unies pour les droits de l'homme. Elle recommande en outre à la Commission des droits de l'homme d'évaluer chaque année les progrès réalisés en ce sens.

100. La Conférence mondiale sur les droits de l'homme prie le Secrétaire général de l'Organisation des Nations Unies d'inviter, à l'occasion du cinquantième anniversaire de la Déclaration universelle des droits de l'homme, tous les Etats, tous les organes et organismes des Nations Unies qui s'occupent des droits de l'homme à lui rendre compte des progrès réalisés dans l'application de la présente Déclaration et de présenter un rapport à l'Assemblée générale, à sa cinquante-troisième session, par l'intermédiaire de la Commission des droits de l'homme et du Conseil économique et social. Les institutions régionales et, s'il y a lieu, nationales pour les droits de l'homme ainsi que les organisations non gouvernementales peuvent également faire part au Secrétaire général de l'Organisation des Nations Unies de leurs vues sur les résultats obtenus quant à l'application de la présente Déclaration. Il faudrait s'attacher, en particulier, à évaluer dans quelle mesure on s'est rapproché de l'objectif de la ratification universelle des traités et protocoles internationaux relatifs aux droits de l'homme, adoptés dans le cadre du système des Nations Unies.



**VIENNE (AUTRICHE)
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