

- ♦ suggested that the government, with the assistance of the international community, consider alternatives to detention and recommended efforts to encourage the voluntary use, in appropriate cases, of the Confession and Guilty Plea Procedure provided for in the Basic Law No. 08/96 of 30 August 1996 ("Genocide Law");
- ♦ noted that human rights are most effectively realized when pursued in their totality and that sustained respect for civil and political rights in Rwanda is best fostered alongside the comprehensive promotion of economic, social and cultural rights; and
- ♦ encouraged the government to continue to work closely with the UN Special Representative to ensure that the creation and functions of the National Human Rights Commission are in line with the relevant international human rights standards.

Report of the High Commissioner for Human Rights

The report (A/53/367) includes information on, *inter alia*: activities of the Human Rights Field Operation; terms of reference; the closure of the Field Operation on 28 July 1998 and future cooperation with the government; monitoring and reporting; technical cooperation and human rights promotion; and the human rights situation in Rwanda.

The report notes that there were different views concerning the mandate of the Human Rights Field Operation between the government and the OHCHR. The government wanted the mandate to focus exclusively on technical assistance; the OHCHR stated that there was also a need to maintain a monitoring function in order to identify shortcomings in the human rights situation. Failure to reach agreement with the government on a new mandate led to the termination of the Human Rights Field Operation.

The High Commissioner regretted the failure to reach a new agreement and acknowledged the progress made by the government in strengthening the rule of law and improving the human rights situation at both local and national levels. The OHCHR expressed its willingness to assist the government and the Special Representative of the Commission on Human Rights to ensure the effective and independent functioning of the National Commission. The OHCHR also offered to assist the government in capacity building and implementing programmes of technical assistance within an overall strategy for sustainable development, consolidation of the rule of law and democracy.

The conclusions and recommendations in the report referred to, *inter alia*:

- ♦ concern related to the insecurity and human rights situation in the north-western prefectures in view of the escalating armed conflict in the region; the ease with which armed groups appear to have access to weapons despite a Security Council-imposed

embargo on arms supply to the region; the need for the international community to take appropriate measures to enforce the embargo and to bring to justice individuals and organizations that supply arms illegally within the region;

- ♦ concern related to reports of military operations carried out in response to attacks, leading to numerous civilian casualties, including significant numbers of the elderly, women and children, in circumstances strongly suggesting the occurrence of violations of human rights and international humanitarian law; an acknowledgement of the right and duty of the government to protect its citizens and others present on its territory from attacks by armed groups and of the security threat posed by those armed groups; the need to ensure that military operations conform with human rights and international humanitarian law and the requirement that all those who take no active part in hostilities must be treated in accordance with international humanitarian law in all circumstances;
- ♦ concern arising from the increasing number of alleged disappearances reported to the Field Operation and the need for the government to assist families in locating persons believed to be missing by improving the system of registers at all detention centres and by implementing a system of informing families of those persons who are detained, particularly in military detention centres;
- ♦ the need for the government to continue to strengthen the capacity of the judicial system, particularly taking additional steps to ensure full respect of fair trial guarantees; the need for the government and the international community to continue to examine ways in which to address the problem of severe overcrowding in detention centres;
- ♦ concern arising from use of the death penalty and the recommendation that a moratorium on its use be implemented; or, in the alternative, that imposition of the death penalty be applied with considerable constraint and occur only in strict compliance with article 6 of the International Covenant on Civil and Political Rights; in no circumstances should death sentences be carried out on persons under the age of 18 years.



SÃO TOMÉ AND PRÍNCIPE

Date of admission to UN: 16 September 1975.

TREATIES: RATIFICATIONS AND RESERVATIONS

Land and People: São Tomé and Príncipe has not submitted a core document for use by the treaty bodies.