

Rwandan government; expressed concern at the deterioration of the human rights situation since January 1997; noted the government's commitment to investigate extrajudicial executions by members of security forces; condemned violence against UN and other international staff; called on the international community, UN bodies and agencies and other international organizations to increase their contributions of financial and technical resources for resettlement of refugees and genocide survivors; reiterated its request for all states to cooperate with the International Criminal Tribunal to ensure prosecution of those responsible for the genocide, in trials conducted according to international principles of due process; appointed a Special Representative to continue work on the situation in Rwanda; requested the Special Representative to report to the 1997 session of General Assembly and the 1998 session of the Commission; requested the High Commissioner for Human Rights to continue to report regularly on the activities and findings of the Human Rights Field Operation and to make those reports widely and promptly available to both the Commission and the General Assembly; called on all states to contribute to resourcing for the Field Operation; requested the High Commissioner to report on implementation of the resolution at the 1998 session of the Commission.

The mandate of the Special Representative includes: to make recommendations on how to improve the human rights situation in Rwanda; to facilitate creation and effective functioning of an independent national human rights commission; and to make further recommendations on situations in which technical assistance to the government in the field of human rights may be appropriate.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 17, 21)

The report notes that two urgent appeals were transmitted and the government responded to them but no details of the cases or response are provided.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 300–307)

The Working Group (WG) transmitted three newly reported cases of disappearance to the government, all of which occurred in 1996 and were sent under the urgent action procedure.

The report notes that the human rights field officers deployed by the High Commissioner for Human Rights have been instructed to receive pertinent information about disappearances and channel such reports to the WG. The WG states that the dimension of the Rwandan tragedy, and the fact that the number of persons who have perished or were forced to leave their place of residence constitutes about half of the entire population, make it difficult to distinguish between those who have been victims of massacres and those who have disappeared. Within this context, reports of "disappearances" in post-genocide Rwanda have been rare. According to the WG, the reasons for this include that: in some cases of alleged missing persons, unreliable prison records may make identification or location of those persons virtually impossible; in others people within the community, including family

members of missing persons, may be reluctant to come forward and declare possible abductions for fear of reprisals or harassment; in still others, the issue by the mayor of an arrest warrant, especially on the charge of complicity in the genocide, may cause family members to take flight for fear of being implicated; and, there are also cases in which the human rights field operation in Rwanda has received reports from non-governmental organizations or disinterested parties, of the arbitrary or illegal arrest of persons within the community, while the local population itself has remained silent because of the tacit complicity of the community in the removal and execution of a person known to have committed genocide.

The majority of the 11 outstanding cases of disappearance occurred in 1990 and 1991 in the north of the country, in the context of the ethnic conflict between Tutsis and Hutus. In three cases, the disappearances occurred in 1993 in northern Rwanda and concerned students from the Seventh Day Adventist University in Mudende suspected of supporting the Rwandese Popular Front. Of the three cases of disappearance which allegedly occurred in 1996, one concerned the Mayor of Nyabikenke, who is reportedly of Hutu origin and who is said to have been detained by members of the armed forces. Another case concerned a journalist who was allegedly arrested by the military police on the grounds that he was an accomplice to genocide, and was later released. The third case concerned a mechanic from Kigali who was reportedly arrested by soldiers of the Rwandese Patriotic Army on the grounds that his father and brothers had committed crimes during the genocide of 1994. The government has not responded to any of the outstanding cases.

The Working Group (WG) stated that the major problem in Rwanda in connection with disappearance and the application of the Declaration remains incommunicado detention at some military camps and other installations of the Rwandese Patriotic Army (RPA). Information received indicated that it is during such detention that disappearances most frequently occur, prison registers are non-existent or incomplete, and the Rwandese Patriotic Army representatives not only consistently deny that military locations are used as places of detention, but have generally refused human rights organizations full and confidential access to all persons held in these camps.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 31, 41, 44, 49, 54, 56, 60, 61, 64, 71, 75, 96, 101; paras. 420–426)

The report of the Special Rapporteur (SR) refers to information received related to the large number of violations of the right to life committed during clashes between members of the Rwandese Patriotic Army (APR) and armed opposition groups, comprising members of the former Rwandese government army and Interahamwe militia. The regions of Ruhengeri, Gisenyi and Kibuye were mentioned as most affected, including the killing, in August 1996, of 284 people in the four prefectures on the border with DR Congo. Most of the victims were reportedly unarmed civilians, including women and children. The report also notes that more than 650 civilians were said to have been the victims of this violence between April and June 1996 and, on 13 July, in the commune of Ramba, at least 47 civilians were killed during a military