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Statement by Mr. Martial Asselin, M. P.,
Canadian Representative on the Fourth
Committee on Wednesday February 7, 1962

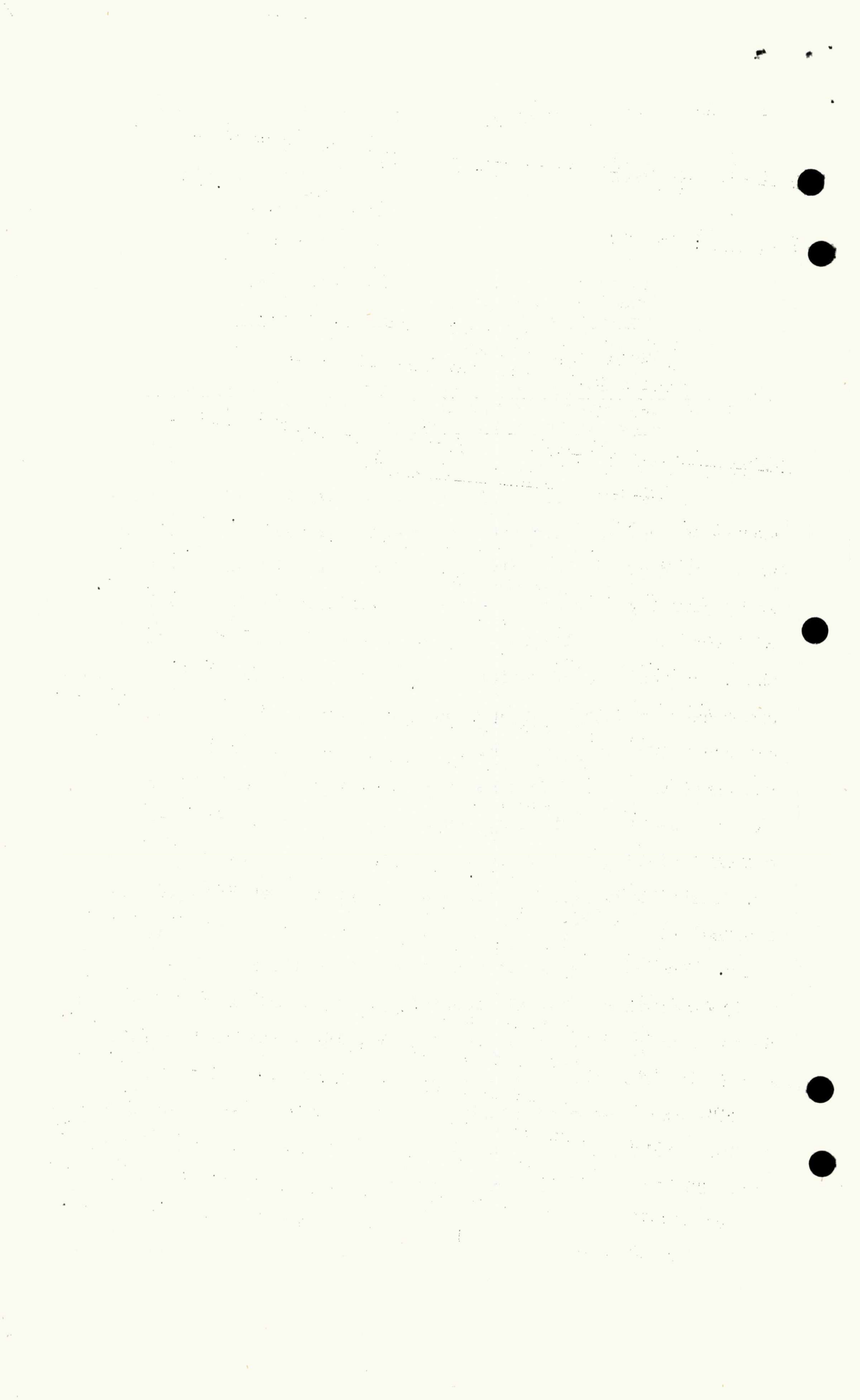
QUESTION OF THE FUTURE OF RUANDA-URUNDI

Report of the Special Amnesty Commission for Ruanda-Urundi
set up under operative paragraph 9 (b) of General
Assembly resolution 1605 (XV)

Madam Chairman,-

Allow me first of all to express my country's thanks to the General Assembly for having asked Canada to participate as a member of the Special Amnesty Commission for Ruanda-Urundi. In my capacity as representative of Canada I had the privilege of having as my colleagues Messrs. Antonio Houaiss of Brazil and Ahmed Ben Arfa of Tunisia. Their high sense of responsibility, the manner in which they applied themselves to the consideration of so difficult a problem as that of amnesty, and their devotion to the United Nations cause have greatly contributed to the success of our mission. On behalf of my colleagues and myself I would also like to say how indebted we are to Mr. Stefan Landau for his tireless efforts as Secretary of the Commission.

As you know, Madam Chairman, our Commission was set up by resolution 1605 (XV) adopted by the General Assembly at its 994th Plenary Meeting held on April 21, 1961. Besides defining once again the mandate of the United Nations Commission for Ruanda-Urundi, appointed under General Assembly resolution 1579 (XV) of December 20, 1960, resolution 1605 (XV) referred in operative paragraph 9 to the question of amnesty in the following terms:



"The General Assembly,

"Notes the information given by the representative of the Administering Authority concerning measures of amnesty already implemented, and recommends that:

"(a) Full and unconditional amnesty, as envisaged in resolution 1579 (XV) be immediately granted by the Administering Authority;

"(b) The few remaining cases which, in the Administering Authority's view, are guilty of 'very grave crimes' be examined by a Special Commission composed of the representatives of three Member States to be elected by the General Assembly, with a view to securing their release from prison or return from abroad in the full implementation of the Assembly's recommendation concerning amnesty not later than two months before the national elections;"

This constituted our terms of reference.

The Special Commission began its work in Brussels on June 9, 1961. At its first meeting with the Belgian authorities at the Ministry of Foreign Affairs, the Special Commission considered the text of Legislative Ordinance No. 01/188 of May 31, 1961, granting amnesty for political offences committed between October 1, 1959 and April 1, 1961 as well as the Belgian authorities' estimate of the number of cases covered thereunder.

As a result of their examination the Commissioners pointed out that in their view the Ordinance ran counter to the spirit and the letter of the General Assembly resolutions and would exclude a number of cases from the application of the amnesty measures.

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In particular, the Commissioners objected to Article 2 of the Ordinance which read as follows: "The amnesty shall not apply to the following offences, unless the persons convicted have been sentenced to a term of imprisonment not exceeding five years: assassination, murder and arson causing loss of life; physical torture; directing assaults calculated to bring about devastation, massacre or pillage."

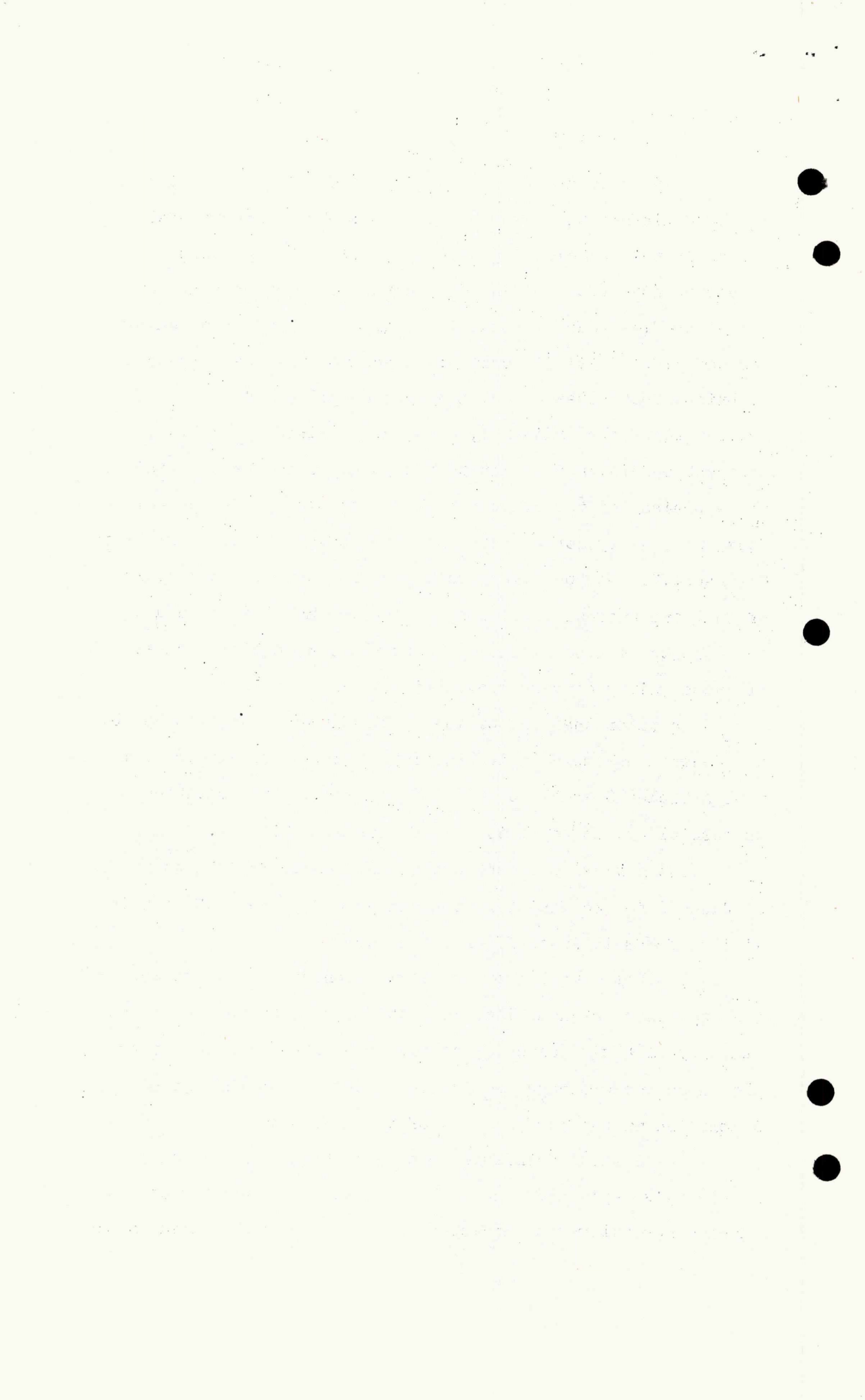
Article 10 of the Ordinance, however, provided that: "The Resident-General may submit to the judgment of the Commission the appraisal of the political character of any offence which does not qualify for amnesty under the terms of this Legislative Ordinance.". As you will recall, resolution 1605 (XV) spoke of full and unconditional amnesty and recommended in para 9a that the Special Commission examine the few remaining cases of those guilty of very grave crimes.

In order that the Ordinance should meet the aims set by the General Assembly in its resolution the Commissioners felt that Article 10 should be given as broad an interpretation as possible so as to limit the effects of Article 2.

These views were set out in the Commission's letter of June 10 to the Minister of Ruanda-Urundi, the text of which will be found in Annex IV of the Report.

In this same letter the Commissioners also expressed the hope that the Administering Authority would recognize the validity of their comments and that the interpretation to be placed on the Ordinance would not in any way hamper the Commission in the carrying out of its mandate.

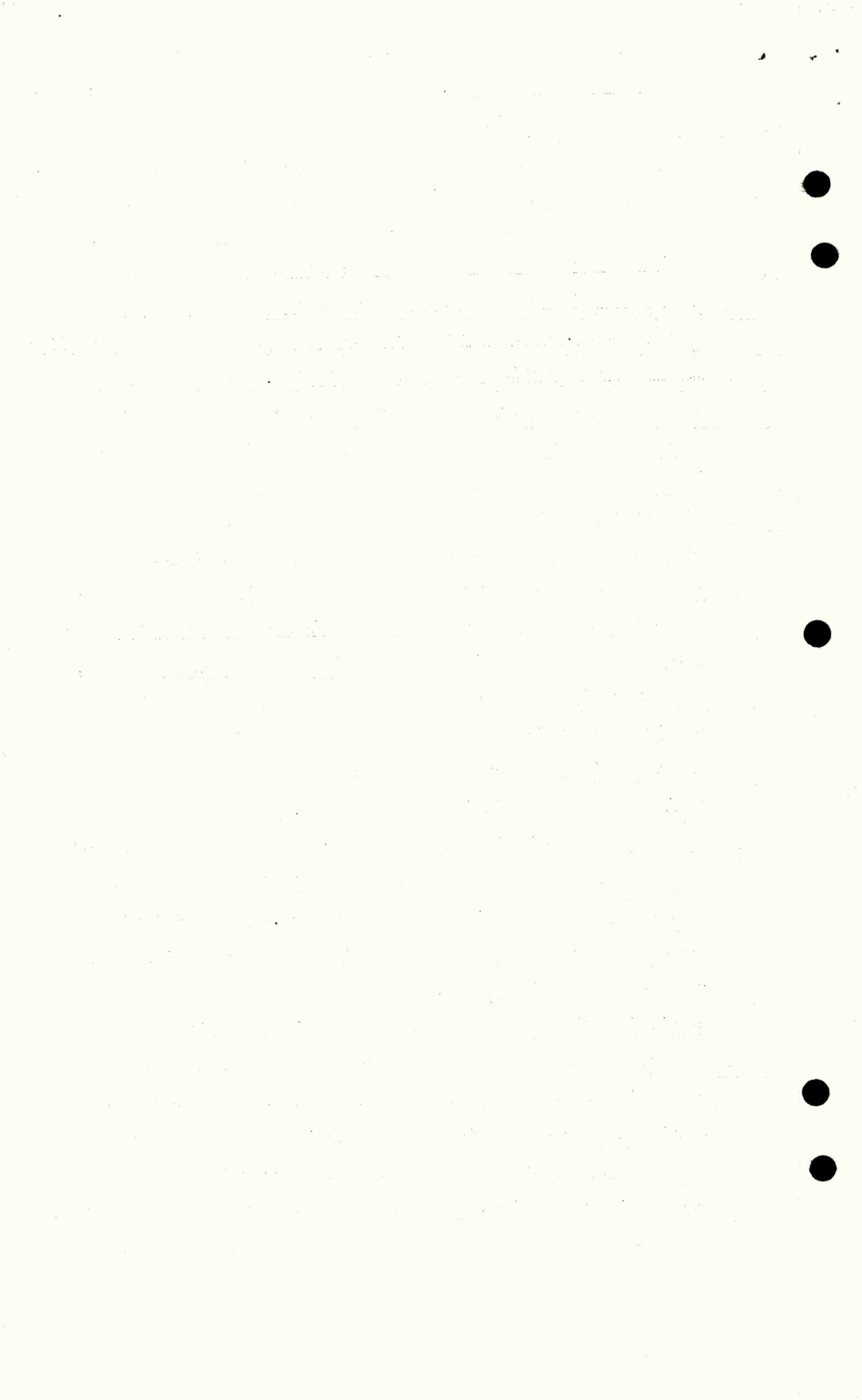
The Special Commission received the Administering Authority's reply a few hours before its departure for Usumbura. Among other things the Minister for Ruanda-Urundi stated that:



"The Belgian Government, hoping that the individual examination of files may make it possible to reduce the number of cases to which the general amnesty measures can clearly not be applied, is prepared, without prejudice to its sovereign decision in each case and taking into account its own responsibility, to issue pardons to persons sentenced or prosecuted for political offences who are not covered by Legislative ORDINANCE NO. 01/188, after a careful examination of their files by the United Nations Special Commission."

This declaration indicated clearly the wish of the Belgian authorities to cooperate closely with the Commission in order to permit it to discharge as fully as possible the task entrusted to it by the General Assembly. As soon as the Commission arrived in the territory it established contact with the Representative of the Administering Authority in Usumbura and with the Belgian Political Amnesty Commission composed of three magistrates of high repute from Brussels, Ghent and Liege then meeting in Astrida and whose role consisted of referring to the Commission, after due consideration, the cases which would eventually be the subject of recommendations for amnesty.

The Commission also held very fruitful meetings with the members of the United Nations Commission for Ruanda-Urundi to draw up an expeditious method of work. The Commission was not expected to express itself on the bare merits of the cases under consideration. This will explain why the Commission did not attempt to justify its decisions on legal grounds as this might have been interpreted as interference in the internal affairs of a member state. We also had to submit our recommendations to the Administering Authority within a relatively short space of time since according to the Assembly's resolution, amnesty had to be granted two months in



advance of the national elections scheduled to be held during August, 1961. Our task therefore had to be terminated by the end of June and amnesties and pardons recommended would have to take effect on or about July 1, 1961.

All of the files which were placed before us were subjected to a searching examination by each of the three members of the Commission. We hoped in this way to avoid all possible errors and to do nothing which might be to the prejudice of persons who might benefit by amnesty.

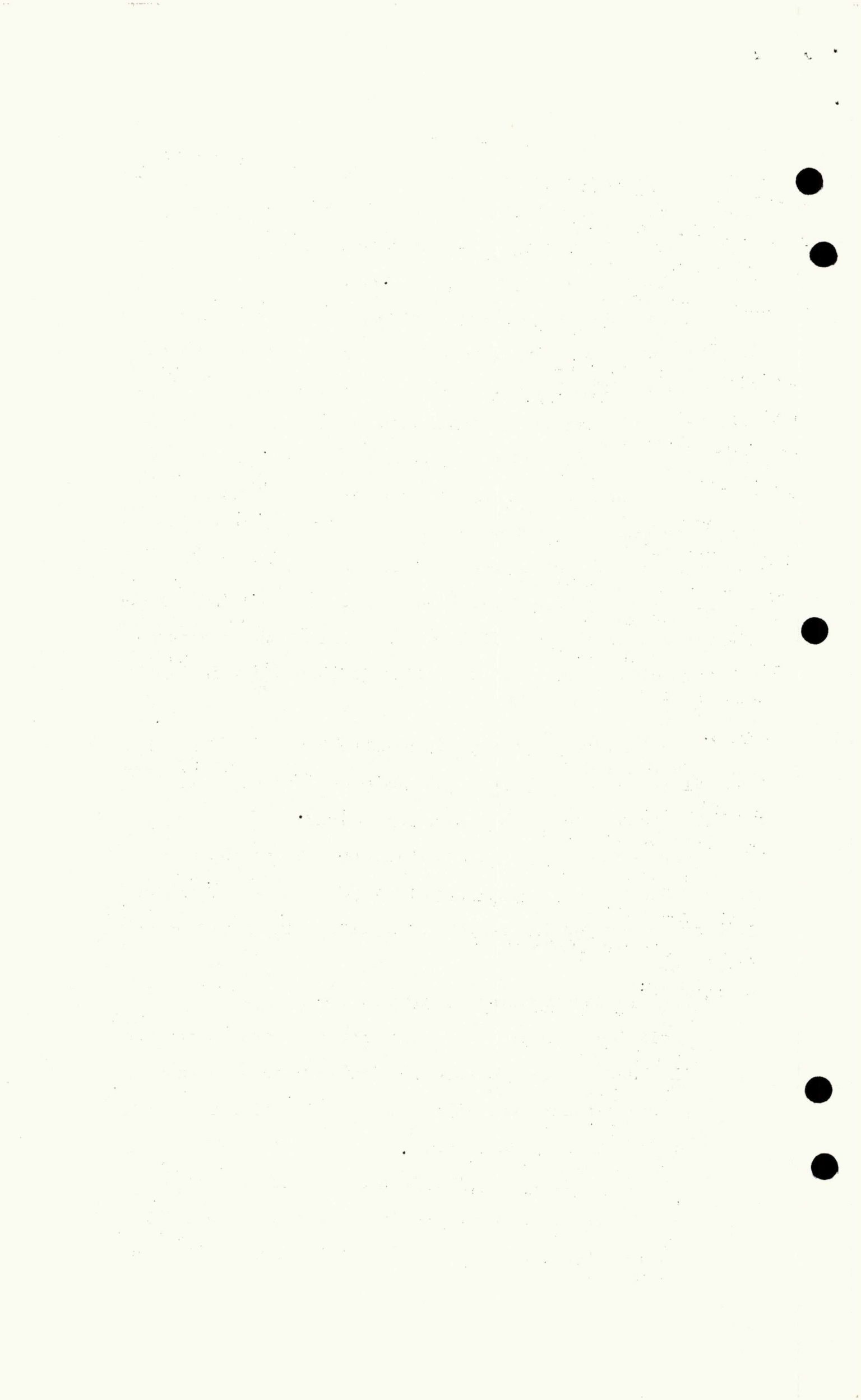
As a general rule we agreed that all persons who had been found guilty of crimes and offences of a political character in the period from the disturbances of October 1959 to April 1961 should benefit by amnesty. However, we refused to enter recommendations in favour of persons who had taken advantage of the political situation to commit common law crimes.

The list of persons to be amnestied will be found in Annex VI (A) of the Report. The Administering Authority was asked to act upon these recommendations.

Further in our letter of June 26, 1961 to the Resident-General of Ruanda-Urundi we spelt out anew, and so as to avoid any possibility of misunderstanding, our conception of amnesty:

" In recommending this measure, the Special Commission expresses the hope that any pardons granted will have the same effect and the same scope as the amnesty already proclaimed under Legislative Ordinance No. 01/188 of 31 May 1961.

" In other words, the Special Commission hopes that the pardon referred to in the notes of 10 and 13 June 1951 will amount to an additional amnesty 'so as

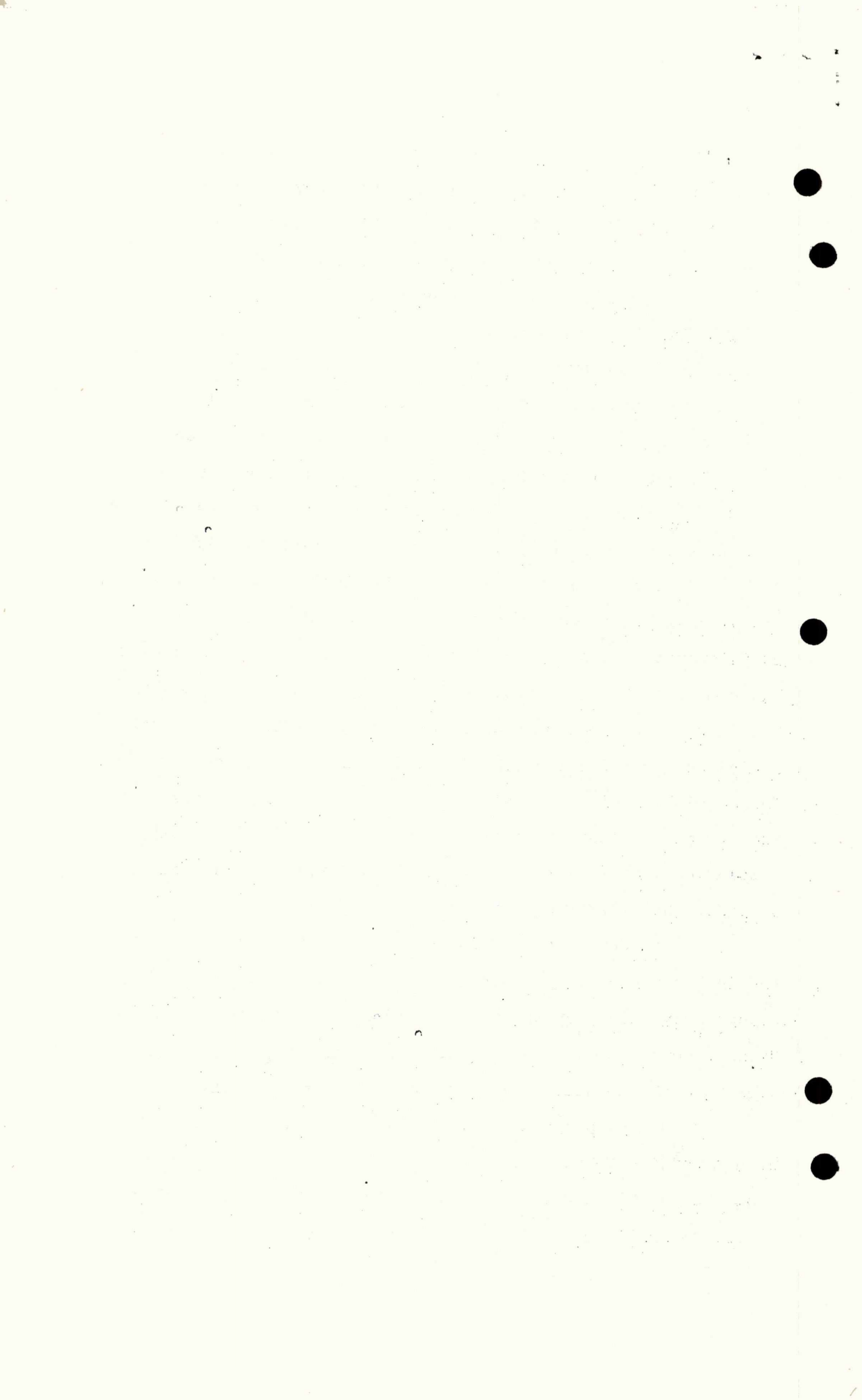


"to enable political workers and leaders who are in exile or imprisoned in the Territory to resume normal, democratic political activity before the elections' (General Assembly resolution 1579 (XV))

" In order to avoid any misunderstanding, the Special Commission also wishes to point out that, after the examination of the files submitted to it, any person sentenced or prosecuted by the special court set up to deal with offences committed between 1 October 1959 and 1 April 1961 whose file has not been transmitted to the Commission before the date of this note shall be presumed to be automatically amnestied."

In its letter to Ambassador Dorsinville of June 26, 1961, the Special Commission stated that in transmitting to the Administering Authority the list of persons to be amnestied it had completed the task assigned to it and that it was for the United Nations Commission on Ruanda-Urundi to ensure that the Administering Authority complied with its final recommendations. The Special Commission reminded the United Nations Commission that it might always invoke paragraph 13 of General Assembly resolution 1605 (XV) should the Administering Authority refuse to enact the amnesty measures recommended.

In so doing the Special Commission wished to underline the importance of its mission, and its relation to the good work being accomplished by the United Nations Commission on Ruanda-Urundi. Our task was to create in the territory a political climate such as would permit political leaders to take part in the electoral campaign and ensure that the elections would be held according to accepted democratic ways. When we learned from the petitioners last week that four of those originally accused of political crimes and subsequently amnestied had been



elected to the National Assembly of Ruanda in the elections of August, 1961 we were satisfied that the objectives of our mission had been fulfilled.

Our task has been greatly facilitated by the understanding of the Administering Authority. I would like here to personally thank the Belgian Government for its frank and loyal cooperation and for the hospitality extended to us in Brussels as well as in the territory. I would also wish to stress how much we owe to discussions which we had with the United Nations Commission for Ruanda-Urundi in the discharge of our mandate. Finally, I would like to pay homage to the people of Ruanda-Urundi who understood that our presence in the territory had as its aim the creation of a groundwork for the eventual establishment of political institutions which would lead the country to independence in an atmosphere of peace and harmony.

