

RWANDA

Follow-up - State Reporting Action by Treaty Bodies, Including Reports on Missions

CCPR, CCPR/C/SR.2738/Add.1 (2010)

Human Rights Committee
Ninety-ninth session

Summary record of the second part (public) of the 2738th meeting
Held at Palais Wilson, Geneva,
on Wednesday 28 July 2010, at 11:25 am

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Follow-up to concluding observations on State reports and to Views under the Optional Protocol

Report of the Special Rapporteur for Follow-up on Concluding Observations (CCPR/C/99/2/CRP.1)

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2. **Mr. Amor**, Special Rapporteur for Follow-up on Concluding Observations, said that, while he commended the excellent work of the secretariat, it was regrettable that the relevant staff did not have more time to devote to follow-up on concluding observations. At the Committee's request, he had undertaken to supply details of the contents of the letters sent to States parties concerning follow-up in which the Committee asked for further information, urged the State to implement a recommendation or, alternatively, noted that a reply was satisfactory.

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55. **Mr. Amor** said it was recommended that a reminder should be sent to Rwanda about the information requested by the Committee in connection with its third periodic report.

56. **Mr. Thelin** referred to a successful mission to Rwanda which had taken place from 14 to 19 June 2010 under the auspices of the Centre for Civil and Political Rights. The purpose of the mission had been to follow up the Committee's concluding observations on Rwanda and offer assistance to that country. As a member of the Committee had taken part in the mission, it should perhaps be mentioned by the Special Rapporteur.

57. **Ms. Majodina** said she was the Committee member who had taken part in the mission, at the invitation of the Centre for Civil and Political Rights. The mission had met with several members of the Rwandan Government, including the Minister of Justice, with the member of Parliament responsible for the parliamentary human rights committee, and with a representative of the Human Rights Commission. None of them had been aware of the Committee's concluding observations on Rwanda's periodic report.

58. **Ms. Motoc** welcomed the fact that Ms. Majodina had participated in the mission. Such visits, when organized by NGOs and paid for by international organizations, could prove extremely useful by providing information from the field. The Committee should mention the mission in its report.

59. **Mr. O’Flaherty** commended the Centre for Civil and Political Rights for its excellent initiative and thanked Ms. Majodina and former Committee member Mr. Khalil for taking part in the mission. NGOs had been organizing similar missions since the early 1990s. While they deserved strong support, he was unsure whether such initiatives should be mentioned by the Special Rapporteur as though they formed part of the follow-up procedure.

60. **Ms. Motoc** proposed that Ms. Majodina, as focal point for NGOs, should regularly report to the Committee on missions to States parties.

61. **Mr. Thelin** suggested that the report on follow-up should simply take note of the mission, especially since some members of the Rwandan Government seemed to be unaware of the concluding observations. The State party might even be surprised to find no reference in the report to a mission in which a Committee member had participated.

62. **The Chairperson** agreed with Mr. O’Flaherty. He pointed out, however, that the findings of the mission could be taken into account by the Special Rapporteur.

63. **Mr. O’Flaherty** said that he would not oppose the inclusion of a brief reference to the mission if other members of the Committee supported Mr. Thelin’s suggestion. He suggested that the matter should be discussed in the context of the Committee’s working methods. There should perhaps be a formal procedure whereby Committee members would report to their colleagues on any mission to a State party.

64. **Mr. Amor** said that the question of follow-up visits to States parties had been discussed on a number of occasions, and at an Inter-Committee Meeting. Such visits were clearly helpful in addressing particularly complex situations. He also proposed that when Committee members participated in any comparable activity in a private capacity, they should inform the Committee of their findings.

65. He commended Ms. Majodina and the organizing NGO for the mission to Rwanda and would comply with the Committee’s instructions in that regard. The Special Rapporteur’s current mandate was to maintain a dialogue with the State party, to take NGO contributions into account and to draw appropriate conclusions. He was awaiting information from Rwanda and recommended that a reminder should be sent to the State party. The note concerning the mission could be taken into account when he received its reply.

66. **The Chairperson** suggested that the matter should be discussed in the context of working methods.

67. *It was so decided.*

68. **The Chairperson** further suggested that the Committee should take note with deep appreciation of the follow-up mission organized by the Centre for Civil and Political Rights but should refrain from mentioning it in the progress report.

69. *It was so decided.*

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Chapter VII: Follow-up to Concluding Observations

203. In chapter VII of its annual report for 2003,¹⁶ the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report,¹⁷ an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2010.

204. Over the period covered by the present annual report, Mr. Abdelfattah Amor acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-seventh, ninety-eighth and ninety-ninth sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

205. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.¹⁸ Over the reporting period, since 1 August 2009, 17 States parties (Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, Denmark, France, Georgia, Japan, Monaco, Spain, the former Yugoslav Republic of Macedonia, Sudan, Sweden, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and Zambia), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, 12 States parties (Australia, Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Nicaragua, Panama, Rwanda, San Marino and Yemen) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the preparation of the next periodic report by the State party.¹⁹

206. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, the report does not cover those States parties with respect to which the Committee has completed its follow-up activities, including all States parties which were considered from the seventy-first session (March 2001) to the eighty-fifth session (October 2005).

207. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Equatorial Guinea, Gambia).

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Ninety-fourth session (October 2008)

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State party: Rwanda

Report considered: Third periodic (due in 1992), submitted on 12 September 2007.

Information requested:

Para. 12: Ensure that all allegations of enforced disappearances and summary or arbitrary executions are investigated by an independent authority and that those responsible for such acts are prosecuted and duly punished. Grant an effective remedy, including adequate compensation, to the victims or their families, in accordance with article 2 of the Covenant (arts. 6, 7 and 9).

Para. 13: Take steps to ensure that the cases of the large number of persons, including women and children, reported to have been killed from 1994 onwards in the course of operations by the Rwandan Patriotic Army are investigated by an independent authority and that those responsible are prosecuted and duly punished (art. 6).

Para 14: Put an end to the sentence of solitary confinement and ensure that persons sentenced to life imprisonment benefit from the safeguards of the United Nations Standard Minimum Rules for the Treatment of Prisoners (art. 7).

Para. 17:

(a) Ensure that all tribunals and courts in Rwanda operate in accordance with the principles set out in article 14 of the Covenant and paragraph 24 of the Committee's general comment No. 32 (2007), on the right to equality before courts and tribunals and to a fair trial, which provides that courts based on customary law cannot hand down binding judgements recognized by the State, unless the following requirements are met: proceedings before such courts are limited to minor civil and criminal matters and meet the basic requirements of fair trial and other relevant guarantees of the Covenant;

(b) Validate the judgements of these courts by State courts in light of the guarantees set out in the Covenant and allow them to be challenged in a procedure meeting the requirements of article 14 of the Covenant.

Date information due: 1 April 2010

No information received.

Recommended action: A reminder should be sent.

Next report due: 1 April 2013

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¹⁶ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40*, vol. I (A/58/40 (vol. I)).

¹⁷ *Ibid.*, *Sixty-Fourth Session, Supplement No. 40*, vol. I (A/64/40 (vol. I)).

¹⁸ The table format was altered at the ninetieth session.

¹⁹ As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Austria, Brazil, Central African Republic, Democratic Republic of the Congo, Hong Kong (China), Mali, Namibia, Paraguay, Republic of Korea, Sri Lanka, Suriname and Yemen.