



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-eighth session
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**List of issues to be taken up in the absence of the third regular
report of the Republic of Rwanda, expected on 10 April 1992**

**Constitutional and legal framework within which the Covenant
is implemented, right to an effective remedy and action to
combat impunity (art. 2)**

1. In practice, how is compliance assured with article 190 of the Constitution, according to which treaties take precedence over the country's laws? Has the Covenant already been directly applied by the courts? If so, please provide information on the relevant cases.
2. It appears, from numerous sources of information, that efforts to combat impunity, especially where the security forces are concerned, have failed to produce the desired results. Kindly inform us of the measures taken to fight de jure and de facto impunity, in respect of investigations carried out, prosecutions instituted, sanctions imposed and compensation or reparation granted to victims and their families.
3. Please indicate whether the National Human Rights Commission has been established in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights ("Paris Principles"). Please also provide details of the mandate and activities of this institution.
4. According to some reports reaching us, the Gacaca popular justice system allegedly suffers from serious deficiencies in the treatment of complaints by women raped during the genocide. Please indicate the measures taken to ensure that the victims of sexual violence, especially those suffering from HIV/AIDS, have effective legal recourse and appropriate medical and psychological care.

**Equality between the sexes, right to life and prohibition on torture
(arts. 3, 6 and 7)**

5. Kindly provide details on the extent of violence against women and the measures adopted to prevent this occurrence. Does the State party envisage punishing domestic violence, particularly that affecting women and young girls?

6. There are reliable reports of summary or arbitrary extrajudicial executions carried out by the military police in the Mulindi military detention centre in December 2005. Please comment and indicate the measures taken to investigate these allegations, to prosecute those responsible and to compensate victims and their families.

Prohibition of slavery and forced labour (art. 8)

7. According to various reports, Rwanda is a source of trafficking in human beings, in particular child victims of forced labour and children conscripted as soldiers. Please indicate the measures taken to prevent and suppress these acts and in particular to see that the victims are cared for.

Security of person and protection from arbitrary arrest (arts. 9 and 10)

8. The National Human Rights Commission has claimed that the Government was maintaining illegal and secret detention centres. Could you please comment and indicate the measures taken by the State party to ensure that there are no illegal detention centres within its territory?

9. According to law, the maximum duration of pretrial detention should be 18 months. In that context, could you kindly provide detailed information on the effective length of pretrial custody in Rwanda, particularly for persons arrested and detained in prison establishments following accusations connected with acts of genocide?

10. Many reports speak of the worrying situation of detainees with regard to sanitary conditions, access to medical care and food. Please comment and indicate what control mechanisms have been put in place to prevent and put an end to such treatment. In addition, please indicate the steps taken by the authorities to reduce overcrowding in prisons.

11. Please indicate the measures put in place for young prisoners that participated in the genocide, to reintegrate them into society.

12. According to several reports, the authorities in Kigali are arresting hundreds of persons among the most vulnerable sections of the population (street children, beggars, sex workers) for “vagrancy”, keeping them in jail without any charge and submitting them to detention conditions that do not conform to articles 9 and 10 of the Covenant. Please comment.

Right to a fair trial (art. 14)

13. The Gacaca popular system of justice appears to be deficient, particularly as regards the training of prosecutors and judges. Additionally, there are several reports of intimidation against the judicial authorities, scarcity of defence lawyers, and also restricted access to lawyers. Please

comment on and indicate the measures taken by the authorities to strengthen the judiciary system and ensure fair trials. Please also indicate whether the principle of the presumption of innocence is guaranteed in the Gacaca popular system of justice.

Freedom of religion or belief (art. 18)

14. According to some reports, Jehovah's Witnesses are subjected to ill-treatment because of their refusal to participate in armed security patrols organized by the local defence forces. Please comment on these reports in the light of articles 7 and 18 of the Covenant.

Freedom of expression (art. 19)

15. According to some reports, members of the opposition, the independent media and non-governmental organizations have been harassed, intimidated, arrested and illegally detained for criticizing the party in power. Please comment and indicate the measures taken to guarantee freedom of expression in conformity with article 19 of the Covenant.

Freedom of association (art. 22)

16. Please provide information on the progress made on the 2004 draft bill on the regulation of the activities of international non-governmental organizations working in the country, and indicate how its provisions comply with article 22 of the Covenant. Please comment on reports that lawyers are unable to work in non-governmental organizations.

Protection of children (art. 24)

17. Please provide information on measures to protect children, particularly those belonging to vulnerable groups (those traumatized by the genocide, orphaned by the genocide and HIV/AIDS, abandoned and handicapped children, victims of sexual, physical or psychological violence, and children working in the streets).

Participation in the conduct of public affairs (art. 25)

18. According to some reports, the 2003 elections were fraught with numerous irregularities, such as fraud and intimidation of the opposition. Please comment on these reports and give an account of any resulting investigations and follow-up.

Rights of persons belonging to minorities (art. 27)

19. Could you kindly give specific information on the recognized and assured rights of the Batwas? In particular, please state what compensation has been awarded to Batwas dispossessed of their land.

Dissemination of the Covenant and of the Committee's observations (art. 2)

20. Please provide information on the steps taken to disseminate information on the Covenant and on the Committee's final observations. Are there training programmes for members of the judiciary, for those responsible for enforcing the law and other public officials which cover the provisions of the Covenant and their implementation?
