

@A call for UN human rights action on Rwanda and Burundi

"[L]essons should be drawn from the past and the cycle of violence which has drenched both Burundi and Rwanda in blood must be broken. To this end, the impunity of the perpetrators of the massacres must be definitely brought to an end and preventive measures to avoid the recurrence of such tragedies must be designed."

Report of the UN Special Rapporteur on extrajudicial, summary and arbitrary executions to the Commission on Human Rights, December 1993¹

1. A failed international responsibility

The international community has failed in its responsibilities towards the people of **Rwanda** and **Burundi**. Despite being responsible for the administration of **Rwanda** and **Burundi** for four decades through a League of Nations mandate and later a United Nations (UN) trusteeship, the international community declined to act in the face of periodic and widespread politically-motivated killings which occurred in the lead up to and after independence.²

Indeed, when mass killings occurred in the past in both **Rwanda** (in the late 1950s, early 1960s and early 1990s) and **Burundi** (in the mid 1960s, early 1970s, late 1980s and early 1990s) the international community chose to deal only with the short-term humanitarian crises and to move the focus of its attention elsewhere as soon as the killings ended.

As recently as 1993, the UN failed to heed the warnings of the UN Commission on Human Rights' own thematic expert on extrajudicial executions who visited **Rwanda** in April 1993 and made 12 detailed recommendations to address "[m]assacres of civilian populations" in relation to which "it has been shown time and time again that government officials were involved".³ And in 1994, in the face of reports of systematic extrajudicial executions in **Burundi** since last October, the 1994 session of the UN Commission on Human Rights failed to appoint a Special Rapporteur on that country.

The scale of the loss of life over the past seven months in both countries -- with hundreds of thousands of defenceless people deliberately and arbitrarily killed -- makes it even more unacceptable that the member

¹UN Document E/CN.4/1994/7/Add.1, paragraph 171.

²After the end of the First World War both countries became League of Nations mandates under Belgian administration carved out of former German East Africa. In 1946 they were united in the UN Trust Territory of Ruanda-Urundi under Belgian administration with the obligation "to ensure respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". The UN organized elections in 1961 leading to self-government and gave both countries independence in 1962, but the UN did not take any steps during the four decades of international supervision to ensure that the new states provided effective institutions to promote and protect human rights.

³Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions on 11 August 1993 to the UN Commission on Human Rights, UN Document E/CN.4/1994/7/Add.1, paragraph 28.

Amnesty International May 1994AI Index: IOR 41/02/94

Rwanda & Burundi: A call for UN human rights action

states of the UN have failed to act together quickly or decisively to stop these killings. The Security Council has just voted to increase its peacekeeping force in **Rwanda**, but it has taken few specific human rights measures. Amnesty International is calling on the UN to ensure that human rights are at the heart of its response to this crisis: it must also act to protect civilians in **Rwanda** and prevent an escalation of the continuing abuses in **Burundi**.

The Commission on Human Rights will meet on 24 and 25 May 1994 for a special session. It is now up to this human rights body to lead the way. The Commission must immediately mobilize its own experts and other resources and wherever it cannot act by itself, it must make strong recommendations for urgent action by other UN bodies, particularly the Security Council and General Assembly. Amnesty International is also calling on these bodies and on the High Commissioner for Human Rights to implement the recommendations in this paper.

Amnesty International continues to document the situations in both countries.⁴ Through its worldwide membership, the organization will continue to campaign against the abuses and for the introduction of effective human rights safeguards.

2. Need for coordinated human rights action on both **Rwanda** and **Burundi**

Human rights measures should be tailored to the specific characteristics of the situations in **Rwanda** and in **Burundi**. However, with a similar ethnic composition in **Rwanda** and **Burundi**, the massive and fluid flow of refugees between the two countries and some common causes for the human rights violations, it is vital that the international community takes human rights measures which take into account this inter-relationship. For this reason, Amnesty International has urged that the Commission on Human Rights deal with both countries. Attempts to address problems in one country will inevitably have a major impact on the political and human rights situation in the other country.

Burundi and **Rwanda** have both experienced killings on a massive scale over the past seven months, the latest tragedies in a cycle which started some 35 years ago with dramatic social change in **Rwanda** before the UN ended its trusteeship. Both have the same social or ethnic composition, with Hutu majorities and Tutsi minorities. Both were Tutsi-dominated monarchies until **Rwanda's** revolution in 1959. However, whereas the Tutsi effectively lost power in 1959 and have in recent years been labelled a "fifth column" by the civil and military authorities there, in **Burundi** they continued to dominate the government until

⁴The most recent documents on **Burundi** are: Time for International Action to End a Cycle of Mass Murder (AI Index: AFR 16/08/94); Reiterating Amnesty International's Concerns in 1992 (AI Index: AFR 16/13/92); Sectarian Security Forces Violate Human Rights with Impunity (AI Index: AFR 16/10/92); Appeals for an Inquiry into Army and Gendarmerie Killings and Other Recent Human Rights Violations (AI Index: AFR 16/04/92); Killings of Children by Government Troops (AI Index: AFR 16/04/88); Prisoners of Conscience and Political Prisoners held in Burundi in May 1987 (AI Index: AFR 16/08/87); Background Briefing on Amnesty International's Concerns in Burundi (AI Index: AFR 16/04/86); Restrictions on Religious Activities in Burundi and Arrests of Members of Christian Churches (AI Index: AFR 16/03/84). The most recent documents on **Rwanda** are: *Rwanda: Mass murder by government supporters and troops in April and May 1994* (AI Index: AFR 47/07/94); Persecution of Tutsi Minority and Repression of Government Critics, 1990-1992 (AI Index: AFR 47/02/92); Amnesty International's Concerns since the Beginning of an Insurgency in October 1990 (AI Index: AFR 47/05/91); A Spate of Detentions and Trials in 1990 to Suppress Fundamental Rights (AI Index: AFR 47/07/90).
AI Index: IOR 41/02/94 Amnesty International May 1994

Rwanda & Burundi: A call for UN human rights action

elections in 1993 and have retained control of the armed forces. The governments of both countries have used ethnic divisions in order to remain in power, inciting extremist elements to resort to violence although the killing has not been exclusively along ethnic lines.

To identify solutions to the human rights crises in both countries, all of this must be taken into account. Furthermore, any lasting solutions must deal with the plight of exiles from the two countries, not only in **Rwanda** and **Burundi** themselves, but also in neighbouring **Tanzania, Uganda** and **Zaire**.⁵

3. Urgent investigations leading to practical recommendations for action

The Commission on Human Rights should follow the lead taken by the UN High Commissioner for Human Rights and ensure that its own experts, working in close cooperation with the Organization of African Unity (OAU), urgently go to **Rwanda** and **Burundi** to start investigating the human rights situations, report publicly and draw up practical recommendations for the protection of human rights in both countries. The Commission should:

3.1. Appoint Special Rapporteurs on **Rwanda** and **Burundi**

The special session of the Commission should appoint Special Rapporteurs for **Rwanda** and **Burundi**.

The Special Rapporteurs should be human rights experts, investigating first-hand and continuously the human rights situations and making recommendations for the immediate and long-term protection and promotion of human rights. Within a matter of days after the special session, the Special Rapporteurs should carry out the first investigation and report back urgently to the Commission, if necessary in a reconvened special session to consider their recommendations and decide on further action.

To ensure effective, continuous monitoring of the situation and coordination with other UN bodies, the Special Rapporteurs may need to base staff long-term in the region, as is the case with the Special Rapporteur on the former Yugoslavia. The Special Rapporteurs should also be the focal point for the collation and analysis of material collected by the Commission's own thematic experts, peacekeeping and other UN personnel, as well as UN specialized agencies, the OAU and other intergovernmental organizations, governments and non-governmental organizations.⁶

⁵The situation of Rwandese exiles in **Uganda** especially has had a particularly significant effect on the political situation in **Rwanda**: in the early 1980s, the Ugandan Government headed by President Milton Obote demonstrated how precarious the residence rights of Rwandese living in Uganda were by persecuting them and forcing many to return temporarily to Rwanda. Many Rwandese living in Uganda backed Yoweri Museveni's National Resistance Army (NRA) in its campaign against the Obote government and 4½ years after the NRA took power in Uganda they formed the Rwandese Patriotic Force (RPF) and launched their own military campaign against the government of Rwanda.

⁶In the context of the former Yugoslavia, the UN General Assembly, Resolution 47/147, 18 December 1992, para. 17, has called on "all UN bodies, including the UN Protection Force and the specialised agencies, and invites Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Special Rapporteur and in particular to provide him on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in the former Yugoslavia".

The Special Rapporteurs should be requested to submit interim reports to the General Assembly and full reports to regular sessions of the Commission. All reports should also be made available to the Security Council.

3.2. Initiate urgent investigations by thematic experts of the Commission

There is also a need for fact-finding by the relevant thematic mechanisms of the Commission, particularly the Special Rapporteur on extrajudicial, summary and arbitrary executions, but also those dealing with "disappearances", torture, violence against women,⁷ racism and the UN Secretary-General's personal representative on the internally displaced. Whichever experts are available should visit the region immediately after the special session, along with the newly appointed Special Rapporteurs on **Rwanda** and **Burundi**. The other experts should visit as soon as possible after that.

These experts would begin a systematic investigation and assessment of the facts and would make their expertise available to the Special Rapporteurs and the High Commissioner for Human Rights to assist them in making practical recommendations for ending human rights violations and preventing their recurrence in both countries. They and the country Special Rapporteurs should be provided with all necessary medical, forensic and other technical support. Delegations should include people with expertise in the investigation of violations against women and, wherever possible, female interpreters to facilitate interviewing of women victims. They must enjoy complete freedom of movement in the region and unrestricted access to all places of detention. They must have the right to speak in private with anyone they wish, with assurances that there will be no reprisals against people who provide information to them.

3.3. Support the political and coordinating role of High Commissioner for Human Rights

The High Commissioner for Human Rights should be encouraged to continue his high level political and coordinating role. He should ensure that there is international support and the necessary resources for the implementation of recommendations made by the Commission, the Special Rapporteurs and the thematic mechanisms and that there is frequent and comprehensive public reporting on the activities and analyses from all parts of the UN system, including the UN Assistance Mission to **Rwanda** (UNAMIR) operation in **Rwanda**, as well as the report of the recent UN fact-finding mission to **Burundi**. He should continue to liaise with the UN Secretary-General and develop long term human rights programs for both **Rwanda** and **Burundi**. He should also use his influence to help ensure that the parties to the conflict comply with international human rights standards and also cooperate with human rights action taken by the Commission and other UN bodies.

4. Ensure effective human rights operations in **Rwanda** and **Burundi**

Amnesty International believes an effective human rights presence could help to protect civilians and others taking no part in the fighting in **Rwanda** and prevent an escalation of the continuing abuses in **Burundi**. The UN could draw on the experience of other on-site human rights operations, which are

⁷Although the appointment of the Special Rapporteur on violence against women has still to be confirmed by the Economic and Social Council, she could participate in a joint mission in her personal capacity.

Rwanda & Burundi: A call for UN human rights action

analyzed in detail in Amnesty International's report *Peace-keeping and human rights*.⁸ The Commission should call on the UN Security Council and the General Assembly to implement the following measures:

In **Rwanda**, a UN operation can help to prevent killings just by its very presence, by reporting systematically on what its personnel witness and by taking up individual cases wherever possible. Amnesty International repeats its call for the speediest return to **Rwanda** of the 52 UN civilian police monitors (CIVPOLs) who were evacuated to Kenya, and an increase in their number at least to the 90 suggested by the UN Secretary-General in his report to the Security Council of 13 May 1994 (S/1994/565). These CIVPOLs should have an expanded mandate to report and take up human rights abuses committed by all parties. They should also train other members of UNAMIR in basic human rights standards and methods for reporting human rights violations they witness. In the longer term the CIVPOLs would also play a role in supervising and training national police and security forces in human rights standards.

It is also vital that UN troops and other personnel in the field do not remain silent witnesses to the atrocities. UNAMIR should regularly issue reports on human rights developments, as it is required to do by its mandate and this obligation should be strengthened.⁹ The UN Secretary-General should issue instructions that all UNAMIR personnel must report on the human rights violations and violations of humanitarian law they witness or which are reported to them.¹⁰ These reports would be sent to the Special Rapporteur on **Rwanda**, amongst others, and could assist the Secretary-General in preparing his reports to the Security Council pursuant to Security Resolution 918 (1994), paragraph 18 in which he is requested to "present a report as soon as possible on the investigation of serious violations of international humanitarian law committed in **Rwanda** during the conflict". In addition the Security Council has already requested the Secretary-General "to make proposals for investigation of the reports of serious violations of international humanitarian law during the conflict".¹¹

As soon as feasible, civilian human rights monitors should be deployed who would contribute to the dissuasive role of the UN and the OAU and the systematic reporting on human rights. It would then be possible to develop this human rights operation into a fuller monitoring mission, similar to the one proposed for **Burundi**, below.

In **Burundi**, the UN and the OAU should cooperate closely in developing measures to prevent a deterioration of the human rights situation. This could include a human rights mission with both UN and OAU participation, supplementing the current OAU presence (see section 8 below). Such a mission, which should include CIVPOLs as well as human rights monitors, would act as a dissuasive presence, monitor and take up individual cases of human rights violations with authorities, report publicly on the situation and train security forces. The mission, together with other experts, including the UN Special

⁸ AI Index: IOR 40/01/94, January 1994. Amnesty International's *15-Point Program for Implementing Human Rights in International Peace-keeping Operations* is annexed to the present document.

⁹ The mandate of UNAMIR, as approved by Security Council Resolution 872 (1993), includes investigating and reporting on incidents regarding the activities of the Gendarmerie and the police. UNAMIR is also required to "monitor and report on developments in Rwanda, including the safety and security of the civilians who sought refuge with UNAMIR", under Security Council Resolution 912 (1994), para.8(c), 21 April 1994.

¹⁰ Note the obligation imposed on the UN Protection Force (UNPROFOR) and other UN personnel to pass human rights information to the Special Rapporteur on the former Yugoslavia (see footnote 6). UNAMIR might appoint a senior officer to carry out liaison with those collecting information on human rights violations.

¹¹ Statement by the President of the Security Council, 30 April 1994, S/PRST/1994/21.

Amnesty International May 1994 AI Index: IOR 41/02/94

Rapporteur on the independence and impartiality of the judiciary and the Working Group on arbitrary detention, should be encouraged to work with the government to create conditions whereby, in the longer term, technical assistance, as proposed in Commission resolution 1994/86, can play a role in effecting real and measurable advances in law and practice for the promotion and protection of human rights.

5. Strengthen and implement the human rights provisions in the August 1993 **Rwanda** Arusha Peace Accords

Between 1991 and August 1993 the Government of **Rwanda** and the Front patriotique rwandais, Rwandese Patriotic Front, (RPF) signed a complex series of related agreements, the Arusha Peace Accords, in Arusha, Tanzania, in which they reaffirmed their commitment to the principles of the rule of law (*l'état de droit*), including democracy, national unity, pluralism, respect for the freedoms and fundamental rights of the individual (*les droits de la personne*). These agreements provided for a cease-fire, freeing of prisoners taken by each side, establishment of a transitional government to last at least 22 months and amendment of the constitution to allow multiparty elections. Although the Arusha Peace Accords state that the "principles" of the Universal Declaration of Human Rights are superior to the 1991 Constitution and contain some other human rights provisions, these provisions are inadequate.

The Accords also provided for international and national commissions to supervise the implementation of the agreements. In addition, they provided for an international commission of inquiry into human rights violations which occurred during the conflict and a national commission with broad powers to monitor current and future human rights violations, as well as national commissions to foster national unity and reconciliation, to draft reform legislation and a new constitution and to conduct elections. The Arusha Peace Accords fail to spell out clearly the powers, staffing and resources of the commissions, fail to provide effective procedures for reaching decisions, and the commissions with responsibilities for human rights fail to satisfy international standards for such commissions.

Unfortunately, apart from the cessation of hostilities in August 1993, monitored by the OAU and later by the UN, most of the provisions of the Arusha Peace Accords have yet to be implemented and none of the international or national commissions were established.

It is essential that any cease-fire agreement and new governmental arrangements contain strong and effective human rights and humanitarian law guarantees consistent with international minimum standards. These standards include treaties to which **Rwanda** is a party, such as the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights, the four Geneva Conventions of August 12, 1949, the Convention on the Prevention and Punishment of the Crime of Genocide and a wide range of other international standards.¹² Any peace agreement should also provide for an effective machinery for the supervision and verification of the human rights commitments which spells out clearly the powers, staffing and resources, provides effective procedures for reaching decisions

¹²These other international standards include the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the UN Code of Conduct for Law Enforcement Personnel, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the UN Basic Principles on the Independence of the Judiciary, the UN Guidelines on the Role of Prosecutors, the UN Basic Principles on the Role of Lawyers, the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Body of Principles on the Protection of All Persons under Any Form of Detention or Imprisonment. Rwanda should also become a party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the first and second optional protocols to the ICCPR and other human rights treaties, as required by the Arusha Peace Accords.

and satisfies international standards for such institutions (see Section 7 below on commissions of inquiry).

6. Take effective steps to bring those responsible for human rights violations to justice

It is essential to bring those responsible for human rights violations and abuses to justice. If officials and those operating with their acquiescence who are responsible for extrajudicial executions and other grave human rights violations are not prosecuted and punished, they will remain free to repeat the crimes, and others may do likewise, believing they can violate the law with impunity. This has been the case for decades in **Rwanda** and **Burundi**. Prosecution and punishment break the cycle of crime and impunity. It protects the public from the culprits repeating their crimes and it helps to deter others from committing similar crimes by raising the real threat that they, too, may be caught and punished.

There are three ways in which the international community could help to bring those responsible for human rights violations to justice:

First, the international community could provide sufficient assistance to **Burundi** and **Rwanda** to reconstruct the judicial systems in both countries to ensure that they are independent, impartial and adequately funded and staffed to ensure fair trials.¹³ The international community could supply judges, prosecutors, lawyers and prison administrators who could advise or even serve, if necessary, with local officials.¹⁴ The OAU and the African Commission on Human and Peoples' Rights could play an important role in locating qualified personnel for these tasks.

Second, many of the crimes committed in both countries amount to crimes against humanity, or other crimes under international law which are subject to universal jurisdiction under international law. This means that every state in which someone suspected of such a crime is found is obligated to bring that person to justice or to extradite the suspect to a state which will. The reports of the Secretary-General referred to above in section 4 will be crucial in this regard. States parties to the UN Convention on the Prevention and Punishment of the Crime of Genocide are also obliged to extradite any person who is wanted for trial for the crime of genocide.

Third, to the extent that it is impossible to conduct fair trials in **Burundi** or **Rwanda** because of the lack of an impartial, independent and effective judicial system, an international criminal court would be necessary. The possibility has been raised of creating an *ad hoc* international tribunal to try people accused of gross violations of human rights in **Rwanda** and **Burundi**. While the statute of the International Criminal Tribunal for the former Yugoslavia - the only other existing *ad hoc* tribunal of this sort - has laid the foundations for a just, fair and effective *ad hoc* tribunal, Amnesty International believes a permanent institution is preferable to an *ad hoc* one. The atrocities in **Rwanda** and **Burundi** once again highlight the need for a permanent international criminal court to try those responsible for war crimes, crimes against humanity and serious human rights violations wherever they occur in the world. Action by the next regular session of the General Assembly on the draft statute for a permanent international institution which the International Law Commission is expected to complete in July 1994, to establish a

¹³Even prior to the recent crises, the judiciary in both countries was not able to function in a truly impartial and independent manner.

¹⁴The UN Special Rapporteur on the independence and impartiality of the judiciary and the UN Working Group on arbitrary detention could provide useful advice.

permanent court which is fair, just and effective, is the best solution, even in the short term.

7. Ensure establishment of an independent and impartial commission of inquiry

The governments in both **Burundi** and **Rwanda** should establish independent and impartial commissions of inquiry consisting of all sectors of society to investigate the human rights violations and abuses which have occurred. Although the commissions would be expected to make recommendations concerning the necessity of bringing those responsible for violations and abuses to justice, they would have a broader objective. This would include establishing the truth about what occurred, the causes of human rights violations, making recommendations on effective steps to prevent their recurrence and promoting human rights. Furthermore, in light of the level of tension between the various sectors of society in both countries, consideration could be given to having international members of the commissions.

The commissions should have broad powers, adequate staff and resources and should be consistent with UN standards for such inquiries, including the UN Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and the UN Manual on their implementation and the UN Principles Relating to the Status of National Institutions, annexed to UN Commission on Human Rights Resolution 1992/54, adopted on 3 March 1992. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions made valuable recommendations on the powers and objectives of such a commission in his 1993 report on **Rwanda** which could be implemented in both **Burundi** and **Rwanda**. The Arusha Peace Accords provide for national and international commissions of inquiry, but these have yet to be established.

8. Ensure effective cooperation between the UN and the Organization of African Unity in protecting human rights

As indicated above, it is essential that the UN and the OAU work together effectively to protect and promote human rights both in **Burundi** and in **Rwanda**. The OAU has sent a 15-person civilian team to **Burundi** and several advance military teams as part of an authorized 200-person stabilization force, *Mission de protection et d'observation pour le rétablissement de la confiance au Burundi* (MIPROBU), Protection and Observation Mission to Re-establish Confidence in Burundi. The primary role of the civilian team is conflict resolution rather than promotion and protection of human rights. The UN Special Representative to **Burundi** and the UN thematic mechanisms should work together to assist MIPROBU in implementing the recommendations in Amnesty International's *15-Point Program for Implementing Human Rights in International Peace-keeping Operations*.

The OAU, which played an important part in drafting the **Rwanda** Arusha Peace Accords, and provided the first military observers for the various cease-fires between the parties to the conflict, should take steps to persuade the parties to strengthen and implement the human rights provisions and the UN should assist it in this process. The Security Council has welcomed the efforts of the OAU to provide diplomatic, political and humanitarian support for its resolutions on **Rwanda** and encouraged the OAU Secretary General to help obtain personnel for an expanded UNAMIR. The OAU Secretary General could play an important role in locating civilian police and human rights monitors in **Rwanda**.

Rwanda & Burundi: A call for UN human rights action

The African Commission, an organ of the OAU, has an important role to play in helping to coordinate the UN and OAU human rights response to the crises both in **Burundi** and in **Rwanda**. In April 1994 the African Commission appointed Mohammed Hatem Ben Salem as its new Special Rapporteur on extrajudicial executions, and requested him "to address the situation in **Rwanda** as a matter of urgency". He should participate in joint fact-finding missions with UN thematic mechanisms where possible and the UN should ensure that its activities are coordinated with those of the Special Rapporteur. The UN Commission should invite the OAU Secretary General and the African Commission's Special Rapporteur on extrajudicial executions to participate in the special session, to report on their activities and to coordinate their efforts with the UN to end human rights violations in both **Burundi** and **Rwanda**. The international community should ensure that the OAU and the African Commission have adequate staff and resources to carry out these human rights activities.

9. Guarantee protection of refugees

Amnesty International has previously raised its concerns about the UN Commission's failure to take concerted action on situations of major human rights violations causing refugee movements. This point has been tragically illustrated in the cases of **Rwanda** and **Burundi** where human rights violations have resulted in unprecedented refugee flows and massive internal displacement. Amnesty International welcomes the fact that governments of neighbouring countries have acted in accordance with their obligations under international law by keeping their borders open to those seeking protection. It calls on states of the international community to provide these states, the UN High Commissioner for Refugees and other relevant organizations with the assistance needed to ensure the protection of the refugees for as long as is needed. In cases where people from **Rwanda** and **Burundi** seek protection in other countries, whether in the African region or elsewhere, Amnesty International calls on governments scrupulously to observe their obligations under the principle of non-refoulement, and not to return anyone to **Rwanda** or **Burundi** while the current situation persists, or at any time when their lives or safety may be at risk.

Amnesty International's 15-Point Program for Implementing Human Rights in International Peace-keeping Operations

1. The political role of the international community. The UN and its Member States should give early, consistent and vigorous attention to human rights concerns when designing and implementing peace settlements and should plan for a continued human rights program in the post-peace-keeping phase. The international community must be prepared to publicly condemn human rights violations during and after the settlement process and to ensure that recommendations for institutional reform are fully and promptly implemented. Human rights protection measures should be kept under review, strengthened as necessary and properly evaluated at the end of the operation.

2. No international 'silent witnesses'. All international field personnel, including those engaged in military, civilian and humanitarian operations, should report through explicit and proper channels any human rights violations they may witness or serious allegations they receive. The UN should take appropriate steps, including preventive measures, to address any violations reported.

3. Human rights chapters in peace agreements. Peace agreements should include a detailed and comprehensive list of international human rights laws and standards to be guaranteed in the transitional and post-settlement phase, as well as providing for specific and effective oversight mechanisms. Peace settlements should require eventual ratification of any human rights treaties and adherence to any international systems of human rights protection to which the state concerned is not yet a party.

4. Effective and independent human rights verification. A specialized international civilian human rights monitoring component should be part of all peace-keeping operations. These components should have adequate resources and staff with human rights expertise. Their mandates should include human rights verification, institution-building, legislative reform, education and training. Monitors should be trained and should operate under consistent guidelines and in conformity with international standards. Human rights components should be explicitly and structurally independent from the political considerations of the operation and on-going negotiations relating to the settlement and their decision-making mechanisms must not be constructed so as to permit parties to the conflict to obstruct investigations. Effective human rights mechanisms, such as advisers or independent jurists, should also be established in less comprehensive peace settlements and should have an oversight role in matters such as the release of prisoners and the guarantee of rights to freedom of speech and assembly.

5. Ensuring peace with justice. Peace settlements should provide for impartial investigation of past abuses, processes aimed at establishing the truth and measures to ensure that any perpetrators of human rights violations are brought to justice. Individual responsibility for human rights violations, past and present, must be made explicit and sweeping pre-conviction amnesties should not be part of peace settlements.

6. On-site human rights monitoring. Human rights monitors should be mandated out to carry out investigations and verify compliance with human rights obligations and to take corrective action in respect of violations. They should have broad access to all sectors of society and relevant institutions and the full protection of those who are in contact with them must be assured. Peace-building measures, such as institutional and legislative reform and education and training, must complement but never replace the verification role.

7. Frequent and public reporting. To guarantee the effectiveness, security and credibility of international human rights personnel there must be frequent comprehensive public reports of their activities and findings which should be broadly disseminated nationally as well as internationally.

8. International civilian police monitors. Civilian police monitors should monitor, supervise and train national police and security forces and verify their adherence to international human rights and criminal justice standards. Police monitors should cooperate fully with any human rights component or mechanisms and should themselves be trained in and fully respect international human rights and criminal justice standards at all times. There should be full public reporting of their activities.

9. Long-term measures for human rights protection. Human rights components in peace-keeping operations should assist in the establishment of permanent, independent and effective national institutions for the long-term protection of human rights and the reinstatement of the rule of law, including an independent judiciary and fair criminal justice system. Other mechanisms, such as ombudsmen or national commissions, may be encouraged to reinforce respect for human rights. Such mechanisms must be impartial, independent, and competent with the necessary powers and resources to be effective. They should conform to international guidelines and must never be a substitute for a fair and independent judicial system. While national institutions are being constituted, consideration should be given to establishing an interim relationship with relevant international tribunals.

10. Human rights education and advisory assistance programs. Public education and training on human rights standards and complaints procedures should be provided to all sectors, particularly the judiciary, lawyers and law enforcement officials. Other technical assistance programs should be provided, including drafting legislation in conformity with international standards and support for national human rights NGOs. Such programs should not be a substitute for human rights verification by a specialized monitoring component.

11. The protection of refugees, internally displaced persons and returnees. Refugee repatriation programs should include an effective monitoring and protection aspect for as long as necessary. International refugee law and protection standards must be adhered to at all times, including the principles of *non-refoulement*, the right to seek asylum and repatriation only on a voluntary basis with international supervision.

12. The gender dimension. Measures should be taken to guarantee consideration and respect for the particular needs of women in armed conflict situations. Peace-keeping personnel should receive information on local cultural traditions and should respect the inherent rights and dignity of women at all times. Human rights components should include experts in the area of violence against women, including rape and sexual abuse.

13. Adherence of international peace-keeping forces to human rights and humanitarian law standards. The UN should declare its formal adherence to international humanitarian law and human rights and criminal justice standards, including in relation to the detention of prisoners and the use of force. The UN should ensure all troops participating in international peace-keeping operations are fully trained in those standards and understand their obligation to adhere to them. There should be specific mechanisms at the international level for monitoring, investigating and reporting on any violations of international norms by peace-keeping personnel and to ensure that personnel responsible for serious violations are brought to justice in accordance with international standards.

14. Prosecution of war crimes and attacks on international peace-keeping personnel. The investigation and prosecution of violations of humanitarian and human rights law or attacks against international peace-keeping personnel should be undertaken by appropriate national authorities or under international jurisdiction. Any international mechanisms must conform to international fair trial standards and the creation of a permanent institution for the prosecution of international crimes should be encouraged.

15. Continued promotion and protection of human rights in the post-settlement phase. Effective international human rights monitoring and assistance should be continued for as long as necessary, until it is clear that the

Rwanda & Burundi: A call for UN human rights action

government concerned is implementing international human rights guarantees effectively. The UN's human rights bodies should develop a more effective and comprehensive role in the post-settlement phase.