

NATIONAL HUMAN RIGHTS COMMISSION

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**Report of the National Human Rights Commission
June - December 1999**

Kigali, June 2000.

FOREWORD

The National Commission on Human Rights is happy to release its activities report for the year 1999, the first since its creation on 24th May 1999.

This report consists of five parts.

The first part concerns the set - up and the working of the Commission. It sets out the Commission's organisation, programme and budget.

The second part presents the achievement of the various Departments of the Commission during the first seven months of its existence.

The third part describes some of the difficulties that the Commission has experienced. It also outlines the future.

The fourth part that precedes the conclusion (the fifth part), is specially devoted to the Commission's financial Report. The above - mentioned parts of the Report are followed by a few annexes which are intended to enhance the reader's understanding of various aspects of the National Human Rights Commission. These include Law N°. 04/99 of 12Nparch 1999 establishing the Commission, as well as the latter's organisational chart.

The Commission kindly requests the reader of this Report to view its achievements in their proper context. In their efforts, members of the Commission and the Institutions supporting the Commission gave priority to the setting up of the Commission itself as well as the improvement of its capacities. Indeed, this challenge will remain the Commission's agenda throughout the three years of its first term, given that the stability of any building depends primarily on the solidness of its foundation.

However, the building of a solid foundation requires resources and energy. Once it shall have been placed on a solid foundation, the national human Commission, whose duration is unlimited (article 2 of the law establishing the Commission), hopes to be able to provide satisfactory and lasting results to Rwandans in the fields of human rights awareness and protection.

In conclusion, the Commission would like to thank very sincerely all the high institutions in the country, the Office of the President of the Republic, the Transitional National Assembly, the Government and the Supreme Court, as well as the donor community, for their confidence and their support. In particular, the Commission wishes to thank all the citizens who approached it either to make a complaint or to offer suggestions. In so doing, they challenge of all proved that the promotion of Human Rights in Rwanda is of great concern to each and everyone.

Together they constitute the foundation of a new chapter of our country's History unfolding before our eyes which will be characterised by respect for the dignity and freedom of every human being and the reinforcement of the spirit of universal brotherhood among them.

GASANA NDOBA,
President of the National Human Rights Commission.

INTRODUCTION

Origin of the Commission

- The National Commission for Human Rights was established Law n° 04/99 of March 12, 1999 voted by the National assembly of Transition in accordance with the Arusha Peace Agreement of August 1993, signed by the Rwandese Patriotic Front Inkotanyi and Government of Rwanda of the time.

The creation of the NCHR in Rwanda is largely due to the fact that Rwandans themselves realized that their country's recent history has been characterized by the failure to respect human rights, by the impunity that symbolized the public powers for a long time, and this culminated in genocide; even foreigners, witnessed serious violations of human rights by the administration. As stipulated by the law, the length of the Commission's mandate is unspecified. (Article 2)

Functions of the Commission.

The duties of the National Commission for Human Rights are intr alia to examine, analyze all causes of the systematic violation of Human Rights in Rwanda and any other acts of violations of Human Rights that have been committed or could be committed by a state institution or by whoever acting officially, or by associations working on Rwandese Territory. (Article 3)

The Commission is especially responsible for:

- The sensitization and the education of the population of Rwanda in Human Rights.
- Resorting, if need be, to the judicial authorities, to prosecute anyone accused of violating of Human Rights. (Article 4)

The Commission's investigations extend over an indeterminate period to allow it time to establish the truth according to the law; to ensure that the guilty are judged and punished those guilty of the violation of Human Rights, in the past or in the present (Article 7).

The Commission decides and chooses the location of its head office. It chooses its Permanent Secretary who is subsequently confirmed by the Council of Ministers. The Commission establishes its internal regulations according to its organization chart and operational needs (Article 12); the Commission also prepares its own budget.

The Law establishing the National Commission for Human Rights

In promulgating the Law, on the creating the Commission , Rwanda observed the obligation of all National Human Rights Commissions relating to creating awareness of human rights and their protection as provided for and recommended at the international level, and ratified by the United Nations Human Rights Commission in its Resolution 1992/54. This was confirmed by the UN General Assembly as per its resolution n° 48/134 of December 20, 1993.

Members of the Commission

The National Commission of Human Rights is made up of seven members.

The National Assembly elected the following members on 24/05/1999 :

GASANA Ndobu : *President of the Commission*

KANYANGE Anne – Marie : *Commissioner*

KAYUMBA Déogratias : *Commissioner*

NDAHIRO Tom : *Commissioner*

NYIRAHABIMANA Soline : *Commissioner*

SIMBURUDALI Théodore : *Commissioner*

UWIMANA Denys : *Commissioner*

PART ONE

STRUCTURE AND FUNCTIONS OF THE COMMISSION

The Commission functions under the leadership of the President proposed by the Government and confirmed by the National Assembly. The President directs all activities of the Commission and is its representative.

As provided for by the law, when the President is absent or is unable to exercise his/her functions for any reason, he/she is temporarily replaced in all his/her duties by the oldest member of the Commission (Article 9).

The Commissioners carry out the activities of the Commission, each in the specific area attributed to him/her.

The Commission's organization chart provides for a Permanent Secretariat which is responsible for the the daily running of the Commission's affairs and its budgetary control.

The Commission also has a staff governed by its specific regulations. From June to December 1999, the Commission employed which is 13 people, viz 2 secretaries, 1 accountant, 8 drivers and 2 cleaners.

1.1 ORGANIZATION CHART OF THE COMMISSION

a) The civil and political rights department

Composition :

- Military and civil affairs/ Section
- Legal affairs/ Section

b) The economic, social rights and the right to development department

- Composition :

This department has the following sections:

- grassroots action/ Section ;
- specific groups / Section ;

c) The legal department

- Composition :

- Legislation / Section
- Cases and conflicts / Section

d) The research and development department

Composition:

- Research on human rights section ;
- Study and evaluation of projects and programs section;
- Documentation and publication section.

e) The promotion department of education

Composition :

- The education section;
- The sensitization of the population on human rights section

f) The partnership and cooperation department

Composition :

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- The section in charge of decentralized services of the Commission;
- The section in charge of various branches of the Commission operating throughout the country.

g) The administrative and financial services of the Commission

1.2. OBJECTIVES AND PROGRAM OF THE COMMISSION

After their appointment, the members of the Commission elaborated the 3-year plan of action for the 1999-2001 period.

The action plan (program) has three main parts:

- The protection of human rights;
- The promotion of human rights;
- The development of the Commission.

1.2.1. Protection of human rights

This part of the program sets out to search for the truth on human rights violation and to make provisions for all the necessary action in defense of human rights in Rwanda.

The following programme of activities is planned:

- a) To create permanent mechanisms for monitoring the observance of human rights in Rwanda;
- b) To carry out surveys on the human rights situation in the country and to make a comprehensive report on all aspects of human rights in Rwanda;
- c) To investigate on violations of human rights in Rwanda since 24th May 1999, when the Commission was established;
- d) To carry out research on reasons into recent violations of human rights arising from current social phenomena such as corruption in public offices and the judiciary, the defilement of little girls etc and to examine our recent history in order to find explanations for the present behavior;
- e) To collaborate with the judicial institutions at both national and international levels in order to control laws or other legislations that are contrary to the protection of human rights in Rwanda.

I.2.2. Promotion of human rights

This program of the Commission's activities aims to promote a human rights culture among Rwandans, by publicizing the principles on the respect for human rights at both local and not really the commission's job.

The following activities are planned :

- a) To assess correctly the needs and achievements so far in increasing public awareness on human rights;
- b) To organize advocacy activities and/or seminars on the rights for the different sectors of the population;
- c) To prepare training programs for the various social groups of society on human rights;
- d) To translate and publish the Universal Declarations on Human Rights in Kinyarwanda;
- e) To mobilize and sensitize national leaders in our country, to sign and ratify international conventions that are useful to the promotion and the protection of Human Rights in Rwanda;
- f) To examine whether the laws governing our society, and those to be enacted are in conformity with norms for the respect and protection of human rights;
- g) To prepare a draft for a Human Rights Charter for Rwanda.

I.2.3. Strengthening of the Commission

The Plan of Action is also aimed at developing the Commission's capacity and to provide it with the necessary means for the fulfillment of its mission.

The activities planned for this are:

- a) To organize training seminars and study tours for Commissioners and staff;
- b) To prepare a set of rules and regulations governing the working of the Commission and its staff;
- c) To establish close and lasting relations with other institutions whose objectives are similar to those of the Commission;
- c) To find suitable premises for the Commission's Head Office.

1.3. THE BUDGET AND SOURCE OF THE COMMISSION

The funds of the Commission's budget are provided from the national recurrent expenditure budget and donations. (Articles 13)

The June - December 1999 budget

The entire budget prepared by the Commissioners was financed by the Government's recurrent expenditure after being passed by the National Assembly.

Breakdown:

- Purchase of vehicles of the Commission	: 80.757.150 FRW
- Technical equipment	: 8.899.637 FRW
- Office furniture and other fittings	: 10.321.500 FRW
- Operational costs	: 83.539.039 FRW
- Salaries and wages	: 66.482.674 FRW

TOTAL :250.000.000 FRW

PART TWO

ACTIVITIES

COMPLAINTS HANDLING

Between June and October 1999, the Commission received a large number of complaints both written and oral. The complainants came to the Commission's head office, to consult one commissioner or the other depending on the origin of their complaint.

The grievances and other issues submitted to the various departments were few. This was partly due to lack of resources in the departments and to the fact that Commission itself had just started its operations.

2.1. The social and political rights department

2.1.1. The department's responsibilities

- ❖ To give advice on matters concerning the violation of social and political rights;
- ❖ To carry out inquiries on cases of human rights violations in the social and political domains where arbitrary arrests and imprisonment, torture, extra-judicial punishment or trial, denial of freedom of speech and expression, kidnapping, denial of freedom of association, etc, are reported;
- ❖ To compile and publish reports on institutions or other personalities having violated human rights with a view to have them prosecuted;
- ❖ To do every thing possible to ensure that those whose rights have been violated are rehabilitated and that their rights restored;
- ❖ To compile a comprehensive report clearly showing how the officials are informed on violations of human rights and the measures taken; .
- ❖ To write a complete report to the Commission concerning judgments passed in cases of human rights violation .

2.1.2. Type of complaints submitted to the department and their follow-up

Type of complaint	Number of cases received	Cases solved	Cases pending
Arbitrary/illegal detention	19	0	19
Moral or physical torture	3	0	3
Extra judicial punishment	1	1	0
Right of defense and free choice of a lawyer denied	2	0	2
Right to life	1	1	0 (person allegedly kidnapped, discovered in jail)
Violation of privacy	1	1	0
Threat to personal security	1	1	0
Total	28	4	24

- The commission was not able to redress all the complaints due to limited material and human resources due to the fact it has just started its operations.

2.2. The economic and social rights, and the right to development department

2.2.1. The Function :

- To carry out investigations on all cases of violations of human rights in economic, social and development matters;
- To ensure that all people whose rights were violated receive justice;
- To give advice to concerned authorities so that acts of violation of or failure to respect human rights are punished;
- To prepare and give proper training to the population on human rights in the economic, social development areas: the right to education, the right to good health etc....
- Make reports specifying how individuals and or institutions violate these rights.

2.2.2. Performance of the department

The following table indicates the kinds of complaints submitted to the Commission and follow-up actions :

Right violated/ or denied	Number of cases received	Number of cases solved	Number of pending cases
Right to private property: houses and property	5	2	3
Right to education	2	1	1
Right to freedom of choice of sexual partner	1	0	1
Total	8	3	5

2.3. The legal affairs department

2.3.1. Responsibilities / Functions

These include :

- To advise the Commission and its organs on human rights whenever necessary;
- To implement decisions of the Commission, ensure prosecution of prosecute all those accused of human rights violation and to restore the rights of those whose rights were violated;
- To prepare a report of draft laws for the Commission;

- Prepare the Commission's a report on laws and regulations in need of amendment because of containing articles hindering human rights;
- To prepare a report to the Commission, on the manner in which political institutions may be sensitized for the ratification and signing of international conventions on human rights and to adopt these conventions in Rwandan legislation;
- To prepare and to publicize training programs on legal issues such as the right to a fair judgment. This should be done in collaboration with the service for sensitizing and mobilizing the population to human rights;
- To prepare in conjunction with relevant institutions, that is necessary for enacting laws on human rights in Rwanda.

2.3.2. Performance of the department

In its efforts to protect human rights, the legal department worked either alone or in collaboration with other departments on five (5) types of complaints as shown in the table below:

Type of complaint	Complaints received	Complaints redressed	Complaints pending	Observation
Denial of the right to a fair judgment	1	-	1	
Arbitrary/unlawful detention	1	-	1	
Denial of right to education	1	-	1	
Denial of fair trial	1	1	0	Person's property restituted
Bank credit for a house occupied by other people	1	-	1	
Total	5	1	4	

- This department drew up a reference document aimed at guiding the relevant Rwandan authorities on signature and ratification of the International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

(Convention against Torture and other cruel Inhuman or Degrading Treatment or Punishment.

· It prepared a draft document of the Commission's regulations that will be finalized and approved in the year 2000.

· The department also actively participated in the preparations and hosting of the 26th ordinary session of the African Commission for Human and Peoples Rights in Rwanda.

2.4. Department of education and the sensitization of the population to human rights.

2.4.1. Responsibilities of the department

· To design an appropriate program for the mobilization of all sectors of the population on human rights.

- Close collaboration with other institutions operating in the fields of education, culture, and information dissemination for updating a human rights training program for the general public.
- To collaborate especially with the Ministry of Education in the setting up of a program for the teaching of human rights in schools.
- To conduct meetings, talks and seminars to create public awareness on human rights;
- To source and prepare the necessary material for this program;
- To make reports on seminars organized by the Commission on public awareness of human rights.

2.4.2. Participation training and public awareness activities of human rights

a) *To publicize the Commission in Prefectures and to know the needs of the population:*

Members of the Commission visited the headquarters of all the Prefectures, met different heads of services at prefecture level, representatives of NGOs, youth and women organizations, Burgomasters, headmasters of secondary schools, representatives of communal councils, police commanders, military commanders, presiding magistrates, communal CID, religious leaders, representatives of traders.

By 31/12/1999 members of the Commission had already visited eleven out of the twelve prefectures in the country. The discussions mainly centered on the meaning of human rights in general, some examples on fundamental rights; acts of violation of human rights in Rwanda; the origin of the National Commission for Human Rights and its responsibilities.

The number of participants at each of these meetings ranged between 80 and 250 people. They were all informed about the Commission's 3-year program.

b) *Training given at different seminars:*

- At the training seminar of prepared by the Commission and held in Gishari in Kibungo Prefecture:
 - In June in Gishari, the President of the Commission represented it at the seminar organised for students finishing their school in foreign languages, before starting their studies at the National University of Rwanda.
 - In September 1999, some members of the Commission gave a seminar on human rights to students who were preparing to go to university.
 - In December 1999, members of the Commission also participated in a seminar organised for sub-prefects, burgomasters, district attorneys, court prosecutors and heads of services in Prefectures.

- At other meetings on human rights:

- In September 1999, a member of the Commission gave a seminar on human rights in Muhura commune in the Prefecture of Byumba.
- In November 1999, CLADHO organized a seminar on Human Rights in the Great Lakes region where a representative of the National Commission for Human Rights presented a paper on problems and opportunities in public awareness training on human rights in the region.

The Commission's representative showed that the major constraints to educating people about their rights are the fact that some are under constant insecurity which they cannot do anything about, the culture of impunity which is at the root of gross violations of human rights and makes some people feel as if they are above the law, conflicts within and between countries of the region which go hand in hand with human rights violations.

- A similar presentation was also given to the authorities of Butare Prefecture as well as to professors of the National University of Rwanda at a seminar on good governance organized in December 1999; it was also given to members of the Justice and Peace Commission of the Catholic Bishops' Synod at a seminar at Saint Paul Centre in Kigali, in December 1999.

- In what was called " Human Rights Week-end " prepared by the human rights association Kanyarwanda, a seminar was conducted at Saint Bernadette Secondary School at Save, on 20th and 21st November 1999. The Commission actively took part in these discussions prepared for students and teachers.

- At a seminar held at IWACU Center in Kabusunzu from November 28th to December 2nd, 1999, organized by the Rwandan chapter of the HURUMA Association for Human Rights in health, the Commission's delegate gave a talk on "the Right to Good Health: problems in the Great Lakes region in the 21st century."

- During the celebrations of the 51st anniversary of the United Nations International Declaration on Human Rights on 10th December 1999, the Umbrella organization CLADHO organized discussions to stress the importance of the Declaration.

The President of the NCHR gave a talk to remind the participants the times and the reasons behind this Declaration on the 10th December 1948.

c) The role of the African Commission for Human and Peoples Rights in the dissemination of information on problems on Human Rights at its 26th ordinary session held in Kigali from the 1st to the 15 November 1999.

At the invitation of Government of Rwanda, the meeting was held in Kigali. It was an opportunity to examine and to give information on achievements and constraints in the protection and the promotion of Human Rights in Africa.

Rwanda's contribution was the establishment of the National Commission for Human Rights whose mission is to sensitize the population on their rights and to fight any act that violates these rights. Members of the Commission, in collaboration with other Government institutions actively participated in the preparation of the conference and followed its activities very keenly.

This conference was very useful for the dissemination of Human Rights for the following reasons:

- 1) The meeting took place in Rwanda at a time when the Government had clearly demonstrated its will to strengthen the culture of the respect for individual human rights, the rule of law, and to once for all banish the culture of impunity.
- 2) Both the national and international press followed the progress of this conference and its decisions and conclusions were broadcast.
- 3) The participants at this conference, especially the NGOs working in Rwanda and whose major mission is the protection of human rights had the opportunity to better understand the working of the African Commission for Human and Peoples Rights. They clearly understood well what is expected from them and what is expected from our country in matters of respect for human rights.

2.5. The department of research and development

2.5.1. Responsibilities :

- To prepare, monitor and analyze all projects that will enhance the Commission's capacities;
- To prepare projects that will help in the implementation of all the activities of the Commission;
- To indicate areas where research could be carried out on human rights issues in Rwanda;
- To prepare basic terms of reference for the hiring of experts and researchers in the field of human rights;
- To coordinate all reports on Human Rights;
- To publish reports on Human Rights in Rwanda;
- To keep all the Commission's documents as well as any other related documents

2.5.2 The Department's achievements

a) Developing the Commission

In the development and consolidation of the Commission, members of the NCHR worked together, exchanging ideas, especially as they were alone in the exercise. The work was done by a Committee of all the Commissioners.

The important achievements are as follows:

- ❖ A good understanding of the law establishing the NCHR and the attributions the law gives the institution so that members of the Commission grasp the scope of the law in order to work on a job that is understood by consensus.
- ❖ Study and preparation of the 1999-2000 budget;
- ❖ Preparation and confirmation of the provisional organizational chart with the activities of the different departments.
- ❖ To prepare the attributions of each department / Preparation of departmental attributions;
- ❖ Description of the profiles of the personnel which the Commission needs for its operation;
- ❖ Establishment of the Commission's working instructions.

b) *Seminars for members of the Commission*

STRASBOURG

Members of the NCHR participated in seminars on Human Rights held in Strasburg in France. Those seminars are held every year at the Robert Schumann University, also known as the International Institute of Human Rights. The seminars started on 5th July 1999 and ended on 30th July of the same year.

The 30th session at which the members participated was attended by 484 delegates from all over the world (Africa, America, Asia and Europe). The themes covered comprised symposia. These were given by experts on Human Rights Law. There were also other general themes and special talks.

Members of the NHRC had the opportunity to meet representatives from other countries and to exchange ideas with them; they had fruitful talks with their colleagues on the respect and protection of Human Rights in the world.

They also had talks with the officials of the International Institute of Human Rights. They gave a conference on the 1994 Genocide in Rwanda. Thus their colleagues from other countries in the world had the opportunity to understand the systematic and unprecedented violation of Human Rights in Rwanda.

There is no doubt that all the meetings were of great importance for the Commissioners who were preparing themselves to start the difficult task of sensitizing the population on its rights and of prosecuting those violating Human Rights in Rwanda.

c) *International meetings on activities planned by the Commission*

In the final preparation of its programme, the National Commission for Human Rights prepared an international conference which was held in Kigali between the 12th and the 15th October 1999.

The objective of this conference was to initiate the NCHR to the working of Commissions of other countries that are more experienced and having achieved satisfactory results that would serve as an orientation to the Rwandese Commission in the protection of Human Rights.

During of this conference there were various experts with a very high experience in Human Rights, representatives of the United Nations Commission for Human Rights, Rwandese Government delegates, local and international NGOs also involved in the protection of Human

Rights, envoys of foreign countries accredited to Rwanda and other delegates involved in Human Rights.

The conclusions of this conference are in the report prepared in October 1999.

d) The Commission's projects

In searching for means to develop this institution, the management body prepared different projects the Commission uses to dialogue with financial backers.

❖ Short-term programme of activities (3 years)

This programme specifies the planned activities as well as the budget allocated to them in the coming years. These are activities planned for by the Commission in its efforts and objectives in matters concerning Human Rights, through training and sensitization in Human Rights in Rwanda as well as activities related to the strengthening and the development of the Commission.

❖ The general project comprising all the programmes at various stages and their terms; the plan clearly shows the budget allocated to it. It was also submitted to the Office of the United Nations' High Commissioner for Human Rights.

❖ The project on knowing and preparing a report on the activities or the situation of human rights in Rwanda. This project will gather all information on all cases of violations of Human Rights in Rwanda; it will also as much as possible cover all activities of all organizations working in the domain of protection of Human Rights, training in Human Rights or violation of the Rights. In so doing, the Commission hopes to organize its activities in an orderly manner.

❖ The project for the mobilization and sensitization of the population on its rights. This project aims at giving a sound sensitization in Human Rights such that those who will have received the training will be in a position to live as citizens who are conscious of their Rights and respectful of the rights of others. Thus the country will have citizens who are aware of their rights and mutually respectful. The sensitization will start from primary school level up to University through secondary school. It will as much as possible, as is the will of the Commission, reach the different social strata of the country.

❖ The project to observe and monitor Gacaca jurisdictions and their functioning.

This project will closely monitor the respect of rights of everyone in Gacaca jurisdictions in every case of those accused of genocide and massacres and how the trials are conducted out and the sentences passed. Thus the Commission will be aware of the working and the

capacity of the jurisdictions and where necessary prepare a report to the concerned authorities about strategies to adopt for the good functioning of these jurisdictions.

2.6. Department in charge of relations with other departments and regional bureaus

2.6.1. Responsibilities of the Department

- ❖ To collaborate with other organizations which are involved in the promotion and protection of Human Rights;
- ❖ To help the management of the Commission in finding and diversifying its relations with various other institutions;
- ❖ To coordinate the Commission with its different branches throughout the country.
- ❖ To work closely with those connected with the Commission either as close collaborators or as regional offices.

2.6.2 Department's achievements

a) Missions and meetings abroad

The Commission established contacts and relations with various Government institutions and international organizations during 1999. Those contacts were established by either all members of the Commission or by its individual members.

During the first half of the month of June 1999 following its establishment, the President of the NCHR, Mr. GASANA Ndoba visited two European countries, Switzerland and Belgium.

From 7th to 9th June 1999, he visited the Office of Mrs. Mary ROBINSON, United Nations High Commissioner for Human Rights in Geneva, Switzerland. The aim of the visit was to acquaint the High Commissioner's office with the existence of the NCHR as well as to solicit help for it.

On 10th June 1999, in Brussels, Belgium, the President of the NCHR, Mr. GASANA Ndoba had talks with Mrs. Francesca MOSCA, in charge of Human Rights at the Commission of European Communities and with her deputy, Mr. José ZARZOSO.

On 11th June 1999, in Brussels, Belgium, the President of the NCHR had talks with Mrs. Christine FAVART, one of the officials at the General Commission of International Relations of the French speaking Community in Belgium.

The discussions which started on 11th June 1999 were followed by those of the 12th July 1999 during which the President of the NCHR and his hosts reviewed the prices of portable computers which the NCHR wished to be equipped with as part of the assistance

by the General Commission of International Relations of the French speaking Community in Belgium.

The same day, Mr. GASANA Ndoba met Mr. Aldo AJELLO, EEC Special Representative, in his office in Brussels at the headquarters of the Council of Ministers of the 15 member-states of the European Union.

These talks enabled the NCHR to be better know and to get the assistance that helped it in achieving the following objectives:

- Organization of seminars for members of the Commission on Human Rights in conjunction with the meetings which took place in Strasbourg in France, at the International Institute of Human Rights. All those achievements were possible thanks to the financial assistance given by the office of the United Nations' High Commissioner for Human Rights, Mrs. Mary ROBINSON. The assistance was forty thousand US dollars (\$40,000).
- The acquisition of five (5) portable computers to be used by the Commissioners in their work. This assistance was given by the General Commission for International Relations of the French speaking Community in Belgium.

At the end of June 1999, during the preparation of seminars for members of the NCHR at the International Institute of Human Rights in Strasbourg in France, the President went to Germany where he had talks with Mrs. Dr. Uschi EID, Secretary of State for Cooperation. Mr. Bernard MAKUZA, former ambassador of Rwanda in Bonn, and Eugène GASANA' First Secretary at the Rwandese Embassy in Germany, facilitated the talks.

The talks which lasted about one hour were later followed by other talks held in Kigali on 10th February 2000; this will be included in the 2000 report of activities. Between these two meetings, contacts were maintained in order to get the NCHR known by the German Cooperation authorities and to seek cooperation between the German Embassy in Kigali through a bilateral approach or through the joint commission of financial backers who support the National Commission for Human Rights and the National Commission for Unity and Reconciliation.

In July 1999, all the members of NCHR had talks with Mr. Jean Bernard MARIE, the out-going Secretary General and other officials of the International Institute of Human Rights in Strasbourg. The talks aimed at establishing cooperation between the High Commission for human Rights and the National Commission for Human Rights for high-level training of Commissioners and the NCHR personnel.

The members of the Commission also held talks with Mrs. Jennifer STODDART, Vice-president of the Commission for Human Rights in the Province of Quebec in Canada and with delegates from various countries such as India, Tanzania, Togo, Cameroon and Uganda. The representatives of these countries are generally members of National Commissions for Human Rights of their respective countries or are members of organizations that have to do with Human Rights. The talks

were very useful to the members of NCHR. In effect, the members of NCHR benefited a lot from the experience and the expertise of the delegates. They obtained a large amount of documentation on Human Rights from them.

Still in July 1999, the President of NCHR, Mr. GASANA Ndoba was invited by His Excellence the Vice-President of the Republic and Minister of Defense, Major-General Paul KAGAME, to participate at the London Round Table, U.K. from 22nd to 24th July 1999, between delegates of the Rwandese Government and those of countries and organizations that give financial assistance to Rwanda. The President of the NCHR had the opportunity to meet several delegations of the participating countries and organizations and to give them documents related to the NCHR for a wide diffusion, among which was the text of the law establishing the NCHR, and to hold discussions with representatives of some countries and organizations which showed the will to lend support to the NCHR, notably delegates from Belgium, the European Union, Norway, Sweden, the USA etc.

It was in July 1999, that the President of the NCHR had talks with the Belgian General Administration of Cooperation to Development; the talks were concluded with the meeting with the Belgian Secretary of State for Cooperation, Mr. Eddy BOUTMANS, on 3rd September 1999 in Brussels.

All these meetings culminated in an assistance of 3,250,000 BF or about 29,250,000 FRW, meant for Rwanda by Belgium through the NCHR. This donation was used to partly cover the costs of organizing the 26th African Commission of Human and Peoples' Rights held in Kigali from 1st to 15th November 1999.

Another very important meeting at the international level was held on the 3rd August 1999; it enabled the members of the Commission to hold talks with Mrs. Mary ROBINSON, United Nations High Commissioner for Human Rights, in Geneva, Switzerland.

During the meeting of 03/11/1999, Mr. Michel MOUSSALLI, Special Representative of the United Nations Commission for Human Rights, gave the opportunity to the Rwandese Human Rights delegation to show other delegations the very important step taken by Rwanda to institute a National Commission for Human Rights. The President of the NCHR explained to the High Commissioner the draft of the NCHR three-year plan (1999-2001) and requested for special assistance for it from the office of the High Commissioner for the National Commission for Human Rights.

The draft was well received by the High Commissioner. She promised the members of NCHR assistance to their Commission by her office. In addition, she told them she had received an invitation from His Excellency the President of the Republic to visit Rwanda. She said she had received the invitation with pleasure and hoped to honour it during the year 2000.

The first installment of the new donation that the United Nations High Commissioner for Human Rights promised to the NCHR was added to the assistance received by the members of NCHR during seminar in Strasbourg in July 1999, and was given at the Kigali Round Table from 12th to 15th October 1999. The installment amounted to fifty thousand US dollars (\$50.000). This amount was mainly used to cover the costs for the accommodation of foreign guests and the *per diem* for the interpreters during the conference.

This assistance was complemented by a sum of twenty-five thousand US dollars (\$25,000) given by the office of the United Nations Development Programme- UNDP Kigali Bureau. The amount was mainly used for hiring the premises where the meeting was held in Kigali and to pay the *per diem* of invited participants as well as for the hiring of vehicles and the acquisition of the necessary materials and equipment for the smooth running of the meeting.

On the 6th August 1999, all the members of NCHR were received in the Office of His Excellency Minister-President of the Government of the French-speaking Community of Belgium. As the Minister-President was on a visit abroad, Mr. Kim Mörich, Director of the office of the Minister-President, welcomed the delegates. The Director assured the NCHR of the continued assistance to the NCHR by the French-speaking Community of Belgium in the Commission's efforts and activities for the promotion and protection of Human Rights in Rwanda and in the Great Lakes Region. The President of NCHR explained the contents of the Commission's draft Programme for the 1999-2001 exercise, as well the financial assistance being sought by the NCHR to Mr. Mörich and to the other collaborators of the Minister-President who were present at the meeting, among whom was Mr. Alain VERHAEGEN, adviser to the Minister-President on African Affairs. He took the opportunity to thank the Government of the French-speaking Community of Belgium for its good will and its receptiveness to the NCHR. The President of the NCHR reiterated this on 2nd September 1999 when he visited the Office of Government of the French-speaking Community of Belgium for the second time.

The receptiveness of the Government of the French-speaking Community of Belgium in terms of assistance to the NCHR concretized itself in the donation of five (5) computers that were presented by Mr. Thierry LIPPENS, on 28th October in Kigali, at a ceremony conducted by Mr. Michel LATSHENKO, ambassador of the Kingdom of Belgium in Rwanda.

Visits by members of the Commission to African countries during the last quarter of 1999 that were very fruitful and resulted in assistance of varying degrees:

From the 20th to 21st October 1999, Mr. Tom NDAHIRO, Commissioner for Human Rights in Social and Political matters, was part of the Rwandese delegation led by his Excellency the President of the Republic during the funeral ceremonies for late Mwalimu Julius NYERERE, former President of the United Republic of Tanzania.

From the 30th October to the 5th November 1999, Mr. Denys UWIMANA, Commissioner for Human Rights in mobilization, sensitization and training of citizens in Human Rights, represented the NCHR at a meeting held in Kampala, Uganda. The meeting was on the protection of Human Rights in East Africa. It was sponsored by the Friedrich Ebert STICHTUNG Foundation and concerned the analysis of the performance of each delegation present at that meeting, as well as the contribution in finding solutions to the difficulties encountered in their activities.

The important resolutions at that meeting were as follows:

1. Setting up a NETWORK.
2. Membership to the Network is open to all state and/or independent Human Rights organizations or associations established in East Africa.

3. A Steering Committee, which will be elected by a consultative council at the next meeting, will direct the Network.
4. In relation to the above decision, a body comprising different Human Rights NGOs in UGANDA whose roles are as following:
 - a) To prepare a plan of guiding principles for the Network and its Coordinating Committee which will be examined at the next meeting.
 - b) To prepare the main points to be discussed at the next meeting.
 - c) To prepare a plan of the Network's strategies and programme to be examined during the next meeting.
5. The above-mentioned body will summon the Network's first meeting not later than the beginning of February 2000.
6. Each country represented at that meeting will give the name of its representative who will play the role of contact person with the Network.
7. To work relentlessly in the activities for the promotion and protection of Human Rights in the East African Region based on individual and/or collective efforts and cooperation by those concerned by the defense of Human Rights.

The NCHR representative paid a visit to the Uganda Commission for Human Rights on the 4th November 1999. He had fruitful exchanges with the officials of the Ugandan Commission. At the end of the exchange, the Rwandese delegate had very important information and advice that will guide the NCHR in the harmonious accomplishment of its objectives.

From 15th to 17th November 1999, the President of the NCHR Mr. GASANA Ndobu represented the NCHR at the Addis-Ababa International Conference, organized by the Development Assistance Committee of the Organization for Economic Cooperation and Development in collaboration with the UN and OAU Economic Commission for Africa. The conference which was called at regional level (Africa), had as its objective to examine a document titled *DAC Guidelines on Conflict, Peace and Development Cooperation* which was prepared and confirmed in 1997 by countries which make up the above-mentioned Committee and was supported by the Summit of the Eight during the same year.

Basing himself on Rwanda's history, on the objectives of our country, taking into account the disastrous consequences of the massacres and the genocide of 1994 in Rwanda and on the unfortunate attitude of the international community including the financial backers, the President of the NCHR expressed a number of ideas on a more beneficial future cooperation in the world in general and about Rwanda in particular. The NCHR President also took the opportunity of the conference to introduce the NCHR, its objectives and programme to foreign delegates. He was assisted by the First Secretary at the Rwandese Embassy in Ethiopia.

The last visit abroad for the year 1999 was by the President of the NCHR accompanied by KANYANGE Anne-Marie, Commissioner for Human Rights in Economic, Social and Cultural matters. The visit took place from the 19th to the 27th December 1999. It was in response to the invitation made by the authorities of the People's Republic of China, which was related to an exchange of ideas on Human Rights. On the side of the Chinese authorities, it was mainly to show the NCHR, as an institution of a friendly country, the achievements of China in Human

Rights, which foreign countries do not understand the way the People's Republic of China wishes them to do. This point of view is in relation to the preparations of the annual meeting of the United Nations Human Rights Commission which is held in Geneva.

On the side of the National Commission for Human Rights, the aim was to get the Chinese authorities acquainted with the objectives and programme of the NCHR, China being a friendly country, to seek fruitful contacts and cooperation with different Chinese authorities in the promotion and protection of Human Rights, to get acquainted with the structures for the promotion and protection of Human Rights in China, the general living conditions of the Chinese people, the prison conditions in China, etc.

The visit yielded a closer friendship between the Commission and the various Chinese authorities, and possibly improved relations between our countries, sharing ideas and experiences based on actions, and a promise of three thousand US dollars (\$3000) to the Commission by the Chinese Government for the purchase of two computers.

b) Meeting between the NCHR with the representatives of different institutions in Rwanda

The establishment of the NCHR was well received by different Human Rights organizations working in Rwanda. The favourable attitude was manifested by individuals who responded massively to the activities of the Commission right from its inception whether in Kigali or up-country. Thus the Commission was solicited to participate at many meetings including training seminars as well as several meetings with state institutions, several independent national or international organizations, countries' ambassadors and delegates of international organizations accredited to Rwanda.

The NCHR is satisfied with the attitude of embassies of friendly countries in collaboration with the Office of the United Nations Development Programme –UNDP in Kigali which amicably formed a committee whose task is to assist the National Commission for Human Rights and the National Commission for Unity and Reconciliation. Even if the results of this Commission are not yet tangible, the NCHR still hopes that regular meetings of that joint committee Embassies/UNDP will bear fruits and the objectives and the programme of the Commission will become better known to donors whose consequent financial support to the Commission will supplement the budget the Government of Rwanda allocates to the NCHR every year.

The NCHR is very satisfied with the results from the contacts between its two representatives and the experts (IPEP) of the International Commission mandated by the OAU for investigations on the genocide of 1994 and its consequences on Rwanda and the Great Lakes Region.

The President of the NCHR was also able to have a long telephone conversation and to give a written testimony to members of the International Commission of experts set up by the Secretary General of the United Nations to study the role of the Organization in the genocide which took place in Rwanda in 1994 (Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda).

Among the activities that give the Commission hope we have the meetings it had with the military establishment and the judiciary, organizations for integrated development, heads of independent associations or religious groups and others.

PART THREE

CONSTRAINTS AND PROSPECTS

3.1 Constraints:

The National Human Rights Commission encountered various difficulties in the first months of activity, among which were the following.

The law establishing the Commission is written in general terms. There is need for further clarification of its provisions for it to be well implemented. In some parts, there is even need for supplementary provisions. A good example 5 relates to provisions regarding the power of the Commission to summon or interrogate an individual or an institution in the course of investigation of human rights violations. Another difficulty arises from the existence of some inconsistencies in the three languages in which the law was formulated.

Delays in the recruitment of staff, procurement of equipment and establishment of internal rules and regulations were also a source of constraints. This was due to the fact that the Commission, a State institution that had never existed before, was just starting. The Commission must, therefore, explore means to improve its functioning, its relations and its collaboration, and to establish its internal rules and regulations as well as adequate staff rules.

Negotiations with the donors to find a supplement to the ordinary budget that the Government allocates to the Commission required more time and energy than the Commission had anticipated. The date, they have not yet yielded significant results. Nevertheless, they are still being pursued.

3.2. Prospects

Some of the actions to be taken in order to overcome the above-mentioned constraints as soon as possible are :

To submit to the competent authorities proposals for amendment of the law establishing the Commission as well as a list of points requiring its authoritative interpretation.

To recruit, and organize training seminars for the Commission's staff that fits needed in its everyday activities;

To continue with the programme of education and sensitization of the population of Rwanda on Human Rights, in general, and on the methods and procedures of the Commission in particular;

To set up offices of the Commission in different areas of Rwanda in order to facilitate training and sensitization activities as well as prosecution of present and future perpetrators of human rights violations throughout the country;

To monitor and check the working of GACACA tribunals which will soon be established so that the Commission may ascertain that the human rights of all Rwandans are being respected;

To organize meetings of all those involved in the defense of Human Rights so that, with their collaboration, the Commission may achieve its goals;

To continue negotiations with donors so that the Commission may get sufficient funding for the projects that it has submitted to them.

PART FOUR

**REPORT ON THE UTILISATION OF THE JUNE-DECEMBER
1999 BUDGET**

4.1 Summary of the use of funds

In order to carry out its activities for the seven month period from June to December 1999, the National Commission Human Rights received a budget of two hundred and fifty million Rwandan francs (250,000,000 Frw).

Out of that amount, the money that had been used up to 31st December 1999 was two hundred and five million six hundred and sixty-seven thousand, one hundred and twenty-seven thousand francs (205,667,127 Frw).

The table below shows the details of the expenditure

Description	Planned expenditure	Real expenditure	Balance	Over-expenditure
1. Durable material		See page 40		
1.1 Motor vehicles	80,757,150	80,756,150	-	-
1.2 Technical equipment	8,899,637	4,383,400	4,516,237	-
Office equipment	10,321,500	14,438,160	-	4,116,660
2. Everyday use				
2.1 Consumables	31,439,039	14,956,337	16,482,702	-
2.2 Rent for working premises	7,650,000	4,900,000	2,750,000	-
2.3 Internal and external missions	44,450,000	42,168,798	2,281,202	-
2.4 Staff salaries wages and benefits	66,482,674	44,063,284	22,419,390	-
Total	250,000,000	205,667,129	48,449,531	4,116,660

4.2 Explanation of the summary

4.2.1 Expenditure on durable equipment

(a) Technical equipment:

Out of the amount earmarked for the purchase of this equipment, only 49% was spent because some such equipment was donated to the Commission by various donors and organisms as a result of the meetings mentioned in this previously report.

(b) Office equipment

Out of the allocation for the purchase of office equipment, the amount spent as at 31st December 1999 was one million and five hundred and ninety-eight thousand francs. Twelve million eight hundred and forty thousand one hundred and sixty francs had not yet been paid out because

the equipment had not yet been delivered. The amount was paid in the year 2000 after the equipment was delivered as will appear in the year 2000 report.

An over – expenditure of four million one hundred and sixteen thousand six hundred and sixty francs was recorded in connection with office equipment because the real prices of purchased equipment was higher than the quotations by the NATIONAL TENDER BOARD used in the planning of the 1999 budget.

4.2.2. Consumables, salaries and wages

Because the pre-requisites for recruitment of new staff (the organizational chart and recruitment criteria etc.) were late because the commissioners had to prepare them and agree on the terms, employment of new staff was delayed and so was the purchase of consumables so as to avoid wastage due to deterioration.

4.2.3. Building housing the Commission's offices

The Commission was unable to get an official building for its offices. It became necessary to rent an unfinished building in order to be able to start work. The Commission went on renting rooms as they became available. This resulted in paying less rent than had been budgeted.

PART FIVE

CONCLUSION

In May 1999, the Government of Rwanda established the National Commission on Human Rights in conformity with the Arusha Peace Agreement, especially its on the Rule of law.

Besides establishing the NCHR as stipulated in the Arusha Peace Chapter II Agreement, Rwanda confirmed, again as provided for in the said chapter of the Agreement (article 14) its unqualified acceptance of the universal aspect of human rights. It was under those circumstances that the law n° 04/99 of 12th March 1999, establishing the Commission allows the latter officially to speak out against human rights violations committed by anyone, anywhere in the national territory. Given that the defence of human rights is one of the objectives of the United Nations, of which Rwanda is a member, the law establishing the Commission to examine the human rights violations committed by anyone, including institutions of the State, organisation or association.

The National Commission for Human Rights is grateful to the Government of Rwanda for its support so far. The Commission was allocated its share of the ordinary state budget. On its part, the Commission has avoided making excessive demands given the Government's limited resources.

It was for that reason that the Commission made efforts to prepare projects to be submitted to donors so that any support from them may supplement the Government in providing the Commission with the means to carry out its investigation and sensitization work.

The Commission is very grateful to all the donors for their unconditional receptiveness and their assistance during the first seven months of its operation. Among these benefactors the Commission would like to mention especially: the Office of the United Nations High Commission for Human Rights, the United Nations Development Programme, Belgium, Switzerland China and others.

The Government has also shown a lot of cooperation with the Commission in the latter's efforts to find the truth about the infringement of Human Rights. This work will continue, with the main objective of eradicating impunity that has marked the history of this country, and sensitizing the people of Rwanda into respecting and protecting human rights and dignity.

It might appear that not much was achieved during these first seven months of the Commission's operations covered by this report. However, as mentioned in this report, this is a new institution, without any other of its kind in the country. The Commission still needs more time to overcome the constraints it encountered, be it in the preparation of laws and regulations establishing it, be it in the comprehension and acceptance of such laws and regulations by various members of the Commission and even by institutions working with the Commission. There is need for more time to improve the working conditions and capacities of members of the Commission and its staff, and to find them adequate equipment.

The Commission's task is an arduous one. But, as was demonstrated during its trips to the different prefectures, there is a lot of hope and will to make the National Commission on Human Rights attain its objectives as expected by the Rwandese people.

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MAIN REFLEXIONS EXPRESSED BY THOSE WHO ATTENDED THE SENSITIZATION SESSIONS ORGANISED BY THE NHRC IN THE PREFECTURES

At the beginning of the discussions, the Commission's delegates fielded three questions which form the basis of its mission. The participants were asked to answer the questions anonymously in writing. From the 11 prefectures visited in 1999, more than 1.000 persons responded to the questionnaire. This enabled the Commission to reflect the expectations of the people in the elaboration of its 3 year programme of action.

A. The three questions :

1. What are the main human rights problems in Rwanda that should be urgently addressed by the Commission ?
2. What should be done to eradicate the culture of impunity ?
3. What should be done to make every Rwanda know his rights and respect his neighbour's ?

B. The Answers :

1. On the first question, the main human rights problems that should be urgently addressed by the Commission were identified as follows :

1.1 Bribery in the judiciary and the civil service.

For example some people who have been detained for well-known offences are released contrary to the due process of law. In some cases, witnesses are forced to retract evidence. Suspects pay bribes and remain unpunished while innocent people sometimes have to pay to protect themselves from illegal arrest.

In the civil service, bribes are paid out to officials in order to elicit speedy resolution of various problems.

1.2. There are people who are ignorant of their legal rights and their obligation to respect the rights of others.

1.3. Incompetence and deliberate neglect of duty on the part of officials in

central and local authorities. Some of them treat with disdain those who

come to them for service, beat them, frustrate them and keeps their problems indefinitely shelved. Some misuse their offices and conduct themselves as being above the law. The malpractices are sometimes evident in the discriminatory way jobs are allocated and disputes resolved.

Favouritism and discrimination are based on wealth, ethnicity, region, religion etc..

1.4. Unlawful arrest and detention.

1.5. Excessively long delays in delivery of judgement in cases before the courts. Justice is thus denied to survivors of genocide and other complainants.

1.6. The culture of impunity makes some act as if they are above the law.

They misuse their high office, relationship with the powerful and wealth to trample on other people's rights without fear of punishment.

1.7. Unlawful withholding of private property.

1.8. Miserable living conditions caused by poverty, famine, war, or insecurity.

1.9. There are people living under daily special constraints such as survivors of genocide, old case refugees who returned in 1994 and new case refugees who returned in 1996, those rendered destitute by insurgency, demobilised soldiers especially those who have been crippled in action.

1.10. Defilement of children, rape of women and problems arising from polygamy.

1.11. Poor planning and settlement of "midugudu" villages without the participation of beneficiaries.

Some of these villages have no dispensary, no school and no water. People are ordered to pull down their houses and move to these villages where they may be obliged to live under plastic sheetings.

1.12. In some areas, there is unfair distribution of land for pasture and cultivation. People living in the "midugudu" are allocated land far from where they live or, in some cases, no land is allocated to them at all.

It is alleged that the best and biggest land is allocated to senior government and military leaders.

1.13. Failure to pay workers, delayed payments and promotion, dismissal without notice and termination benefits especially when public corporations are privatised.

1.14. Persecution and silencing of those who attempt to speak out against injustice, especially when they try to point out the misdeeds of leaders; the safety of key witnesses in serious felonies is not ensured.

1.15. Some laws are discriminatory and need to be reviewed or repealed; there is also lack of adequate legislation to uphold justice and human rights, such as the lack of laws relating on gender equity and land tenure.

1.16. Unclear policy in matters of wages, employment and taxation.

2. On the second question, the following lines of action were proposed to eradicate the culture of impunity :

2.1. An efficient and effective judiciary, separate and independent of the executive arm of government ; people working there should be persons of high integrity with skills and understanding of their work. They should have adequate and up-to-date materials and equipment to facilitate their work.

2.2. To punish or cause to be punished anyone who infringes the rights of another in whatever manner or commits a break of the peace, irrespective of his political, ethnic or regional affiliation.

2.3. To punish communal leaders in the presence of the communal council.

2.4. To institute measures aimed at discouraging nepotism and making leaders beware of supporting their relatives to the extent of protecting them against prosecution when they have committed an offence.

2.5. To institute measures aimed at reprimanding or removing leaders who act against public interest or collaborate with evil-doers.

2.6. To publicise the names of people who persistently infringe on the human rights of others, or who take bribes at the workplace and to make their punishment known to the public.

3. On the third question, it was recommended that the following should be done to make every Rwandan know his rights and respect those of this neighbour :

- 3.1. To educate the people on particular laws that protect their rights and on the laws of the land in general.
- 3.2. To teach and hold discussions in schools concerning human rights.
- 3.3. To constantly mobilise the people to uphold the culture of tolerance, respect of other people's rights, to avoid telling lies and protecting evil doers, and to exercise mutual defence in cases of insecurity.
- 3.4. To conduct seminars and discussions at all levels of civil and military leadership on the importance of human rights and on how to protect them.
- 3.5. To punish in accordance with the law and in public, anyone who violate the rights of others.
- 3.6. To give the people at the grassroots the opportunity to participate in the creation of an appropriate justice system for Rwanda.