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COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*,
Hungary*, Ireland*, Italy*, Luxembourg*, Netherlands, Portugal, Romania,
Spain*, Turkey*, United Kingdom of Great Britain and Northern Ireland
and United States of America: draft resolution

1993/... Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all Member States of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

** Reissued for technical reasons.

Recalling that, from 1985 to 1989 and from 1991 to 1993, it examined the situation of human rights in Zaire under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII), dated 27 May 1970,

Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the reports of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (E/CN.4/1993/46) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25),

Concerned about the seriousness of the situation of human rights in Zaire and, in particular, about the use of force during peaceful gatherings, arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, serious shortcomings in the administration of justice, which is unable to function independently, and forced population displacements,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation and, in particular, that of the most vulnerable groups,

Stressing also the need to put an end to the impunity of persons responsible for human rights violations,

Concerned about the serious obstacles which have stood in the way of the process of democratic transition and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms,

1. Deplores the continuing serious violations of human rights and fundamental freedoms in Zaire, particularly the practice of torture and cruel, inhuman and degrading treatment or punishment, arbitrary detention and detention incommunicado, inhuman and degrading prison conditions, especially in the detention centres administered by the army, enforced disappearances, summary and arbitrary executions of persons who have exercised their right to freedom of opinion and expression, and denial of the right to a fair trial;

2. Notes with indignation that force is used systematically to prevent and suppress peaceful gatherings and demonstrations;

3. Expresses its concern about the deterioration of the situation in Shaba, where the authorities bear primary responsibility for fresh outbreaks of ethnic tensions and for the forced displacement of 20,000 persons;

4. Also expresses its concern about discriminatory measures affecting persons belonging to minority groups;

5. Recommends that the thematic Rapporteurs and working groups of the Commission should continue to keep a close watch on the situation of human rights in Zaire;

6. Requests the Secretary-General:

(a) To bring this resolution to the attention of the Zairian authorities;

(b) To report to it, at its fiftieth session, on the basis of any information which might be gathered on the situation of human rights in Zaire, including information supplied by non-governmental organizations;

7. Decides to consider this question again at its fiftieth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".
