



Organisation Mondiale Contre la Torture, et al. v. Rwanda

(2000) AHRLR 282 (ACHPR 1996); Communications 27/89, 49/91 and 99/93

Country: Rwanda

Region: Africa

Year: 1996

Court: African Commission on Human and Peoples' Rights African Commission on Human and Peoples' Rights

Health Topics: Prisons

Human Rights: Freedom from discrimination, Freedom from torture and cruel, inhuman or degrading treatment, Freedom of movement and residence, Right to due process/fair trial, Right to liberty and security of person, Right to life

Facts

Various communications alleged that: (1) Burundian nationals, who had been refugees in Rwanda for several years, were told they had one month to leave the country as they were considered national risks due to their "subversive activities". The refugees were not able to challenge the expulsion in court (2) arbitrary arrests and summary executions had occurred in Rwanda (3) thousands of people had been detained on the basis "of ethnic origin and peaceful political activities". Over 1000 people were held in "deplorable conditions", and a large number of villages were destroyed and villagers massacred. (4) Serious violations had occurred such as "widespread massacres, extrajudicial executions and arbitrary arrests against the Tutsi ethnic group."

Decision and Reasoning

The African Commission on Human and Peoples' Rights (the "Commission") noted that the goal of the communications procedure was "to initiate a positive dialogue, resulting in an amicable resolution between the Complainant and the state concerned . . .", however as Rwanda had not responded to the allegations the Commission must treat the facts given by the complainant as true.

The Commission thus found that:

- (1) "Individuals' rights had been violated on the basis of such individuals' Burundian nationality or Tutsi ethnicity, violating Article 2 of the African Charter
- (2) "the arrests and detentions based on ethnic origin alone constituted a violation of Article 6 of the African Charter
- (3) "the Burundian refugees were expelled in violation of Articles 2 and 12 of the African Charter
- (4) "the expulsion of the Burundian refugees without giving them an opportunity to be heard by a court violated Article 7.1 of the African Charter.

Decision Excerpts