



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**A RESOLUTION OF THE ASSEMBLY TO COMMEMORATE THE GENOCIDE
AGAINST THE TUTSI**

By Hon. Abubakar Zein and adopt by the Assembly on Wednesday 17th April 2013

WHEREAS the United Nations General Assembly adopted the convention on the Prevention and Punishment of the Crime of Genocide on December 9th, 1948, in its Resolution 260 (III), which declares genocide, whether committed in a time of peace or in a time of war, a crime under international law, and declares that the parties to the Convention should undertake to prevent, protect and to punish the Crime of genocide;

RECALLING with sadness that the crime of genocide was committed in Rwanda against the Tutsi in 1994 with very minimal intervention by the International community;

WHEREAS the United Nations Security Council adopted a resolution S/RES/955 (1994) to establish the International Criminal Tribunal for Rwanda for the sole purpose to prosecute persons responsible for genocide and other mass atrocities committed in Rwanda between 1 January 1994 and 1 July 1994;

AWARE that the United Nations General Assembly adopted Resolution No. 58/234 on December 2003, which mandated 7th April the International Day of Reflection on the 1994 Genocide in Rwanda;

RECALLING the recommendations of the Executive Council of the African Union, at its Second Ordinary Session held in N'Djamena from 3 to 6 March 2003, that the

United Nations and the International community commemorate an international day of reflection on the 1994 genocide in Rwanda and recommitment to the fight against genocide throughout the world;

FURTHER AWARE THAT the United Nations General Assembly adopted Resolution No. 59/137 in 2004 which calls for assistance to Survivors of the 1994 genocide in Rwanda and readopted in December 2011 vide Resolution No. 66/228 calling for the Secretary General to continue to encourage the international communities and agencies to implement Resolution 59/137;

AND WHEREAS the United Nations General Assembly adopted the Resolution GA/10569 condemning without reservation any denial of the Holocaust;

RECALLING the United Nations General Assembly adopted Resolution No. 60/147 on the basic principles and guidelines on the Right to a Remedy and Reparations for victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law;

RECALLING the United Nations Resolution No. 872 (1993) which established the United Nations Assistance Mission for Rwanda (UNAMIR) and its consecutive Resolution No. 21/912 adjusting the mandate of the United Nations Force in Rwanda, and resolution 918 (1994) expanding the UNIMIR force level;

RECALLING the Decision of the EAC Council of Ministers to transfer the ICTR Archives to Rwanda to serve as a living heritage of genocide to the Rwandan community;

CONCERNED that the International Community through the UN Security Council utterly failed to prevent and stop the Genocide against the Tutsi by reducing the number of UNAMIR troops leading to the death of many thousands who had found refuge in the sanctuary of UNAMIR;

FURTHER CONCERNED that many alleged perpetrators of genocide continue to elude justice and thereby negating the importance of fighting impunity for all violations that constitute the crime of genocide;

FURTHER CONCERNED that there is growing intention of the denial with regard to the genocide against the Tutsi and wide spread hate speech through media and other relevant channels worldwide;

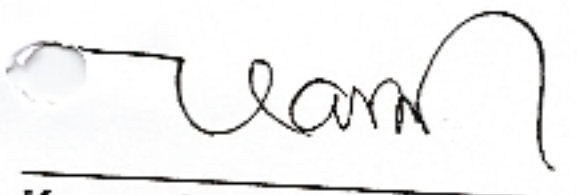
FURTHER CONCERNED that the International Community has yet to meaningfully honor the right of the survivors of genocide to reparation;

THIS ASSEMBLY DO NOW RESOLVE AS FOLLOWS:

1. To declare its solidarity with the people and government of Rwanda especially now when they commemorate the 19th anniversary of the 1994 genocide against the Tutsi.
2. To express its profound disappointment with the failure of the United Nations system to prevent the genocide despite having received reports to that effect.
3. To appreciate the resilience of the people and government of the Republic of Rwanda in coping with the legacy of genocide on their own for the last 19 years.
4. To support the decision of the Council of Ministers to ensure that all the archives of ICTR are transferred to Rwanda.
5. That the Council of Ministers designates the 7th of April of every year as the EAC Day of Reflection on the genocide against the Tutsi and call on EAC Partner States to commemorate that genocide.

6. That the EAC Partner States do act in accordance with the Convention on the Prevention and Punishment of the Crime of genocide by putting in place necessary mechanisms to track and to ensure that genocide fugitives are brought to justice.
7. That EAC enacts laws punishing the crime of genocide, genocide denial, negation of genocide, propagating the hate speeches and acts embodying genocide ideology.
8. Call upon the EAC Summit of Heads of State to urge the United Nations to adopt a Resolution establishing an International Trust Fund for Survivors of the 1994 genocide committed against Tutsi in Rwanda.
9. That the EAC do organize during the commemorative period of 2014, a Regional Conference to address the issues of genocide as part of the commemoration of the 20th anniversary of the genocide against Tutsi.

CERTIFIED BY:



Kenneth Madete
CLERK

DATE: 25TH APRIL 2013