

crimes against humanity, including extermination, murder, torture, rape and other inhumane acts. This was the first time that an international tribunal had interpreted the definition of genocide as set down in the 1948 UN Genocide Convention. It was also the first criminal conviction by an international tribunal for acts of sexual violence in an internal conflict. As well, the ICTR decision set a precedent in recognizing rape as genocide, stating that: "Sexual violence was an integral part of the process of destruction, specifically targeting Tutsi women and specifically contributing to their destruction and to the destruction of the Tutsi group as a whole." On September 4, two days after the Akayesu verdict came in, the ICTR sentenced former Prime Minister of Rwanda, Jean Kambanda, who had pleaded guilty to genocide, to life imprisonment.

In 1998, the International Criminal Tribunal for former Yugoslavia (ICTFY) also moved forward. New arrests or surrenders tripled the number of detainees in custody to 28 and the Court was engaged in an extraordinary amount of litigation activity. While the Republic of Yugoslavia (Serbia and Montenegro) continued to refuse to arrest or transfer indicted persons to the custody of the Tribunal — at least 30 indicted suspects are still free in territory under the control of Bosnian Serbs or in Yugoslavia, including the two most wanted men of the war, Radovan Kardzic and Ratko Mladic — some progress was made with the arrest by NATO forces in November of Bosnian Serb Radislav Krstic. Moreover, while Belgrade challenged the ad hoc tribunal's jurisdiction in the Kosovo war, refusing to issue visas to investigators of the Office of the Prosecutor, resolutions of the Security Council in September and October made it clear that the Yugoslav government was to cooperate with the Tribunal regarding alleged atrocities committed in Kosovo, as well as elsewhere in the Republic of Yugoslavia.

The issue of impunity remained a priority on the international agenda with the arrest, in October, of former Chilean dictator, General Augusto Pinochet, who was in

London for medical treatment. Pinochet was apprehended by British authorities on the basis of a provisional Spanish arrest warrant, charging him with genocide, torture and terrorism, because of the murder of Spanish citizens in Chile by his security forces. The central question is whether a former head of state enjoys diplomatic immunity or whether he has to answer for crimes committed by his regime. The verdict is not yet in on this case since the first decision of the House of Lords (handed down on November 25) — which, on appeal, overturned an October 28 decision of the British High Court that had ruled in Pinochet's favour — had to be set aside, and a new appeal will be heard in 1999.

It will be recalled that in December 1997, governments from around the world gathered in Ottawa, Canada to sign a treaty implementing a total ban on the production, use, stockpiling or transfer of anti-personnel landmines. Moving ahead with record speed, by September 1998 the 40th government had ratified the Landmines Convention, with forty the number of ratifications needed for the treaty to enter into force. This will therefore occur in March 1999, at which time the countdown will begin for the destruction of all stock piles (four years) and for the removal of all mines from the ground (ten years).

Finally, in considering developments in 1998, the Bureau of the Commission on Human Rights, which was charged at the 54th CHR session in April to begin a review aimed at enhancing the effectiveness of the Commission's mechanisms, conducted broad consultations with both governments and NGOs. In December, it released a report with recommendations, proposals and observations with respect to the special procedures of the Commission, the confidential procedure established by ECOSOC resolution 1503 (XLVIII), the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, and working groups established by the Commission to conduct standard-setting exercises. That report will be considered by the 55th CHR session in April 1999.