

other abuses of human rights; urged the government to establish adequate measures to facilitate the reintegration of released persons into society; and reiterated its concern at the conditions in most communal detention centres and prisons and emphasized the need for greater attention and resources to be directed to that problem. The GA noted the five-point plan of the government giving priority to: first, training national human rights monitors; second, initiating human rights education programmes in formal and informal education; third, providing the National Human Rights Commission with the necessary financial and technical assistance; fourth, initiating a human rights public-awareness campaign using media resources; and fifth, establishing a national centre for human rights as an information clearing house and training centre.

## SECURITY COUNCIL

### Report of the International Criminal Tribunal for Rwanda

A note of the Secretary-General (S/1998/857, September 1998) transmitted to the Security Council the third annual report of the International Criminal Tribunal for Rwanda (ICTR). The report includes information on, *inter alia*: the activities of the Chambers, the Office of the Prosecutor and the Registry; regulatory and judicial activities; cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY); cooperation with states; and considerations related to enforcement of sentences.

The ICTR noted that, as of the date of preparation of the report, 43 individuals had been indicted and 31 individuals had been apprehended by various states and handed over to the Tribunal for detention in its Detention Facility. The first judgement was handed down in the case *The Prosecutor v. Jean-Paul Akayesu* and two other trials were in progress (*The Prosecutor v. Clément Kayishema and Obed Ruzindana* and *The Prosecutor v. Georges Rutaganda*). As well, in May 1998, the Tribunal recorded the first guilty plea by an accused (*Jean Kambanda*, Prime Minister of the Interim Government established in Rwanda after the 6 April 1994 air crash in which President Habyarimana was killed).

With these important developments in mind, the report notes: judges are still encountering many difficulties in their work, including inadequate technical resources and staff; with regard to the arrest of indictees, problems organizing the judicial calendar in respect of the right of everyone charged with an offence to be tried without undue delay; there remains a need to improve courtroom audio-visual equipment, computerize judicial files and strengthen the human resources assigned to the translation section. In response to criticisms of the slow pace of trials, the report notes that the slowness may be attributable to two factors: the desire of the judges, given the seriousness of the crimes attributed to the accused, to dispense a justice which is beyond reproach and which is based on full respect for their rights and, the fact that the

Tribunal's procedures themselves do not always allow justice to be dispensed promptly.

The Rules by which the Tribunal works were amended with a view to: clarifying the procedure for requests for deferral submitted to the national authorities by the ICTR in respect of investigations and criminal proceedings; allowing a judge who ordered the transfer and provisional detention of an accused to sit on the Trial Chamber hearing the case against the accused; providing long-term arrangements for the protection of witnesses called before the ICTR; authorizing the Registrar to replace assigned counsel in exceptional cases and in cases of breaches of the rules of ethics; indicating to the Prosecutor the deadlines for communicating to the defence supporting material and witness statements, and bringing provisions governing items not to be communicated into line with the corresponding Rules of the ICTY; indicating to the two sides the procedure and deadlines for filing preliminary motions and other applications; and clarifying the procedure for prosecuting and trying witnesses accused of giving false evidence. Rules were also amended to expedite proceedings before the ICTR.

Summary comments on investigations include the following: with regard to genocide, the investigations have revealed the existence of a nationwide plot in which the state authorities and elements of civil society, in particular members of the militia (*sic*), were implicated; determination of the components of the application and execution of this conspiracy remains a major objective of the investigations; with regard to sex crimes, the investigations are continuing to seek to shed light on the extent of these crimes, noting that a total of 85 statements by witnesses has been compiled and stating the probability of a larger number of victims potentially prepared to testify about these crimes and their perpetrators; and, the results of the investigations continue to reveal the linkages among all the crimes committed in Rwanda.

The report notes that, over and above court functions, the Office of the Prosecutor also helped to organize, and participated in, a seminar on sex crimes/aggression during which the legal and social aspects of these crimes were discussed. Reference is also made to the Victims and Witnesses Support Unit which is responsible for providing protection and support for both prosecution and defence witnesses. The support takes the form of financial, medical or other assistance and includes organizing the travel of witnesses to and from Arusha. The report states that, between June 1997 and late 1998, no potential or actual witnesses has lost her or his life as a result of their real or presumed relationship to the Tribunal.

Other considerations addressed in the report include: the ICTR system of legal assistance (defence counsel), including offices and facilities at ICTR headquarters; the Tribunal's detention facility (52 cells, six of which are reserved for women detainees as necessary) and conditions of detention; and information and communication activities undertaken by the Press and Information Section, including facilitation of press coverage and the presence of Rwandan as well as foreign media.