

The report to the General Assembly by the High Commissioner for Human Rights on HRFOR (A/52/486) repeats, in a number of areas, the information included in the report to the 1997 Commission on Human Rights and reports from the Field Operation. The High Commissioner noted, however, that the structure of the Field Operation was changed following the killing of the five staff members and the onset of UN security regulations which precluded the presence of human rights field officers in the western prefectures. Units are designed to: report on and analyse the current human rights situation based on information and reports provided principally by the Operation's field teams; focus on improvements in the administration of justice and in the status and conditions of genocide survivors; undertake genocide trial monitoring, promote improvements in penal administration, train the gendarmerie and the communal police; focus on the establishment of a national human rights commission, a parliamentary human rights commission and human rights departments in all ministries of the government; focus on improving the position of the vulnerable, such as women and children, and capacity-building within human rights non-governmental organizations; liaise with security officers of other UN agencies and security officials of the government of Rwanda; develop systems and procedures for the security of the Field Operation, evaluate security threats and risks to the Operation and, train staff to increase security awareness; and ensure the security of personnel, premises and documentation.

In its overview of the human rights situation, the report notes that, since February 1997, information has been received related to: ethnically motivated attacks carried out by armed groups against persons on public transport buses; numerous attacks on judicial personnel; excessive use of force by soldiers, resulting in killings that amount to extrajudicial executions; ill-treatment in a number of prisons and chronic lack of food, access to water and health care; lack of full respect for some fair trial guarantees in genocide proceedings; and, continued detention of persons without trial.

An addendum to the High Commissioner's report (A/52/486/Add.1/Rev.1) was also provided to the General Assembly. The addendum summarizes an assessment of the work of the Field Operation which stated that: HRFOR contributes to the protection and promotion of human rights in the aftermath of the 1994 genocide, and in the context of ongoing insurgency and counter-insurgency operations; human rights monitoring has a developed expertise related to violations committed in a context of political conflict and repression but is not intended to monitor violations of international humanitarian standards in the course of full-scale armed conflict; the efforts of the Field Operation to investigate, discuss with the government, and report on killings of civilians by the Rwandese Patriotic Army during counter-insurgency operations have caused tension in its relations with the government; the mandate of the Field Operation has always placed equal stress on monitoring and on technical cooperation, and efforts have been made to bring about a mutual relationship between the two; the perception of the government, however, is that the Field Operation is interested chiefly in monitoring rather than

capacity-building and that it has over-allocated staff to promotional activities; members of the government expressed concern that, in their view, the Field Operation's reports were not well verified and that, despite not being on the spot, the Field Operation failed to confirm facts before making them public; the government also expressed the view that the objective of monitoring the human rights situation — to assist Rwanda to progress in the human rights domain — was being neglected; most of the representatives of governments that have taken the lead in contributing to the funding of the Field Operation, and follow its work closely, expressed the view that the human rights situation in Rwanda required re-establishment and maintenance of the Field Operation's local presence and monitoring to the maximum extent, consistent with UN security regulations; and, the Office of the UN High Commissioner for Refugees expressed the hope that the Field Operation would be able to resume more comprehensive visits to local detention centres.

The assessment led to recommendations, including that:

- ▶ the role of the Field Operation should continue to be conceived as one which combines a dissuasive local presence and monitoring with technical cooperation and capacity-building;
- ▶ monitoring should be conceived as a means of assisting the government to address problems, as a basis for a dialogue to diagnose the needs, and as encouragement to the international community to provide the help necessary to do so;
- ▶ capacity-building and human rights education and promotion should be clearly linked to the diagnosis;
- ▶ consideration should be given to the replacement of the Field Operation's bi-monthly reports, whose semi-public status has been ambiguous and unsatisfactory, with a somewhat less frequent periodic report, to be submitted by the High Commissioner to the Commission on Human Rights and published as an official UN document;
- ▶ this report should be more analytical than the current reports, with adequate contextualization, and contain recommendations and link the analysis of the human rights situation and recommendations to the Field Operation's capacity-building cooperation with Rwandan institutions;
- ▶ each draft report should be submitted in advance to the government and should form the basis of a dialogue that would be reflected in the published report;
- ▶ the Field Operation should continue to issue timely status reports on major incidents, and these should continue to be the subject of prior discussion with the government;
- ▶ the Field Operation should continue to investigate as far as possible reports of violations, including those from areas to which it may not have access under UN security regulations and every effort should be made to interview military commanders in the course of such investigations;
- ▶ the credibility of the Field Operation's capacity-building and promotional role needs to be enhanced by further recognition of what it has been doing in fact, in particular by clearly defining the link between the diagnosis of the factors giving rise to human rights violations and the