

in ongoing genocide trials; and, advice on a fund to compensate victims and survivors of the genocide — a proposal that was the subject of legislation being drafted by the government.

In the absence of access to funding from the UN regular budget and therefore continued dependency on voluntary funds, the report notes that the future of the Field Operation remained in doubt. The High Commissioner's report concludes by noting that, as of 17 March 1997, the resources committed to the Field Operation would only guarantee its viability through the end of September 1997 and be limited to 105 field officers of whom 70 would be drawn from the UN Volunteer programme.

Status reports from the Field Operation throughout 1997 (January, February, April [HRFOR/STRPT/48/1/2 1997 E], July, August [HRFOR/STRPT/53/1/7 1997 E]) refer to developments, incidents and violations on which HRFOR received information including: attacks by unidentified armed men in military uniforms of the former Forces Armées Rwandaises (ex-FAR); killings of genocide survivors and persons associated with them; the killing of other persons because of their presumed Tutsi origin; and, large-scale military cordon-and-search operations in some Prefectures.

HRFOR recommended that: all efforts be made to bring those responsible for the attacks and their arms suppliers, in contravention of a UN embargo on arms, to justice; steps be taken to ensure that all those who take no active part in the hostilities are treated humanely at all times and in all circumstances and a prohibition be enforced on any acts of violence to life and person against these persons; the government take steps to prevent the excessive use of force by the security forces, including the RPA; all members of the security forces should be trained fully in the relevant international standards on the use of force and firearms; the government investigate and take appropriate disciplinary and legal action regarding all credible allegations that members of the security forces and other state agents have violated domestic law and international human rights or humanitarian standards, particularly with regard to the right to life; the government ensure that competent authorities conduct thorough, prompt, and impartial investigations into these and other killings which may have amounted to violations of the right to life by agents of the state; based on such investigations, appropriate disciplinary measures, including the application of relevant penal sanctions, be taken against those members of the security forces found guilty of violating the right to life; and, measures be implemented to protect witnesses to possible violations from violence, threats of violence, or any other form of intimidation, and those state agents potentially implicated in such cases be suspended from their duties until a definitive investigation by competent authorities has been completed and the offenders have been brought to justice.

The government's response to the HRFOR report on the situation in Ruhengeri asserted that the situation in the region was calm and stable and condemned reports which stated that thousands of civilians had been killed during RPA operations during the months of May, June, and July 1997. The government asserted that on May and June, 200 to 300 civilians were killed during military operations and that 1,800 members of

armed groups and 90 RPA soldiers, including four officers, were killed during confrontations.

The reports also cover issues related to court proceedings against persons accused of genocide and include comments on: the positive effect of lawyers on trials; death sentences; case file completion; sexual crimes; confessions; appeals; acquitted persons; civil claimants and trial relocation; and, fear and lack of security. On the basis of these points and others, HRFOR recommended that:

- ▶ mechanisms be developed to increase legal representation before the courts in Cyangugu, Kibuye, Nyamata, Ruhengeri and Rushashi;
- ▶ a legal assistance programme be established in places of detention in order to better explain the Confession and Guilty Plea Procedure and to offer those detainees who wish to take advantage of the Procedure greater opportunity to do so;
- ▶ separate facilities for detention be established for those who decide to take part in the Confession and Guilty Plea Procedure;
- ▶ in the cases of five defendants whose appeals were rejected, and in light of the observed lack of legal representation, insufficient trial notice, and refusal to allow an adjournment to provide adequate time to prepare a defence, the President consider the granting of a partial presidential pardon in their cases (e.g., commutation to life imprisonment or other sentence);
- ▶ investigations of crimes of genocide endeavour to gather information favourable to the accused, where available, investigators receive specialized training in investigating and prosecuting sexual crimes and women be hired as investigators and prosecutors;
- ▶ prosecutors bring charges of rape, where appropriate, against future accused;
- ▶ prosecutors and courts comply with the requirement in article 6 of the Genocide Law that withdrawn confession evidence be inadmissible as evidence against the applicant in any subsequent proceedings;
- ▶ all persons appealing decisions of Specialized Chambers be given a copy of their trial court judgement, and the accused, or their representatives, be granted a hearing on appeal, and, where the appeal is deemed admissible, a hearing on the merits of the case be included;
- ▶ local authorities explain to their communities that an acquitted person has every right to rejoin and participate fully in community life;
- ▶ Specialized Chambers hold trials in centres closer to the events where possible and where equitable to the parties and trial dates and times be announced on Radio Rwanda to ensure the parties' awareness of the trial;
- ▶ the efforts in media awareness campaigns explaining the role of lawyers and the justice system in general continue; and,
- ▶ Rwandan security forces be deployed to protect judicial personnel who have received serious threats.