

began upon the arrival of RGF troops from Kigali. The commissioners should have been presented with a file on situations like that with preliminary investigatory reports so that they could decide if there were prima facie evidence of war crimes which would merit their full attention.

Genocide

The term genocide complicated the Rwandan debates in and around the Security Council as well as the Commission and other UN bodies. Obviously this was because any determination of genocide immediately imposed substantial moral and legal obligations on countries. The seriousness of the accusation naturally inhibited its rapid use by those that understood the legal and political implications.

Nevertheless, fairly soon after April 6 it became patently obvious that genocide was occurring. A number of countries still denied the obvious in an effort to limit their obligations. The shameful semantic games played within the SC and elsewhere in the UN over ongoing Rwandan genocide of incredible dimensions, made it clearer than ever that political bodies cannot be expected to make determinations of human rights allegations. No functioning national judicial system operates this way, and increasingly national jurisdictions are creating specialized human rights institutions such as human rights commissions and ombuds in recognition of the need to have independent human rights experts adjudicate on human rights allegations.

The UN has been evolving a number of procedures and treaty bodies that more closely approximate such use of independent unbiased experts to judge alleged violations. Invariably however these procedures tend to deal with individual complaints and are not clearly mandated to comment on systemic violations. The UN needs to speed up its human rights judicial evolution particularly in the determination of systemic human rights abuses so as to relieve political bodies of the job of making such determinations.

RECOMMENDATION

Canada should encourage development of, where not existing already or where imperfectly functioning, automatic UN judicial mechanisms to make clear and fast determinations of well founded allegations of human rights violations, both individual and systemic such as genocide.