

officials regarding the need for clear substantiation of allegations of human rights violations.

The report notes that the objectives of the 1997 Action Programme of the UN Human Rights Field Operation in Rwanda (HRFOR) were to: strengthen the independence of the judiciary; secure improvements in the performance of courts and personnel at all levels of the judicial system; secure improvements to Rwandan national law and practice in compliance with international standards; evaluate the performance of the Rwandan criminal justice system within the framework of the prosecution before domestic courts of persons accused of genocide and other crimes against humanity committed in Rwanda since 1 October 1990; increase public awareness of Rwandan laws and judicial practices and procedures, including those related to the promotion and protection of human rights; serve as a reliable source of information on the Rwandan justice system; strengthen Rwandan institutions and enhance their capacity to contribute effectively towards the promotion and protection of human rights in Rwanda; make human rights documents and materials available to HRFOR central and field staff and to the general public; secure improvements in conditions of detention in Rwandan prisons and local detention centres; reduce and, if possible, eliminate overcrowding in places of detention and imprisonment; improve the performance of the penitentiary administration; document and produce communal histories of the 1994 genocide; improve the situation and conditions of certain vulnerable groups in Rwandan society; and, assure the protection of witnesses in trials before the International Criminal Tribunal for Rwanda, or before domestic courts, of persons accused of participation in the 1994 genocide and crimes against humanity committed in Rwanda since 1 October 1990.

On the basis of these objectives, a global technical cooperation project document was drafted covering five main areas of activity: human rights education and training for the judiciary, the military, the gendarmerie, the police, prison administration personnel, other civil servants and members of local human rights non-governmental organizations; capacity-building in the sector of civilian and military justice; capacity support for human rights non-governmental organizations; the popularization of human rights through formal and informal education and promotion activities; and, support for victims of genocide and vulnerable groups. If implemented, the project will have as its direct beneficiaries members of the armed forces, the gendarmerie and the communal police, judicial and penitentiary administration personnel, local-level administrative officials, local non-governmental organizations, and survivors of genocide.

With regard to the creation and functioning of an independent national human rights commission, the report notes that the commitment for this initiative was set out in the Protocol on the Rule of Law which was concluded between the government and the Rwandese Patriotic Front on 18 August 1992 and forms an integral part of the Arusha Peace Agreement of 4 August 1993. The report notes that under the Protocol, there is an obligation to establish an independent national human rights commission with powers to investigate, without any time limitation, human rights violations committed by anyone on Rwandan territory, particularly organs or

agents of the state. The Protocol also stipulates that the commission should be given the necessary means to accomplish its mission efficiently and that the commission should utilize its findings to sensitize and educate the population about human rights, and, wherever necessary, institute legal proceedings. The report notes that a draft law has been prepared for submission to the Transitional Parliamentary Assembly which is intended to create the national commission.

The Special Representative recommended that:

- ▶ the government and the international community enhance their close cooperation to maintain and develop the most suitable conditions for the promotion and protection of human rights in Rwanda;
- ▶ a greater effort be devoted by the various humanitarian and human rights actors and members of the international community involved in human rights activities in Rwanda to enhance cooperation, coordination, and complementarity, in particular in the area of technical assistance for human rights projects agreed upon by the government;
- ▶ within this strengthened framework of cooperation and coordination between the various humanitarian and human rights actors and members of the international community, an agreed list of priority projects be established, together with a timetable indicating the implementing agency or body, time-frame for realization of the project and its financial support;
- ▶ the High Commissioner for Human Rights play the lead role through the Field Operation, in the establishment of this strengthened framework of cooperation and of a timetable of priority projects;
- ▶ states and international donors provide adequate financial support to enable the timely realization of priority projects and the effective functioning of the High Commissioner's Human Rights Field Operation;
- ▶ in light of the conditions of detention, the international community concentrate immediately on providing all necessary technical assistance to enable the government to establish urgently a dossier for every detainee to allow for the determination of who should be released immediately and who should be brought to trial within the shortest time possible;
- ▶ the various actors of the international community concerned with the provision of assistance to the administration of justice accord top priority to the twin problems of the conditions of detention and the need to speed up the genocide trials, without sacrificing adherence to international human rights standards governing the right to fair trial; and,
- ▶ the competent Rwandese authorities pursue their efforts to establish an independent and credible national human rights commission based on recognized regional and international norms governing the composition and the mandate of such commissions and that the international community provide the necessary financial support for its effective functioning.

The General Assembly adopted a resolution (A/C.3/52/L.65) in which the GA, *inter alia*: noted that effective action had to be taken to ensure that the perpetrators of genocide and