

Overview: 1997

This thematic section of *For the Record* is intended to highlight major developments in the United Nations human rights system during 1997. In this pilot issue, no attempt has been made to be exhaustive in reviewing all developments. Instead, we have focussed largely on the thematic mechanisms of the Commission on Human Rights, key reports and resolutions of the Sub-Commission, and General Comments of the treaty-bodies.

Nonetheless, a number of critical developments are not captured through these lens, the following among them.

On March 15, 1997, the first UN High Commissioner for Human Rights (UNHCHR), Mr. José Ayala Lasso, resigned to take up an appointment as Foreign Minister of Ecuador. The General Assembly had established the post of UNHCHR, tasked with coordinating human rights work throughout the United Nations system, in February 1994, following a strong recommendation in the Vienna Declaration and Plan of Action (VDPA) adopted at the World Conference on Human Rights, June 1993. Mr. Ayala Lasso had held the post since 5 April 1994.

On 12 September 1997, Ms. Mary Robinson, former President of Ireland, became the second High Commissioner for Human Rights. Secretary-General Kofi Anan subsequently announced the appointment of Mr. Enrique ter Horst of Venezuela as her Deputy.

A major restructuring of the human rights secretariat also took place in 1997 with a merger of the UN Centre for Human Rights and the High Commissioner's office in Geneva, now renamed the Office of the High Commissioner for Human Rights. As well, the five branches of the former Centre were reorganized into three divisions, with all staff positions reclassified.

There was substantial progress in 1997 on the drafting of a treaty and statute for an International Criminal Court (ICC), with meetings of the Third Preparatory Committee in February, the Fourth PrepCom in August and the Fifth in December. The year ended with considerable optimism that a permanent ICC will emerge from the Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (ICC) to take place in June/July 1998 in Rome, Italy.

In 1997, the International Criminal Tribunal (ICT) for the former Yugoslavia, sitting in The Hague, undertook two new trials: the Celbici case and the Blaskic case, with indictments for grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war and crimes against humanity. Both trials are ongoing. On 14 July 1997, Dusko Tadic, found guilty after a two year trial, was sentenced to 20 years' imprisonment. Both the defense and the prosecution have appealed, the latter challenging certain decisions of the judges. The ICT issued one further indictment in 1997, to

Simo Drljaca and Milan Kovacevic for genocide, bringing the total number of indictments issued by the Tribunal to 20 and the total number of indictees to 74. In 1997, six new judges were elected, along with a new President (Judge Gabrielle Kirk McDonald) and Vice President. The outgoing President addressed the UN General Assembly on 4 November 1997. He identified the failure of states to arrest indictees as a major stumbling block to judicial action and appealed for all Member States to lend support to the ICT. Two major developments in 1997 were the establishment of a new code of professional conduct for the defense counsel and the recognition that the Tribunal has the authority and power to issue orders to states, who are under clear obligation to comply with them.

In January 1997, Secretary-General Kofi Annan issued a highly critical report of the International Criminal Tribunal for Rwanda (ICTR), with accusations of mismanagement of funds, nepotism and corruption. As a measure to improve the workings of the court, he dismissed a number of senior administrators and put a new team in place headed by Agwu Ukiwe Okali as registrar. The first trial of the International Criminal Tribunal (ICT) for Rwanda — the trial of Jean Paul Akayesu — began in January 1997. He is charged with genocide, inciting genocide, crimes against humanity, murder, rape and sexual torture, and his trial is still on-going. The initial indictment had not included rape and sexual torture. On June 17, 1997, that the Prosecutor announced that the indictment against Akayesu would be amended to include charges of rape and other crimes of sexual violence, an amendment precipitated by the filing of an *amicus curiae* ("friend of the court") brief before the ICTR on behalf of women's groups from Rwanda and around the world. Previous to this revised indictment, none of the approximately 21 indictments issued by the ICTR had included any rape or sexual assault charges, despite reports by several non-governmental organizations (NGOs) that Rwandan women were subjected to violence on a massive scale during the 1994 genocide.

In Ottawa, Canada, from 2 to 4 December 1997, governments met to sign a treaty implementing a total ban on the production, use or stockpiling of anti-personnel landmines. This was the culmination of the Ottawa process initiated by Canadian Foreign Affairs Minister Lloyd Axworthy in October 1996, which involved non-governmental organizations, especially the International Coalition to Ban Landmines (ICBL), and like-minded governments working together in close partnership for their common objective. The final text of the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines* and on their Destruction had been adopted in Oslo on 17 September, approved by delegates from 89 countries. The ICBL and its Coordinator, Jody Williams, received the Nobel Peace Prize for their work on this issue.