

operation by the APR, which then attacked a group of peasants, killing three children and two babies.

The SR made two urgent appeals to the government. The first involved a journalist with the Catholic newspaper *Kinyamateka* and president of the Collective of Human Rights Defence Associations who was attacked by four armed men who forced their way into his home on two occasions in November 1995, as well as constant threats against a priest, the publisher of *Kinyamateka* and president of the Rwandan Association for the Defence of Human Rights and Public Freedoms, along with three other priests. The second related to concerns over the need for the government to provide protection to the former Minister of the Interior of Rwanda and his nephew, following an assassination attempt in Nairobi in February 1996. Information received indicated that one of the three perpetrators had reportedly been identified as a member of the APR. The report notes that the same urgent appeal was transmitted to the Kenyan authorities.

The SR expressed concern that, under the cover of prosecuting the perpetrators of the genocide, violations of the right to life and security continue. He expressed regret that, more than two years after the genocide, no judgement had yet been pronounced either by the International Tribunal for Rwanda or by the national courts, while a very large number of people, including women and children, are imprisoned in situations where their lives are endangered and without any serious verification of the charges against them. The report emphasizes that it is essential to determine the truth about the past and to ensure that clear, impartial justice is done, in order to put an end to the human rights violations and break the cycle of impunity in Rwanda.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 157–158)

The report refers to the October 1996 report of the UN Human Rights Field Operation in Rwanda (HRFOR) and the work being carried out on the questions of justice, legal reform and institution-building. Despite some progress, the HRFOR report noted concerns related to: serious shortcomings in the administration of justice; a serious shortage of judges, clerks, and material resources for the courts; a shortage of defence lawyers; and serious allegations that the military of Rwanda had acted in contravention of judicial orders.

The Special Rapporteur (SR) sent an urgent appeal — jointly with the SR on the situation in Rwanda and the SR on extrajudicial, summary or arbitrary executions — on behalf of two men who had been sentenced to death after the High Court in Kibungo found them guilty of genocide and other crimes. The information received indicated that: the defendants had had no access to legal counsel either before or during trial; they were not given adequate time to prepare their defence; and they were booed and prosecutors applauded during the trial, without intervention by the presiding judge. The report also notes that most of the judicial officials in Rwanda had received only up to four months' training and there were serious questions as to the independence and impartiality of the judicial officials following statements by some judicial and government officials that the defendants should not request legal counsel.

Mechanisms and Reports of the Sub-Commission

States of emergency, Special Rapporteur on:
(E/CN.4/Sub.2/1997/19/Add.1, Section I)

The report notes that a state of siege was declared in Rwanda in October 1990 and that, by Decree No. 9/96 of 8 September 1996, a situation of exceptional public danger threatening the existence of the nation was established. The report further notes that normality has not yet been fully re-established after the intense internal armed conflict which has prevailed in the country.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/25, para. 7, 23–24, Annex)

The report of the Secretary-General notes that the arrest or detention of staff members continued to raise serious concern in Rwanda where numerous locally recruited UN staff are detained. According to the report, following the departure of the UN Assistance Mission to Rwanda (UNAMIR) in March 1996, the Resident Coordinator and representatives of UN agencies in Rwanda took a number of initiatives at the local level to pursue this issue with the Rwandan authorities, and a Rwandan lawyer was hired on an inter-agency basis to assist with these cases. The report notes that five UNICEF national staff members were being held without trial. It also notes that, in 1995, five armed robberies were committed against UNICEF staff by men wearing uniforms of the Rwanda Patriotic Army. The Annex to the report lists the names of 31 individuals working for UNAMIR, UNDP, UNICEF, UNHCR, UNOPS, WFP and the UN Human Rights Field Office who were detained or are missing in Rwanda between September 1994 and April 1996.

The addendum to the Secretary-General's main report (E/CN.4/1997/25/Add.1, para. 2) expresses profound shock and sorrow at the death of the five staff members of the Human Rights Field Operation in Rwanda who were killed in an attack carried out on 4 February 1997. The report notes that the High Commissioner for Human Rights swiftly and vigorously condemned the attack and called on the Rwandan authorities to investigate all the circumstances surrounding the tragic event. The report also notes that the Human Rights Field Operation in Rwanda has undertaken a thorough investigation.

GENERAL ASSEMBLY

The report to the General Assembly by the Special Representative on the situation in Rwanda (A/52/522) contains commentary on the mission to Rwanda from 26 July to 4 August 1997, the basis for the promotion and protection of human rights, the involvement of the international community in technical assistance, and the creation and effective functioning of an independent national human rights commission.

The report commends the government for its cooperation with the members of the international community active in human rights matters in Rwanda and noted a willingness on the part of the government to bring its practices into better conformity with international human rights standards, as well as a certain discontent expressed by higher-level government