

Hague. The practical side of the work is the responsibility of a Deputy Public Prosecutor, who has his office in Kigali.

The Clerk's Office is not only in charge of the judicial administration, which is his usual role, but is also responsible for all the management and diplomatic support required by the Tribunal. This includes support and protection for witnesses and victims, the running of the detention centre, the organization of legal assistance for the accused, the management of personnel, finances and security, etc.

The ICTR follows a procedure owing much more to the Anglo-Saxon legal tradition than to its Latin cousin. The investigation service of the Public Prosecutor's Office questions witnesses and visits sites to collect evidence. When it is decided that there is sufficient proof, the Prosecutor draws up a charge, which he passes to a judge for confirmation. Once confirmed, the charge is always made public; there are no exceptions to this. In making arrests, the Tribunal must obtain the co-operation of other countries as it does not have its own police force. All countries have an obligation under international law to co-operate with the ICTR in this way. The Tribunal holds suspects and the accused in a detention centre while waiting for trial. There is a guaranteed right to a defence with the costs generally covered by the Tribunal, which recompenses the lawyers designated by the Clerk's Office. Sentences are to be served in countries designated by the Tribunal out of those that have volunteered their services for this end. Victims are not authorised to bring independent actions for damages. This court fixes its own procedural rules, requiring approval only from the Appeal Court.

B. HOW THE TRIBUNAL IS WORKING OUT

Getting the ICTR on its feet was a chaotic process. A new judiciary structure had to be set up practically *ex nihilo*. As the Tribunal has different offices in three different countries (Tanzania, The Netherlands and Rwanda), the communication and logistic difficulties have been considerably greater than what was foreseen when it was created.

Until 1997 the Tribunal progressed very slowly and had a very low profile. It is understandable that the lack of any tangible results from an international court with resources five times greater than those available to Rwanda's judicial institutions has been a cause of frustration.

Following complaints by its own staff, by individual countries and by the General Assembly, the UN's internal controls office held an enquiry into how the Tribunal was functioning and issued a report. Known as the Pashke report, this revealed deficiencies, fraud and a stunning level of incompetence. The Court Clerk and the Deputy Public Prosecutor then resigned and structural reforms began to be implemented.

It is undeniable that these changes introduced a new dynamism into the work of the Prosecutor's Office and went far towards ending the departmental war that had waged between the Clerk's Office and the strictly judicial organs of the ICTR. However, a number of serious problems still persist. For example, there are still huge problems in regard to recruitment. Out of 137 posts in the Prosecutor's Office, 54 remained vacant in July 1998. The slow rate of recruitment is handicapping the Tribunal and it is being pressed to take more action to deal with this. The structural problems result from the Tribunal being run like a UN agency. A large majority of the administrative staff are UN civil servants. They consider working in Arusha to be just another posting, but to a fairly unattractive geographical area. This explains the