

insufficient evidence or who fell into certain "vulnerable" categories (e.g. elderly persons and minors). Reference is also made to the fact that, as of late October 1997, an increased use of *chambres du conseil* (pre-trial detention hearings in front of a judge) had led to the provisional release of some persons against whom there was insufficient evidence as to "serious indications of guilt". The report notes that in the genocide trial proceedings, between 3 January and 5 December 1997, 321 trials had been completed in which the court sentenced 111 persons to death, 109 persons to life imprisonment, 26 persons to imprisonment of more than 12 years, 32 persons to imprisonment of between 7 and 11 years, and 24 persons to imprisonment of 6 years or less; 19 of the accused were acquitted and 57 confessed. At the time the HRFOR report was prepared: no executions had been carried out; lack of full respect for fair trial guarantees continued to be a problem as evidenced by, for example, the general lack of opportunity for defendants without lawyers to question witnesses and, because of security and logistical constraints, limited representation of persons in certain outlying areas; and, while the number of persons accused of crimes of sexual violence had increased slightly, in general very few defendants had been charged with such crimes, although their occurrence during the genocide is well documented.

Changes to the HRFOR profile and make-up are noted as having led to a structure involving: the Operations and Documentation Unit — reporting and analysis on the current human rights situation based on information and reports provided principally by the Operation's field teams; the Special Investigations Sub-Unit — supporting field teams through its investigation of particularly serious incidents and providing training on investigative techniques for human rights field officers; the Legal Unit — concentrating on improvements in the administration of justice and in the status and condition of genocide survivors, undertaking genocide trial monitoring, promoting improvements in penal administration, training of the national gendarmerie and the communal police and supporting the development of the Rwandan National Human Rights Commission and the Parliamentary Human Rights Commission; the Education and Promotion Unit — focussing on raising public awareness of specific human rights concerns, organizing information campaigns on fair trial guarantees, arrest and detention procedures, independence of the judiciary and popular access to effective remedies for human rights violations, attempting to improve the position of vulnerable groups, such as women and children, increasing the capacity of local human rights non-governmental organizations to promote and protect human rights and fostering a human rights culture within the school system and the public administration; and the Security and Communications Unit — focussing on the safe and secure functioning of the Field Operation. As of January 1998, field teams operating out of five regional suboffices and one smaller field office.

During 1997 the technical cooperation projects undertaken by HRFOR are noted as focussing on the principal

elements of the administration of justice and legal reform, penitentiary administration, training and institutional support, and assistance to genocide survivors and vulnerable groups. The overall approach to secure improvements in these areas included: human rights education and training for the judiciary, the military, the national gendarmerie, the police, prison administration personnel, other civil servants and members of local human rights non-governmental organizations; capacity-building in the sectors of civilian and military justice; capacity support for human rights non-governmental organizations; and the popularization of human rights through formal and informal education and promotion activities. In terms of the plight of the survivors of the 1994 genocide and of certain particularly vulnerable groups, the report notes that HRFOR focussed its activities on three main areas: providing assistance to certain local communities wishing to document and publish the history of the genocide in their communes; increasing awareness of the legal system among genocide survivors; and monitoring and reporting on the current human rights situation of genocide survivors and vulnerable groups.

While not in the form of recommendations per se, the report refers to a number of specific needs and issues and, *inter alia*:

- ♦ called upon the international community to strengthen its multilateral and bilateral efforts in assisting the government to protect the civilian population in the northwest and put an end to the ongoing violence which was marked by an increase in frequency, intensity and extent;
- ♦ encouraged the government to take steps to prevent the excessive use of force by the security forces, including the RPA, gendarmerie and communal police;
- ♦ noted the need to provide training to all members of the security forces in the relevant international standards on the use of force and firearms, and ensure that RPA soldiers and gendarmes receive instruction in international humanitarian law;
- ♦ called on the government to investigate and take appropriate disciplinary and legal action regarding all credible allegations that members of the security forces and other state agents have violated domestic law and international human rights or humanitarian standards, particularly with regard to the right to life;
- ♦ encouraged the government to take further steps to ensure full respect of fair trial guarantees, including the right to legal representation and the right of the accused to cross examine witnesses;
- ♦ urged the government to impose a moratorium on the use of the death penalty in conformity with Commission resolution 1997/12 on the question of the death penalty;