

Rwanda: Report on International Criminal Tribunal welcomed; implementation of recommendations urged

(20 Feb 97) In a letter to Secretary General Kofi Annan on February 19, 1997, Human Rights Watch welcomed the report from the Office of Internal Oversight Services and its recommendations for the International Criminal Tribunal for Rwanda. The text of the letter follows.

February 19, 1997

H.E. Secretary-General Kofi Annan United Nations New York, NY 10017

Dear Mr. Secretary-General:

Human Rights Watch welcomes the release of the report by the Office of Internal Oversight Services (OIOS) on the International Criminal Tribunal for Rwanda (ICTR). We have been strong supporters of the ICTR and the need to send an unmistakable signal from the international community that those responsible for the genocide and crimes against humanity in Rwanda will be prosecuted, and that impunity will be ended. Given the recent resurgence of human rights abuses in Central Africa, a strong and effective ICTR could also serve to deter others in the region and elsewhere from engaging in similar acts.

Accordingly, we are gratified to see that the United Nations is finally recognizing the impact that the ICTR's mismanagement, weak prosecutorial strategy, lack of competent leadership, and dearth of qualified staff are having on its ability to carry out its mandate. We therefore urge you not only to immediately implement the report's recommendations, but also to focus attention on issues discussed in the report itself, but not included among the recommendations. Among the areas that require urgent attention are the following.

The "slow development" of a witness protection program and its potentially negative effect on the trials is noted in the report. This is an extremely pressing area which has clearly lacked adequate resources. Given the reports of attacks, threats and killings in recent months against ICTR witnesses, immediate attention should be given to developing a program to protect

witnesses before, during and after the trials, including monitoring the safety of witnesses on a regular basis.

The report describes the weak prosecutorial strategy pursued by the Deputy Prosecutor, even after the former Prosecutor encouraged him to alter the geographic, local strategy in order to focus on key national figures. This lack of leadership and legal expertise in the need to establish command responsibility and focus on the top-level cases has impeded the investigation of some of the leading authors of the genocide. As the report notes, without a "revitalized" prosecution strategy, "the Tribunal will have been created to little effect: the Rwandans will be right to suspect that justice delayed is justice denied; and the United Nations will have failed in its promise to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them."

The report fails to mention a related issue involving the prosecution strategy; the need to investigate and prosecute sexual violence. Rape, sexual slavery and sexual mutilation should be recognized and prosecuted, where appropriate, as crimes against humanity, genocide crimes, or war crimes. Existing indictments should be amended, where appropriate, to ensure that rape, sexual slavery and sexual mutilation charges are brought. At this writing, no such indictments have been brought.

The absence of competent leaders in such critical posts as deputy prosecutor and registrar should be addressed. The report's recommendations make clear that a Deputy Prosecutor with strong leadership skills and relevant prosecutorial experience should be found, and that qualified criminal trial lawyers and experienced investigators should be recruited. The obstructions to rapid recruitment and the lack of support at the level of the UN Secretariat should also be addressed.

The investigators and prosecutors have lacked many of the most basic resources to carry out their work. The report amply documents the problems with telephones, vehicles, travel authorizations and a range of other issues which have severely hampered the investigations. The main problem is the lack of proper utilization of the Tribunal's resources to meet these functional areas. However, the recommendations do not include the need to remedy this situation, and to provide the investigators and prosecutions with the necessary resources.

Once again, we welcome the publication of the OIOS report and hope that immediate steps will be taken to reinforce and reinvigorate the ICTR.

Sincerely,

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Peter Takirambudde Executive Director Human Rights Watch/Africa

cc: Members of the Security Council

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