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RWANDA: TRIBUNAL ASSISTANCE WELCOMED BUT MUCH MORE NEEDED

Delays in starting the work of bringing to justice the perpetrators of massive violations of human rights and acts of genocide in Rwanda have been exacerbated by the tardy follow-up by the international community on promises of assistance.

"Although the United Nations (UN) Security Council established the ad hoc International Tribunal for Rwanda more than six months ago, on 8 November 1994, states have been slow to take the necessary steps to make this tribunal effective," Amnesty international said.

Justice Richard Goldstone, the prosecutor for this tribunal and the ad hoc tribunal for the former Yugoslavia, moved quickly last November to lend a small team of investigators and lawyers from the latter tribunal to the tribunal for Rwanda. He went with them to Rwanda to begin preliminary investigations in December 1994 and sought to persuade states to cooperate by contributing funds, staff and equipment and by passing the necessary legislation permitting the gathering of evidence and the surrender of suspects.

Plagued by lack of funds, the prosecutor appealed for resources in Kigali at a special meeting on 19 May aimed at obtaining greater resources. Pledges of an extra \$6 million and 32 extra investigators were made. This brings the total resources currently pledged to the voluntary Trust Fund for the Tribunal for Rwanda to \$7.8 million and 37 investigators.

Justice Goldstone promised the first indictments before the end of 1995, but for the work of the tribunal to have the necessary impact now in Rwanda, more resources need to be made available immediately.

The Rwandese national system of justice itself - which will end up dealing with the majority of cases of people accused of taking part in crimes against humanity, including genocide - cannot function without huge injections of resources and personnel. The United States and the Netherlands have recently pledged money to help but the situation is still critical because less than 25 per cent of the judiciary previously employed by the government remain, and have over 40,000 people in detention.

Amnesty International welcomes the completion by the UN General Assembly on 25 May 1995 of the election of the six judges of the two trial chambers of the tribunal for Rwanda, but it is concerned that the judges will not take up their posts until shortly before trial proceedings. This could mean that there could be further delays in such crucial matters as: revision of the rules of procedure and evidence; adoption of rules of detention; and judicial review of requests by the Prosecutor to states to defer prosecutions in national courts or to surrender suspects to the tribunal. It could also mean that there will be no international judicial supervision of the legality of the pre-trial detention of over 40,000 potential suspects now held in Rwanda.

Until now, most governments around the world have paid only lip service to the problems facing Rwanda in bringing those responsible for crimes against humanity to justice. They have to act now to fulfil promises regarding the reconstruction of a judicial system which is fair and excludes the death penalty. They can help do this through the deployment of foreign legal experts and other forms of assistance, including the training of law enforcement officials in accordance with international criminal justice standards. Furthermore, states need to pass the necessary legislation to facilitate the transfer of suspects to the International Tribunal to Rwanda. So far, not a single state has informed the tribunal that it has adopted such legislation.

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