

HANDOUT 6: The International Criminal Tribunal for Rwanda

Introduction

Prior to the opening of the International Criminal Court (ICC) there was no single international court with the authority and jurisdiction to bring war criminals to justice. As incidents arose, the United Nations (UN) would create special tribunals to investigate, arrest and prosecute war criminals.

Recognizing that serious violations of humanitarian law were committed in Rwanda, and acting under authority of the *United Nations Charter*, the International Criminal Tribunal for Rwanda (ICTR) was initiated in November 1994. The ICTR was established for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda between January 1st 1994 and December 31st 1994. It may also deal with the prosecution of Rwandan citizens responsible for genocide and other such violations of international law committed in the territory of neighbouring states during the same period.

The ICTR applied laws set out by the UN. However, these laws only apply to member states. The Tribunal consists of three parts: the Chambers and the Appeals Chamber; the Office of the Prosecutor, in charge of investigations and prosecutions; and the Registry, responsible for providing overall judicial and administrative support to the Chambers and the Prosecutor.

The tribunal was authorized to put on trial anyone accused of genocide, crimes against humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II. Crimes committed by Rwandans in the territory of Rwanda and in the territory of neighboring states, as well as non-Rwandan citizens who committed crimes in Rwanda were covered by the mandate of this tribunal. The Tribunal successfully brought to trial over 50 cases and made convictions and applied sentences to many of the men involved in brutal acts of genocide. While some of the most egregious offenders remain at large and in hiding, the Tribunal has meted out sentences for many of the offenders. With the ICC in place such tribunals will become unnecessary but the value to Rwanda and to the many peoples of Africa the importance of the convictions cannot be over stated.

Relevance for Peace and Justice for Rwanda and Africa

Never Again

African countries must absorb the lessons of the Rwanda genocide in order to avoid a repetition of the ultimate crime on the continent. Weak institutions in many African countries have given rise to a culture of impunity, especially under dictatorships that will do anything to cling to power.

Evolution of Political and Legal Accountability

It is usually individuals in power or authority that can commit genocide and crimes against humanity. This is the first time high-ranking individuals have been called to account before an international court of law for massive violations of human rights in Africa. The Tribunal's work sends a strong message to Africa's leaders and warlords. By delivering the first-ever verdicts in relation to genocide by an international court, the ICTR is providing an example to be followed in other parts of the world where these kinds of crimes have also been committed.

Cooperation of African Countries

The accused persons in the custody of the Tribunal in Arusha have been arrested and transferred from more than 15 countries. Several countries in Africa have increasingly cooperated with the Tribunal in the discharge of its mandate. There appears to have been a progressive realization in these countries that they cannot allow fugitives from international justice in their domain.

Enforcement of Prison Sentences

The Tribunal prefers, to the extent possible, enforcement of its sentences in Africa, for socio-cultural reasons. This will also have greater deterrent effect in the continent. By providing jails for the Tribunal's genocide convicts, African countries would be demonstrating a serious commitment to the rule of law. On February 12, 1999, the Republic of Mali became the first country to sign an agreement with the ICTR to provide prison facilities for the enforcement of the Tribunal's sentences. A similar agreement was signed with Benin and negotiations with other African countries are nearing conclusion.

Political, Moral and Material Support

Support for the tribunal by African countries is essential. Much depends upon the ultimate success or failure of the ICTR because it is dealing with crimes committed in Africa, with more than 500,000 victims. African countries and Governments should make the point that the lives of these victims are as important as those of victims of mass atrocities everywhere by giving a higher profile to the work of the International Tribunal for Rwanda.

The Tribunal's work is providing important precedents for the future International Criminal Court and various national jurisdictions. It is making a fundamental contribution to international peace and justice in the twenty-first century.

All information adapted from ICTR website www.ictor.org.