

EXECUTIVE SUMMARY

Five years after the beginning of the genocide, it is now time to review the progress made in administering justice to those implicated in its planning and implementation. This report will concentrate on three aspects: justice within Rwanda, through the International Criminal Tribunal for Rwanda (ICTR) and in third countries

Rwanda faced a catastrophic situation in July 1994 at the end of the genocide: a climate of impunity predominated and the judicial machinery was practically non-existent. In order to ensure national reconstruction and the peaceful cohabitation of the two main ethnic communities, the justice system had to be reorganized throughout the country. This large-scale and exacting task was accomplished within five years thanks to government efforts, new legislation and considerable international support.

Over 900 people have been tried for genocide and crimes against humanity in proceedings that were generally found to be satisfactory. The number of trials rose from 300 in 1997 to 600 in 1998. This quantitative increase goes hand in hand with improvements in the quality of proceedings. Nevertheless, at this rate it will take 160 years to bring all detainees to court.

The report analyzes the law relating to genocide, arrests and releases, human and material resources, the situation in the prisons and more specific matters such as the rights of the defence, the participation of victims in the hearings, and the situation of women and minors. While acknowledging the remarkable work accomplished by the government, we recommend that international support should continue for another three years. We also propose a positive, albeit prudent approach to the initiatives launched to resolve the problem of how to deal with the 125,000 detainees awaiting trial, especially the implementation of the "gacaca".¹

The second part of the report looks at how the ICTR is working. The Tribunal is currently detaining 36 suspects. Only five trials have so far been held. The first two were particularly important. Jean-Paul AKAYESU, former *bougreste* of Taba, was found guilty of genocide on 2 September 1998. This was the first verdict of genocide rendered by an international tribunal and the first time that rape was treated as a crime against humanity. The trial of Jean KAMBANDA, formerly prime minister of the interim government, was of great significance as he pleaded guilty. This voluntary and public acknowledgement of genocide and his personal responsibility in it cut the ground from under the feet of the accused and others who had denied that a genocide had ever taken place.

The report points out that there has been a recent improvement in the functioning of the ICTR after its very difficult birth. However, ICG regrets that the Tribunal shows itself unwilling to co-operate with the judicial authorities in Rwanda and that its work is very little known there. Indeed, it is very difficult to find copies of verdicts issued by the ICTR, and these are never translated into Rwanda's national language.

Finally, without detailing individual cases, the report analyzes the legal problems associated with proceedings against genocide suspects in third countries and recommends a more determined application of the principle of universal jurisdiction in regard to this crime.

¹ See page 18