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“The ICTR Outreach Program: Integrating Justice and Reconciliation”

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The ICTR Outreach Program: Integrating Justice and Reconciliation

I. Introduction

The International Criminal Tribunal for Rwanda (ICTR) was established on November 8, 1994 by the United Nations Security Council to prosecute the persons most responsible for genocide and for other serious violations of international humanitarian law committed in Rwanda and by Rwandan citizens in the territory of neighboring States, between 1 January 1994 and 31 December 1994. By prosecuting those who committed genocide and other serious violations against human rights, the ICTR intends to break the cycle of impunity by reestablishing the fundamental rule of law, under which the guilty are held accountable for their offences. It is expected that the outcome of these prosecutions will also promote national reconciliation and restore peace in Rwanda.

The ICTR does its work by evaluating the evidence against the accused and punishing the convicted perpetrators. Although there is a mandate for capacity-building of the Rwandan justice system, there is no mandate that the Tribunal provide for broad institutional or social reconstruction in Rwanda. The most that this legal institution can do is to assist with reconciliation in limited ways as an ancillary contribution to its main judicial function of trying the cases before it. Its search for truth and its documentation of human rights violations is limited to what is required to prove specific charges in the indictments that have been issued.

Although there is opportunity for acknowledgement and acceptance of responsibility through guilty pleas by those indicted, or through the giving of testimony by witnesses and defendants in the trial process, the judicial function, with its emphasis on fairness and respect for the rights of the accused to a fair and expeditious trial, minimizes its utility as a documenter of the “truth”. But despite this limitation, the Tribunal also functions as a guardian of history-- judicial history-- that is based on evaluation of sworn and tested testimony that gives a verified factual account of what happened. In many ways, the Tribunal’s record provides a truth that is unavailable from the work of historians.

The records of the Tribunal will be useful for future generations of Rwandans and all peoples of the world. Researchers and historians may find the records useful for refuting genocide ideology in establishing an authentic public historical record against negationism and revisionism. Policymakers and political leaders may find the ICTR archive and records useful for national reconciliation by creating from them a new history and basis for the re-imaging of Rwanda.¹

The concept of individual criminal responsibility is an important element in ICTR jurisprudence that should contribute significantly to reconciliation. The accused is an individual, never an ethnic group. The accused appear before the Tribunal because there was adequate evidence leading the Prosecutor to conclude that they committed one of the crimes punishable under the ICTR Statute. This approach by the ICTR for adjudicating genocide and other crimes avoids criminalizing and stigmatizing an entire group for the actions of its members who bear individual responsibility for their illegal acts.

The Tribunal’s judges have recognized that the fundamental purpose of holding individuals accountable for their conduct is the intent to “contribute to the process of national reconciliation

and to the restoration and maintenance of peace. Justice should serve as the beginning of the end of the cycle of violence that has taken so many lives, Tutsi and Hutu, in Rwanda”.²

In equal measure, the Tribunal serves as an impartial arbiter in establishing beyond dispute the fact that there was genocide against the Tutsi in Rwanda in 1994.³ By placing on the public record this undisputed fact, through taking judicial notice in its cases, the Tribunal’s legal process may contribute significantly to reconciliation in Rwanda.

In some respects, testimony during the trial process may also assist with reconciliation because it has the effect of giving voice to victims and survivors to tell their stories and to validate their experience of suffering. Testifying often has a cathartic effect that allows victims to let go of their hurt and to more easily embrace forgiveness and reconciliation with those who have harmed them.

The Tribunal’s judicial proceedings have challenged the impunity of the powerful and provided direct and indirect contributions to reconciliation in Rwanda. The danger is that this work will lose its value and impact if it is not communicated to the people throughout the country. One prevailing criticism of the Tribunal is that it is geographically too far from the Rwandan population thus making its judgments and decisions difficult to access. The UN Security Council resolutions which entrusted the ICTR with the mission to contribute to reconciliation, restoration and maintenance of peace in Rwanda and in the region, have been implemented through channels additional to the trial process.

To achieve these aims, it is essential that the Rwandan people have an understanding of the work of the Tribunal. To accomplish this, the Tribunal has a sustained strategic communication program using a range of techniques to explain its work and relevance to audiences in Rwanda as well as the international community. The ICTR Outreach Program is the primary channel to ensure that the concerned people are informed about the work of the Tribunal.

The ICTR Outreach Program includes a series of pro-active projects, complementary to the main institutional communications of the Tribunal. Particular attention is given to mass media and interpersonal communication in order to convey efficient and persuasive messages to targeted audiences inside and outside Rwanda. The Outreach Program makes available information about the Tribunal in Kinyarwanda using printed materials, radio broadcasts and speakers. Targeted visits to the ICTR by Rwandan and other audience groups are organized in order to improve the understanding and perception of the work of the Tribunal. Apart from informing the public about its work, the Tribunal’s Outreach Program also delivers training sessions and professional workshops to strengthen the judicial system in Rwanda. Training seminars for journalists and the legal sector personnel are central to the Program. An annual research fellowship and internship program for Rwandan law students is also part of the Tribunal’s outreach efforts.

II. *Umusanzu mu Bwiyunge* Information and Documentation Centre

The focal point for the ICTR Outreach Program in Rwanda is the *Umusanzu mu Bwiyunge* Information and Documentation Centre in Kigali. The Umusanzu Centre was inaugurated in September 2000. The Center provides a range of opportunities to increase public understanding of the Tribunal’s work through books, journals, newspapers, legal documents, audio-visual materials and information briefings. The Umusanzu Centre receives substantial numbers of

visitors from the Rwandan public, including students, researchers, journalists, civil servants, judges and lawyers as well as ordinary citizens from all walks of life. Through the resources of the Center, they get first-hand information about the Tribunal. Particularly popular with users is the Center's Internet access (eight computers are presently available), the library and the collection of videotapes of the trial proceedings before the Tribunal. A steadily increasing range of documents in Kinyarwanda is also available.

The Centre is also used by different institutions to host various seminars, meetings and press conferences. The Centre also disseminates the Tribunal's public documents to approximately 100 institutions in Rwanda.

The Tribunal is cooperating with the Government of Rwanda to establish 10 similar information and documentation centers in locations across the country to improve public access to documents and other information about the work and accomplishments of the ICTR. Most of the proposed new centers will be housed in justice complexes to facilitate access for Rwandan judicial and legal staff to the jurisprudence of the ICTR and to technology which will enable them to perform legal research on-line. It is expected that the additional centers will open in early 2007.

III. Media Interventions

Given the priority accorded to radio as the most widely-available medium in Rwanda, the Tribunal's Outreach Programme facilitates the work of Rwandan journalists who broadcast on a daily basis from Arusha. In the past, the Outreach Program provided financial support to allow journalists from the *Office Rwandais de l'Information* (ORINFOR) and the Ministry of Justice to report from Arusha. The ICTR, in collaboration with these two institutions filled the information gap about the Tribunal that exists in the rural areas of Rwanda.

Under the Outreach Program, the Tribunal regularly brings groups of up to six Rwandan journalists to Arusha by the UN flight from Kigali so that they may gather first-hand information and report directly on important events such as the delivery of judgments, Appeals Chamber sittings and the opening of new trials. The journalists are provided with audio or videocassettes of the ICTR hearings that they can broadcast via government and private stations in Rwanda. Additionally, the Tribunal provides a satellite feed of each judgment that can be broadcast live in Rwanda.

The Tribunal plans to launch a new weekly radio program specifically for the Rwandan audience. The program, to be broadcast by Rwandan private radio stations, will present 30 minutes of news and analysis summarizing weekly developments in the on-going trials at the Tribunal. Each program will include interviews with ICTR senior officials, staff (courtroom officers, trial attorneys) of the Tribunal, as well as defence counsel in the cases being publicized. The programs will also include interviews and commentary from Rwandan officials, civil society, journalists and academics as well as ordinary citizens from locations in Rwanda where the crimes were committed.

The Tribunal produces brochures and other printed information in Kinyarwanda that is distributed in Rwanda as part of the Outreach Program. An exhibition of posters and photographs about the ICTR and its work is presented at various locations in Rwanda and elsewhere in the

world throughout the year. The Outreach Program has set aside funds to translate a number of ICTR case judgments into Kinyarwanda for distribution to the Rwandan audience.

To supplement the news media interventions for explaining the work and accomplishments of the Tribunal, the Outreach Program also produces documentaries in Kinyarwanda about some of the cases that are already completed. Tribunal staff screen the documentaries in Rwandan communes and schools on a regular basis as part of its awareness-raising campaign. The documentary screenings are accompanied by discussion, questions from the audience and further explanation of the work of the ICTR.

In addition to showing video documentaries during the awareness-raising sessions in communes, the Outreach Program plans to explain the ICTR cases in the Rwandan context by distributing CD-ROM discs and video/audio tapes in Rwandan communities and schools. These media activities will be further supplemented by interpersonal communication interventions such as drama troop performances and town hall meetings with Rwandan opinion leaders.

IV. Visits and Seminars

The Outreach Program organizes regular visits of journalists, lawyers, human rights advocates and civil society representatives to the ICTR in Arusha where they are able to attend and observe trials in progress and to be briefed on various aspects of the work of the Tribunal. Also included in the program of visits are clergy from various religious denominations and members of the Rwandan judiciary as part of the effort to increase knowledge of the work of the Tribunal in Rwanda.

A major focus of the Outreach Program is to allow law students from Rwandan public and private universities to visit the ICTR where they get first-hand information about the work of the Tribunal and current challenges facing international criminal courts. An annual program of research fellowship awards for National University of Rwanda law students is now in its sixth year. Each year, up to six students from the National University of Rwanda spend eight weeks at the Tribunal conducting research for their dissertations and theses about the ICTR jurisprudence and international justice. Staff members from the various sections at the ICTR serve as supervisors for the students' research and as advisors for preparation and defense of their academic theses.

Each year, several professors from the National University of Rwanda and other Rwandan private universities visit the Tribunal in Arusha to observe the trials and to conduct legal research. The Outreach Program also facilitates ICTR staff to deliver occasional lectures at Rwandan universities. About 40 Rwandan judges from courts all over the country have attended a series of week-long seminars at the ICTR in Arusha.

V. Capacity Building

The United Nations Security Council issued a mandate to strengthen the courts and judicial system of Rwanda in its Resolution 955 establishing the ICTR. In Resolution 60/241 (15 February 2006), the General Assembly reiterated the mandate and requested the Tribunal to increase its capacity-building efforts for the judiciary of Rwanda and to carry out an effective

outreach program to assist with reconciliation by increasing the understanding of the Tribunal's work among Rwandans.

In November 2005, the Outreach Program sponsored with the European Commission, a workshop for a delegation of senior Tribunal officials and members of the justice cluster in Rwanda. The purpose of the workshop was to set an agenda for cooperation, to assess the needs of the justice sector and to devise a strategic plan for the ICTR to deliver capacity-building and other assistance to Rwanda. The final report of the workshop was to be adopted by both parties as a guide for conducting outreach and training to assist the Rwandan justice sector. As a result of the justice cluster workshop, the Government of Rwanda established a task force to deal exclusively with all matters related to the Tribunal.

In addition to providing lectures at Rwandan universities and conducting seminars for students and judges, the Tribunal's Outreach Program has provided training in online legal research to a number of Rwandan university students, professors and judicial officials in order to increase their knowledge of international criminal law as part of the capacity building for Rwandan legal institutions. The Tribunal also provided training sessions in information and evidence management to strengthen the capacity of personnel in the Rwandan Office of the Prosecutor General and Rwandan court registrars. Legal librarians, law students and professors were also trained to use specialized documentary software.

Specifically, the ICTR Legal Library and Reference Section conducted a training seminar on Internet information research for various audiences in Rwanda. The training audiences included 17 lecturers in charge of research methodology courses, 80 National University of Rwanda law students, 160 law students from the Kigali campus of Université Libre de Kigali and 60 from its Gisenyi campus, 19 legal professionals from the provinces, and 16 legal professionals from Kigali. The seminars were conducted under the auspices of the ICTR Outreach Program, which aims at promoting cooperation between the ICTR and Rwandan institutions as well as building capacity in Rwanda.

In the context of the Outreach Program, ICTR Library conducted in 2005 two training workshops in Rwanda in automation of library and information centers. The workshops were based on the library automation software CDS-ISIS, developed by UNESCO and distributed free to libraries all over the world. The first training session was an introduction to library processes automation with the WINISIS software, while the second session was an advanced-level training in WINISIS.

The ICTR training team conducted follow up visits in August 2006 to establish the level of implementation of the skills acquired during the previous trainings and to assess the needs of the respective Rwandan libraries and institutions for technical assistance and further training. The libraries of the following institutions were assessed during the visit:

1. Supreme Court of Rwanda
2. Attorney General's office
3. Ministry of Justice
4. Kigali Institute of Education (KIE)
5. League of Human Rights in the Great Lakes Region (LDGL)
6. National Assembly
7. National Commission of Human Rights

8. IBUKA
9. AVEGA

Other capacity-building training sessions held to date include information systems and case management training for Rwandan court registrars and training in legal reporting techniques for Rwandan journalists. The workshop for journalists is an attempt to improve their skills and expertise in understanding and reporting on legal and judicial matters, especially the trials at ICTR. A second training workshop for Rwandan journalists is being planned for the current program year.

The Tribunal's plans for capacity-building activities in 2007 include professional attachments at ICTR for Rwandan judicial and legal staff. A session is also envisaged to establish liaison between ICTR judges and Rwandan judges. These additional capacity-building activities are in anticipation of the possible transfer of ICTR cases to Rwandan jurisdiction for trial under the Tribunal's completion strategy.

VI. Outreach beyond Rwanda

The Tribunal continues its efforts for increasing public awareness of its work and accomplishments worldwide. Journalists from various countries in Africa and around the world have been invited to cover important events at the ICTR. The efforts emphasize the role of the Tribunal in the development of international criminal jurisprudence. Among these promotion efforts are presentations at conferences and expositions about the ICTR.

VII. Research and Program Management

The Outreach Program in collaboration with the Center for Conflict Management at the National University of Rwanda is conducting a research survey on Rwandans' assessment of the ICTR and the impact/contributions of the Tribunal to international justice and reconciliation in Rwanda. Plans for 2007 include expanding the on-going survey research project whose findings will be used for baseline data to assess the impact/results of the Outreach Program interventions.

The ICTR will also institute a system for more systematic evaluation and planning of outreach and capacity-building activities. This system will include regular data collection from stakeholders about the program's performance. Outreach staff will improve the evaluation and feedback mechanism developed for obtaining the input of participants in the various training workshops. They will also develop and implement a knowledge assessment and follow up procedure to monitor the impact of the training/capacity-building activities and the implementation of skills acquired by the participants.

VIII. Conclusion

To assist with reconciliation, justice must not only be done, but it must also be seen to be done. More information and outreach is needed to expose and explain the Tribunal and its work to Rwandans.

Mass media can promote reconciliation through strategic communication campaigns targeted at the Rwandan public. The Tribunal must recognize the necessary components of reconciliation and figure out how it can use the mass media to facilitate them. Additionally, the Tribunal needs to coordinate its communication campaigns and outreach activities with the judicial system in Rwanda to give a complete and coherent picture of justice that it is being pursued on all levels and the expected reconciliation from delivery of that justice.

A legacy and residual mechanism is needed to contextualize the judicial accomplishments of the ICTR after its closure in 2010. “An argument can be made for continuing the outreach program even after trials in Arusha end, in order to bring knowledge of the Tribunal’s work to new generations of Rwandans who otherwise may know even less about the trials than do current generations.”⁴

Continued genocide education and research must be promoted, perhaps through the UN genocide prevention initiative and its special advisor to the UN Secretary-General. Rwanda’s Permanent Representative to the UN has said that “a genocide prevention and educational centre should be set up by the international community, not only in memory of the one million genocide victims, but also to serve as a center of research and learning about lessons learned and as a center to promote justice, reconciliation and human rights.”⁵

The social and psychological components of justice must also be delivered in order to foster lasting reconciliation and make a reality the international resolve “Never Again”!

¹ “War crimes tribunals, truth and reconciliation commissions, and other public mechanisms of transitional justice have complex objectives, but one of them is surely the project of reshaping a post-conflict national identity.” Franke, Katherine M., “Gendered subjects of transitional justice,” Columbia Journal of Gender and Law, 813(16) Vol. 15 No. 3.

² *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze*, ICTR-99-52-T, Judgment and Sentence at Paragraph 109 [Citing Security Council Resolution 955, S/RES/955 (1994), 8 November 1994.]

³ *Prosecutor v. Karemera, Ngirumpatse and Nzirorera*, ICTR-98-44-AR73 (C), Appeals Chamber Decision on Prosecutor’s Interlocutory Appeal of Decision on Judicial Notice.

⁴ Peskin, Victor, “Courting Rwanda: The Promises and Pitfalls of the ICTR Outreach Programme,” Journal of International Criminal Justice 3 (2005), 950-961, at 957.

⁵ Statement of Joseph Nsengimana in response to the delivery of the 11th Annual Report of the ICTR to the UN General Assembly, 9 October, 2006.