

# Courting Rwanda

## The Promises and Pitfalls of the ICTR Outreach Programme

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### Abstract

*This article aims to assess the contribution of the Outreach Programme at the International Criminal Tribunal for Rwanda (ICTR). The author introduces and discusses two general approaches or models of outreach that international criminal tribunals may pursue. The transparency model of outreach seeks to make a tribunal's opaque legal process more visible by disseminating basic information about the court to communities recovering from human rights abuses. The engagement model goes beyond only informing these communities by facilitating frequent and extensive tribunal interaction and dialogue through seminars, town hall presentations, and training of legal professionals. Despite some progress with limited resources, the efforts of the Outreach Programme of the ICTR to engage the Rwandan population and to make the Tribunal more transparent have been ineffective. The article recommends that the ICTR bolster its outreach efforts by helping to train Rwanda's judiciary, appointing more Rwandans to serve in positions of authority at the Tribunal, and engaging domestic and international non-governmental organizations in outreach programme partnerships.*

### 1. Introduction

The UN Security Council located the International Criminal Tribunal for Rwanda (ICTR or the Tribunal) in Arusha, Tanzania, far from the cauldron of post-genocide Rwanda in large part to insulate the court from political forces that could harm the integrity of this experiment in international law. Distance may have safeguarded the Tribunal's autonomy. Yet, keeping the Tribunal so far from the scene of the genocide also distanced—perhaps even imperilled—two of the major goals set for it by the Security Council: to foster national reconciliation between Hutu and Tutsi, and to strengthen the

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Rwandan legal system.<sup>1</sup> Without the benefit of a significant number of Rwandans to attend and witness remote genocide trials, a sense of the court's presence in the lives of the average Rwandan citizen was doubtless impaired. At the very least, the Tribunal's goal of reconciliation depends on bridging the geographical chasm to help make the complex courtroom process transparent and comprehensible to everyday Rwandans.

Distance, of course, has not been the only obstacle blocking Rwandan acceptance of the Tribunal and achieving reconciliation. Even if it were located in the heart of Kigali, the Tribunal would likely still suffer a crisis of legitimacy. This on-going crisis has been fuelled by conflicting conceptions of justice, by Rwandan anger at Tribunal mismanagement and the slow pace of trials, and by the Tutsi-led Rwandan government's efforts to control the Tribunal's prosecutorial agenda for its political ends. Many Hutu also question the legitimacy of a Tribunal that has not yet prosecuted Tutsi military officers suspected of committing atrocities against Hutu civilians in 1994.

The imperative of the ICTR to render its work more visible in Rwanda has been underscored by the difficult political context in which the Tribunal operates, particularly promoted by the Rwandan government's unrelieved criticisms. Tribunal officials hoped that making the court's work better known in Rwanda through the development of public relations initiatives under the banner of a so-called 'outreach programme' would counter government and survivor group allegations of Tribunal indifference to the needs of victims and survivors. Thus, from the start, some officials at the Tribunal envisioned an outreach programme not only to keep Rwandan citizens abreast of the court's goals and accomplishments, but as a strategy to repair the institution's deteriorating image. An effective outreach programme might also mitigate the government's mistrust. This, in turn, might dissuade the government from carrying out its periodic threats to hold the trial process hostage by blocking genocide survivors from travelling to give testimony in Arusha. The capacity of the government to do so was made apparent during the summer of 2002, when survivors were prevented from leaving the country to bear witness. (The move, according to Tribunal officials and diplomats, was intended to stop Chief Prosecutor Carla Del Ponte from carrying out her pledge to indict Tutsi officers.<sup>2</sup>)

Several years after its establishment, the ICTR, as well as the International Criminal Tribunal for the former Yugoslavia (ICTY), officially launched outreach programmes. At the ICTR, press and public affairs personnel added outreach to their duties. By contrast, the outreach programme at the ICTY was established as a separate unit with its own coordinator and personnel, as well as with a budget significantly larger than the ICTR outreach programme. The ICTR's outreach programme has as a specific aim 'to promote a better

1 See SC Res. 955, 8 November 1994.

2 Personal interviews conducted with ICTR officials and diplomats in Kigali, Rwanda, June–July 2002 and with Carla Del Ponte in The Hague, The Netherlands, December 2003.

understanding of and confidence in [the Tribunal's] work'.<sup>3</sup> Although long hampered by a lack of resources, the programme's objective was to win the hearts and minds of a sceptical populace in two ways: (i) 'local information dissemination' and (ii) 'communication and training'<sup>4</sup> of Rwandan media and legal professionals. The aim of this article is to assess the ICTR's outreach efforts by examining its contributions to the reconciliation process in Rwanda and identifying what yet might be done to promote this goal.

## 2. The Role of Outreach Programmes

Too little time has passed to allow a comprehensive evaluation of the outreach programme. Still, that has not stopped Tribunal officials and observers from rendering their opinions. Eager to demonstrate sensitivity to domestic concerns, ICTR officials have claimed the outreach programme has borne fruit in Rwanda.<sup>5</sup> At the other end of the spectrum, critics have dismissed the ICTR's outreach efforts (and the ICTY's, too) for failing to bridge the geographical divide and keeping the Tribunal remote and inaccessible.<sup>6</sup>

The ICTR's outreach programme is surely a weak substitute for having the Tribunal located inside Rwanda or holding some trials or court hearings there, as the Rwandan government has long wanted. But even if the court were located in Kigali, outreach to the country's predominantly rural citizenry would still be needed. Such responsiveness is demonstrated in the on-going efforts of the Special Court for Sierra Leone to improve understanding of its work not only in Freetown but also in outlying provinces.<sup>7</sup>

3 See brief description of the ICTR Outreach Programme posted on the Tribunal's website as part of a 10th anniversary commemoration of the Rwandan genocide, available online at: <http://www.ictor.org/commemoration/faq/faq-4.asp> (visited 2 July 2005).

4 *Ibid.*

5 'The outreach programme was well received, still is well received [and] has made an impact,' ICTR Spokesperson Kingsley Moghalu asserted in a 2002 interview (personal interview with the ICTR Spokesperson Kingsley Moghalu conducted in Arusha, Tanzania, February 2002). In June 2001, ICTR Registrar, Adama Dieng, asserted that the outreach programme, in conjunction with the Tribunal's increased efficacy and efforts to aid witnesses and victims, had significantly reversed Rwandan public opinion that the Tribunal was 'distant and inaccessible' (statement by the Registrar, Mr Adama Dieng, on the *Report of the International Crisis Group*, ICTR Press Release, 11 June 2001). A vast majority of Rwandans has shown a marked increase in their appreciation of the work of the ICTR and their support for it,' Dieng claimed, yet without supporting evidence, *ibid.*

6 See Ralph Zacklin's comments about the ICTY's outreach efforts in R. Zacklin, 'The Failings of Ad Hoc International Tribunals', 2 *Journal of International Criminal Justice* (2004) 541–545, at 544.

7 Personal interviews conducted with Special Court officials in Freetown, Sierra Leone, March 2005. For a brief discussion of outreach efforts undertaken by and on behalf of the Special Court for Sierra Leone, see No Peace Without Justice, 'Outreach and the International Criminal Court', *NPWJ International Criminal Justice Policy Series No. 2*, Preliminary Edition for distribution during the Third Session of the ICC Assembly of States Parties, The Hague, September 2004.

Unlike a long-established court that enjoys broad legitimacy, international criminal courts, whether located inside or outside the country where atrocities occurred, will often be viewed as alien because of their perceived challenge to state sovereignty, domestic conceptions of justice and the belief of a government or society in its own innocence. Any outreach programme labours under the burden of societal perceptions regarding the basis and bias of war crimes tribunals. Still, these programmes may play an important role in rendering the Tribunal accessible and fostering dialogue about the goals and implications of the legal process.

But whether societies come to value tribunals as an equitable and effective way to confront their violent pasts may ultimately depend more on the approval of a nation's leaders than in anything an outreach programme alone may say or do. It is thus important to stay informed about the political realities that limit what is possible for an outreach programme to accomplish anywhere. That the outreach programmes at the ICTR and ICTY labour under these realities means that a truer assessment of their efficacy needs to take into account the complex dynamic of tribunal-state relationships. Nevertheless, well before these political limits are reached, there is ample opportunity to improve these programmes.

The outreach programmes were late additions to both ad hoc Tribunals. The Security Council might have mandated and funded such programmes from the start had it been aware of how isolated the Tribunals would become from Rwanda and the states of the former Yugoslavia. But in the haste to create international criminal tribunals, little thought was given to the benefits that outreach programmes could provide to these fledgling institutions. Moreover, the idea did not sit well with some Tribunal officials, who did not regard community outreach or public relations as the responsibility of a court.<sup>8</sup> But by the late 1990s, such thinking changed after the legitimacy and relevance of both Tribunals had been continually called into question by the governments of Rwanda and the former Yugoslavia.<sup>9</sup> At both the ICTR and the ICTY, these changes were reflected in outreach efforts which began as early as 1998.<sup>10</sup>

8 David Tolbert makes a similar point in reference to the outreach programme at the ICTY. See D. Tolbert, 'Reflections on the ICTY Registry', 2 *Journal of International Criminal Justice* (2004) 485.

9 ICTY officials explicitly presented their outreach programme as a bulwark to protect the Tribunal against damaging government disinformation that undermined domestic support for the court. 'We will work on countering the misinformation about the Tribunal with information about the Tribunal,' said ICTY President Gabrielle Kirk McDonald when she announced the creation of the outreach programme in March 1999; see ICTY Press Release, 16 March 1999.

10 For more information about the origins of the ICTY outreach programme, see L. Vohrah and J. Cina, 'The Outreach Programme', in R. May et al., *Essays on ICTY Procedure and Evidence in Honour of Gabrielle Kirk McDonald* (The Hague: Kluwer Law International, 2001), 547–557.

### 3. Models of Outreach

There are a number of ways that a war crimes tribunal can approach the outreach task and try to build confidence and support for the institution's work. I will discuss two general approaches or models of outreach that the ICTR and other international criminal tribunals may pursue. The first is what I call the *transparency model* of outreach. This model is focused on demystifying the Tribunal's work and making it more comprehensible to the Rwandan citizenry. In the transparency model, the Tribunal seeks to make an opaque process more visible by disseminating basic information about the court and by removing impediments blocking Rwandans from learning about the trial process. For instance, the Tribunal may facilitate media coverage of court proceedings by issuing brochures about the Tribunal's work, translating trial judgments and decisions into Kinyarwanda, and into easily understood and widely accessible summaries of these judgments. Establishing a Tribunal information centre in Rwanda is one way to make such information publicly available.

The *engagement model* goes beyond informing the public by offering a more comprehensive and multifaceted approach to the outreach challenge. Such engagement with the Rwandan population presupposes basic knowledge of the Tribunal that comes through making the legal process more transparent. The engagement approach proceeds to facilitate extensive and frequent Tribunal interaction and dialogue. This may occur through Tribunal-sponsored seminar discussions of recent Tribunal judgments with Rwandan academics, legal professionals and university students, town hall exchanges with peasant communities, conferences that bring together international and domestic legal experts, and a frequent Tribunal presence in the domestic broadcast media.

Engagement can also mean making a concerted effort to accomplish one of the Tribunal's stated aims—aiding the development of the Rwandan legal system. Toward that end, the Tribunal may design initiatives to train Rwandan judges and lawyers as well as Rwandan human rights activists monitoring domestic genocide trials and *gacaca* proceedings.

Engagement is key to bringing the reality of the Tribunal closer to the country because interaction between Tribunal personnel and Rwandans gives a human face to an otherwise abstract and intimidating institution. The engagement approach moves beyond public relations and information dissemination toward contact and dialogue with Rwandans about the Tribunal's shortcomings as well as achievements. Clearly, engagement entails both risk and opportunity. Such interaction may lead Rwandans to raise critical questions in public forums about the Tribunal's performance. One danger is that dialogue will turn into a political chance for the government and closely aligned survivor groups to attack the Tribunal for betraying its mandate to provide justice for genocide survivors. Veteran Tribunal employees based in Rwanda are well aware of what it feels like to be on the receiving end of such censure, given the

several government-backed survivor group protests at the gates of the Tribunal's offices in Kigali.

Yet, if handled deftly by Tribunal officials, seminars and town hall discussions can become productive forums where the court explains the complexities and challenges of the legal process not easily conveyed through the Tribunal's upbeat public relations literature in the so-called transparency model. At a distance of 400 miles away and in the light of limited telecommunication infrastructure, the transparency model becomes merely opaque to most Rwandans. Seminars and town hall discussions may then help the Tribunal reclaim the initiative from its detractors in the government by reframing the discussion around the court's responsiveness to Rwandan concerns. These sessions may also help Tribunal officials better understand how the court and the outreach programme are perceived domestically and what steps can be taken to improve the Tribunal's responsiveness. In this regard, interaction may be as important to the Tribunal as it is to the Rwandans whom the Tribunal seeks to reach. Direct engagement may begin to break down the Tribunal's self-imposed isolation from Rwandan society without undermining the Tribunal's autonomy. Whether or not such engagement advances reconciliation between Hutu and Tutsi, it certainly helps reconciliation between the Tribunal and the Rwandan society.

#### 4. Assessing the ICTR Outreach Programme

For the most part, the ICTR has pursued its outreach efforts through the more arm's-length transparency model. At times, however, the Tribunal has directly engaged Rwandans by organizing visits to Arusha by legal professionals, government officials and law students.<sup>11</sup> The Tribunal also regularly brings Rwandan journalists to Arusha to facilitate their reporting of the trial process. Despite some progress with limited resources, the Tribunal's outreach efforts have been sorely lacking, with the result that most Rwandans still know little if anything about trials in Arusha. A 2002 survey of 2,091 Rwandans found that 87 per cent either were 'not well informed' or 'not informed at all' about the Tribunal.<sup>12</sup> The Tribunal has not done enough in either model. It has not done enough either to make the legal process transparent and known to everyday Rwandans or to engage a broad range of Rwandans and help train the local judiciary.

11 It is important to acknowledge the efforts made by individual Tribunal employees, independent of the outreach programme, to engage directly with Rwandans and keep them abreast of developments at the court. One notable example occurred in the aftermath of the Tribunal's first conviction, of Taba mayor Jean-Paul Akayesu. The lead ICTR Prosecutor in the *Akayesu* case, Pierre-Richard Prosper, travelled to Taba to tell residents there about the decision.

12 See E. Stover and H. Weinstein, 'Conclusion: A Common Objective, a Universe of Alternatives', in E. Stover and H. Weinstein (eds), *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge: Cambridge University Press, 2004) 323–342, at 334.

Nevertheless, it is important to acknowledge the progress that has been made. The ICTR has established some precedents that may become a guide for the way in which other international tribunals approach the outreach challenge. In 2000, for instance, the Tribunal established an internship programme to allow several Rwandan law students to work at the court each year. A Tribunal interruption in the programme in 2002<sup>13</sup> and the uncertainty that followed rankled some Rwandan law professors involved in the collaborative efforts to establish the programme.<sup>14</sup> However, the Tribunal has resumed the programme and has won high praise for hosting Rwandan interns. In addition, the Tribunal established an actual foothold for the outreach programme in Rwanda with the opening of a public information centre in Kigali in September 2000. Tribunal officials hailed the centre as a concrete step to improve the ICTR's relationship with the Rwandan people and to facilitate reconciliation in the country.<sup>15</sup> The Tribunal sought to sell this point to Rwandans by giving the information office a hopeful name: 'Umusanzu mu Bwiyunge' or 'Contribution to Reconciliation'. The centre, which houses a small library and computers with Internet access, has provided Rwandans with a place to access Tribunal documents and general information about the court. The centre has gone some way in increasing the Tribunal's profile in Kigali. However, Tribunal officials may be exaggerating the centre's effectiveness, for instance, by asserting that its success has 'surpassed all expectations'<sup>16</sup> and by claiming more daily visits (100 per day) than was apparent to this observer (in the spring and summer of 2002) and to other visitors who have visited the centre more recently. Regardless of the accuracy of this number, by virtue of the centre's location in Kigali, knowledge of the Tribunal remains out of reach to the majority of Rwandans who live in rural communes. As Alison Des Forges and Timothy Longman write, the centre is 'attractive to a tiny part of the urban elite, . . . [but] offers little to the majority of Rwandans, who are illiterate and live in rural areas.'<sup>17</sup>

The translation of court judgments—initially only available in the court's official languages, English and French—into Kinyarwanda since 2000 also represents another form of outreach.<sup>18</sup> But the court has not found ways to translate the complex and lengthy judgments into shorter versions understandable to lawyers and non-lawyers interested in learning about the legal process and the fate of genocide suspects. Still, as the ICTR experience

13 The causes of the interruption in the internship programme are complex, but were reportedly sparked in part by Tribunal concerns about allowing Rwandan interns access to sensitive Tribunal documents.

14 Personal interview conducted with Jean-Marie Kamatali in Kigali, Rwanda, April 2002 and telephone interview conducted with Kamatali, October 2004.

15 See ICTR Press Release, 'ICTR Information Centre Opens in Kigali', 25 September 2000.

16 See 'The ICTR Outreach Programme', ICTR information sheet, 7 February 2002.

17 See A. Des Forges and T. Longman, 'Legal Responses to the Genocide in Rwanda', in Stover and Weinstein, *supra* note 12, 49–68, at 56.

18 See ICTR Press Briefing, 17 February 2000.

demonstrates, translation does not necessarily lead to access. Trial judgments are not regularly distributed to the Rwandan courts, domestic legal professionals or other interested parties in Rwanda. Access has improved, as judgments in Kinyarwanda are now available on the ICTR's website. But that does not help many Rwandans, judges among them, who often lack reliable and affordable Internet access. 'People don't realize that Internet is still a luxury in Rwanda,' said Jean-Marie Kamatali, the former dean of the law school at Rwanda's National University.<sup>19</sup> The dense and technical nature of trial judgments even leaves legal professionals in need of help to decipher these documents.<sup>20</sup> The Tribunal's failure to make its courtroom accomplishments more known to the domestic legal system is a lost opportunity for international law to have a direct and lasting impact on the rule of law in Rwanda.

In the time remaining in its mandate, it is critical that the Tribunal does more to increase transparency while doing more to engage directly with Rwandans. To do so, the Tribunal must expand its formal outreach programme and find other ways to reach Rwandans. However, it is unrealistic to expect that the outreach programme will maintain its current level of funding, to say nothing of receiving a significant increase, as the Tribunal begins to scale down its operations under UN pressure to close its doors by the end of the decade. Thus, even as the Tribunal faces more pressure to make its work relevant in Rwanda, it must find new and less expensive ways of doing so. An argument can be made for continuing the outreach programme 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.

## 5. Expanding and Re-thinking the ICTR Outreach Programme

### A. Training Rwanda's Judiciary

One of the ICTR's main goals, as envisioned in the 1994 Security Council Resolution creating the court, is to aid in the development of a domestic legal system and a culture of rule of law. The need for such assistance, particularly through the training of Rwandan judges and prosecutors, was underscored by the genocide's devastating toll on the Rwandan legal system and the overwhelming challenge the system faced in adjudicating tens of thousands of domestic genocide cases with little international financial and logistical support. The importance of such training has increased as the Tribunal prepares to close its doors by the end of the decade and takes steps to send some

19 Telephone interview conducted with Jean-Marie Kamatali, October 2004.

20 See 'International Criminal Tribunal for Rwanda: Delayed Justice', *International Crisis Group Africa Report Number 30*, 7 June 2001, at 25.

of its genocide cases back to Rwanda for domestic prosecution.<sup>21</sup> Diplomats and others have long urged the Tribunal to initiate links with the Rwandan legal system. But the Tribunal so far has done very little in this critical area of outreach.

When it comes to legal training, lack of funding is not necessarily a major obstacle. Although headquartered hundreds of miles away in Arusha, the ICTR actually has had a large full-time presence of investigators and prosecutors working in Kigali. This stands in contrast to the ICTY that maintains a small full-time presence in the states of the former Yugoslavia. Instead of basing investigators in the region, as the ICTR does in Rwanda, ICTY investigators are based in The Hague and make visits to the former Yugoslavia. The Tribunal's formidable institutional presence in Rwanda presents a golden opportunity to meet the unrealized goals of training and interacting with members of the domestic legal system. Unfortunately, the ICTR staff has had little professional interaction with the Rwandan legal profession outside of the Tribunal's frequent requests for cooperation in war crimes investigations. The ICTR's outreach opportunity has become less golden now that the Tribunal's active investigations are winding down. Nevertheless, the Tribunal can still utilize its existing staff in Kigali as well as in Arusha to initiate training programmes.

Direct engagement with the Rwandan legal system would provide a tangible way for the Tribunal to demonstrate its responsiveness. Moreover, Tribunal training of Rwandan legal professionals may foster a sense among staff members of having a positive impact on Rwanda—something Tribunal members have themselves come to doubt. Such engagement may also serve as a valuable forum to explain contested aspects of the trial process that have been used as a battering ram by the Rwandan government and government-backed survivor groups. One such contentious issue is the Tribunal's provision for free medical treatment for genocide suspects with AIDS, but none for their victims who now suffer from the disease.

It need not be difficult or costly for the Tribunal to arrange seminars with members of the Rwandan judiciary to discuss aspects of international law, war crimes investigations and issues of legal procedure. Toward this effort, leadership from top Tribunal officials could inspire staff with relevant expertise to volunteer their free time after the regular working week ends early on Friday afternoons. These sessions can and should be conducted in conjunction with visiting international legal experts or members of international non-governmental organizations who have already been involved in such training efforts. The ICTY outreach programme, in conjunction with legal scholars

21 In late February 2005, ICTR Chief Prosecutor, Hassan Jallow, sent 15 Tribunal case files to Rwandan officials. The transferred case files are of Hutu genocide suspects who have not yet been indicted by the Tribunal. See 'UN Court Hands Over Genocide Cases to Rwanda', *Hirondelle News Agency*, 23 February 2005.

and other international experts, have done an exemplary job of initiating professional seminars in both The Hague and the former Yugoslavia.

There has been little institutional momentum at the ICTR for such initiatives. Part of the problem lies in the traditional turf wars of any large bureaucracy. At the ICTR, overcoming such structural obstacles involves sharing the outreach function now under the control of the Registry with the Office of the Prosecutor and Chambers. As one might suppose, such a change requires a shift in the institutional culture of the ICTR. Geographical difficulties add to this challenge because the Registry-run Outreach Programme is based in Arusha, while most of the Tribunal's Rwanda-based staff work for the Office of the Prosecutor.

### *B. Hiring and Placement*

Hybrid tribunals, such as the Special Court for Sierra Leone, provide a built-in link to domestic constituencies by assigning a country's nationals to important roles in the operation of the court. By contrast, Rwandans, as former Rwandan Attorney-General Gerald Gahima has said, are 'strangers in international justice . . . and feel a sense of alienation in the whole exercise'.<sup>22</sup> That, however, is not completely accurate in so far as some Rwandans have experienced the inner working of the Tribunal as long-time employees. Hiring Rwandans to work at the ICTR has been a form of outreach, albeit one motivated primarily by the Tribunal's need for Kinyarwanda speakers to work as courtroom interpreters and translators accompanying investigators on their field missions into the country's rural areas. Nevertheless, the potential to bolster this form of outreach by placing more Rwandans in positions of authority has not been fully realized. Doing so may serve as a form of legal training that will benefit Rwanda's efforts to prosecute war crimes cases.

In unspoken practice, Rwandans have not been selected to serve as judges or in other high-level positions at the ICTR. 'We use Rwandans now simply as janitors, security guards, and translators,' lamented a senior Tribunal official.<sup>23</sup> In the corridors of the Tribunal, some of these employees are regarded with suspicion by international employees who fear infiltration by Tutsi government spies or by associates of Hutu genocide defendants. A two-tiered employment system has been created which, to some Rwandan employees, has reinforced a sense of international privilege and Rwandan exclusion from the professional and economic benefits the Tribunal has to offer. The very real security concerns, including the suspicion of Rwandan government spying, has made the fear of spying a ready excuse not to place more Rwandans in senior positions. The Tribunal's reticence in this regard increased in 2001, when two Hutu defence investigators were arrested on

22 Personal interview conducted with Gerald Gahima in Kigali, Rwanda, June 2000.

23 Personal interview conducted with Tribunal official in Kigali, Rwanda, June 2002.

charges of playing a role in the genocidal massacres of 1994.<sup>24</sup> Several more were fired on suspicion of being complicit in the genocide. These embarrassing revelations underscore the need for much more thorough security checks, but should not be used to exclude Rwandans from holding professional positions at the ICTR. ‘Under ideal circumstances there would be some way to do thorough security checks and hire more Rwandans,’ said the Tribunal official.<sup>25</sup> Recently, the Tribunal has made some progress in hiring Rwandans in the Office of the Prosecutor. In February 2005, Didace Nyirinkwaya became the first ICTR Rwandan trial lawyer to argue a case in Arusha.<sup>26</sup>

### C. *Outreach through Partnership*

Given its magnitude and complexity, the outreach challenge should not be left to the Tribunal alone. Wherever possible, the ICTR outreach programme should build partnerships with domestic and international non-governmental organizations that can help make the Tribunal’s work more transparent to Rwandans and engage them directly with the Tribunal. Partnerships with credible and effective organizations may provide the Tribunal with greater access to different Rwandan constituencies than it would have otherwise. The role of the Internews media organization is a case in point. Internews is an American-based alternative media organization that assigns journalists to cover ICTR and domestic war crimes trials in Rwanda. A major component of Internews projects in Rwanda is to produce documentary films about these trials. After completing a documentary, Internews staff travel to rural communes and show the film. A Rwandan employee of the ICTR outreach programme often accompanies the Internews staff and answers questions asked after the film screenings.

Fruitful partnerships should also be created with Rwandan academics and civil society leaders that could have the effect of delegating initiative for outreach to Rwandans themselves. Some academics, such as Jean-Marie Kamatali, have long tried to win Tribunal commitment to hold post-trial seminars in Rwanda with ICTR officials to discuss the significance of recent trials. Kamatali has envisioned these seminars as the first step in spreading word to a wide range of Rwandans about the legal significance of certain judgments. With the knowledge that comes from these sessions, Rwandan professors could then hold meetings of their own to explain and interpret these judgments. By so doing, part of the outreach task would be assumed by influential Rwandans and perhaps relieve some of the Tribunal’s burden.

24 For a discussion of this issue, see V. Peskin, ‘Rwandan Ghosts’, *Legal Affairs* (September/October 2002) 21–25.

25 Personal interview conducted with Tribunal official in Kigali, Rwanda, June 2002.

26 See ‘First Rwandan Attorney Takes the Floor at the ICTR’, *Hirondelle News Agency*, 15 February 2005.

Collaborating with Rwandan organizations raises the question of how the Tribunal should select prospective partners. Inevitably, this question involves political considerations. Will the Tribunal, for instance, seek to partner with civil society groups at odds with the authoritarian Rwandan Patriotic Front government? A leader of one of Rwanda's few independent civil society groups believes that Tribunal officials passed up a chance to create a partnership with his organization in order to avoid the government's wrath. Aloys Habimana, a human rights activist who worked for Liprodor, an organization that monitors domestic war crimes prosecutions, has said that the Tribunal never contacted him during his two years as senior programme coordinator, despite a visit that his group made to the Tribunal in 2001. 'We tried so many times to approach the ICTR but we were not seeing any kind of reciprocity . . . I realized that there was one-way interest,' he said. 'They don't find civil society organizations to be valuable partners.'<sup>27</sup> Instead, the Tribunal prefers to deal with the government and government-backed survivor groups, as maintaining good relations with both is critical to receiving the cooperation the Tribunal needs to function.

## 6. Concluding Remarks

The UN Security Council envisioned that the ICTR would foster reconciliation and help Rwanda heal its bitter post-genocide divisions. Reconciliation may yet be attainable and the Tribunal may yet play a role in this process. But whether the Tribunal plays a significant role in this process may first depend on whether it can foster reconciliation between itself and the Tutsi-led Rwandan government. This is a very different idea of reconciliation from that which the Security Council had in mind. Indeed, it did not foresee that an international Tribunal would be portrayed and perceived in Rwanda as an enemy. But, for the Tribunal, establishing this first order of reconciliation—through redoubling its efforts to directly engage and reach out to Rwandans—may be a necessary pre-condition for reconciliation between victims and perpetrators. This first order of reconciliation—between the Tribunal and the Tutsi-led government—will indeed be formidable if the court takes the giant step of prosecuting Tutsi suspects for their role in war crimes against Hutu civilians. The second order of reconciliation—between Hutu and Tutsi—may depend on the Tribunal doing so.

27 Telephone interview conducted with Aloys Habimana, October 2004.