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The Legacy of the International Criminal Tribunal for Rwanda

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3 July 2012

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I. INTRODUCTION

Your Excellencies, Distinguished Guests, Ladies and Gentlemen: It is an honor and a privilege to be here at such a crucial time in the ICTR's history, as well as a time charged with mixed emotions: Pride at nearly completing the work the Tribunal was charged with doing; but pride mixed with sadness at seeing so many staff leave after their long investment in the common undertaking that has been the ICTR, and pride mixed with concern about the future legacy of the Tribunal. I cannot, in the short time allotted to me, thoroughly cover the seventeen-year history of this Tribunal, nor would I presume to do so before an audience much more qualified than I to comment upon its day-to-day operations. Nor can I comment, except tangentially, upon the work of the ICTR as viewed by the Rwandan government and the Rwandan people, leaving a discussion of that important subject for another time and place. Yet what perhaps I *can* offer you is an outsider's perspective on the work of this institution, situate it in historical context, and offer some suggestions about future actions that may help consolidate the legacy of this Tribunal and the great and recent experiment of international criminal justice more generally.

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In my view, the ICTR has had a profound short- and medium-term effect locally, regionally and internationally. This effect has been felt in local, regional and international politics, it has flowed through the thousands of people whose lives have been touched by the work done here, and it has resulted in the establishment of new institutions of international criminal justice that will succeed the ICTR. A more difficult question is what long-term impact the Tribunal's work will have, and I will turn to that issue in closing.

II. FROM NUREMBERG TO ARUSHA

The idea which surfaced after the First World War—that individuals controlling the apparatus of a State used that power to commit genocide, crimes against humanity or war crimes¹—was not realized until the establishment of the Nuremberg Tribunal in 1945. While it is not always useful to recall the Nuremberg precedent in modern times and the conditions of that tribunal's work were very different than those extant today, on this historic occasion, I believe there are useful parallels to be drawn from that first experiment with international justice. That tribunal was established quickly, in a matter of months, as an international occupation court whose judges and prosecutorial staff were from the four allied powers only. Germany and Europe lay in ruins, and Germany had

¹ See, e.g., Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties, *Report Presented to the Preliminary Peace Conference* 14 AM. J. INT'L L. 95 (1920).

unconditionally surrendered to the Allies. The IMT tried twenty-two defendants and acquitted three; twelve were sentenced to death by hanging, the others to varying terms of imprisonment.² Its establishment and judgment was an important watershed event in international law by finding that those who troubled the peace and security of the world and attacked their own people—as well as their neighbors—could be made to answer for their actions before an international tribunal. International crimes, the tribunal wrote, are “committed by men, not by abstract entities,” who may be held criminally responsible for transgressing international law.³ Thus was born—as a practical matter—the field of international criminal law. The inverse of the Nuremberg accountability principle—that all human beings not only have duties but rights under international law—spawned the modern era of international human rights.

Yet the promise to build upon the Nuremberg trial and judgment remained unfulfilled for nearly fifty years, and the international criminal tribunal promised in article VI of the 1948 Genocide Convention⁴ was never established. Indeed, the Nuremberg precedent notwithstanding, it is worth recalling that in 1994, as

² United States et al. v. Göring et al., *International Military Tribunal (Nuremberg), Judgment and Sentences*, Oct. 1, 1946, reprinted in 41 AM. J. INT’L L. 172, 333 (1947). See also ROBERT CRYER, HÅKAN FRIMAN, DARRYL ROBINSON, & ELIZABETH WILMSHURST, AN INTRODUCTION TO INTERNATIONAL CRIMINAL LAW AND PROCEDURE 94 (2007).

³ *Göring et al.*, *supra* note 2, at 221 (1947).

⁴ Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9 1948, 78 U.N.T.S. 277.

genocide was engulfing Rwanda, there was no functioning international criminal tribunal or court anywhere in the world. The Security Council had adopted a resolution to establish the ICTY on May 25, 1993,⁵ but the Yugoslavia Tribunal struggled to establish its credibility and begin its operations, making the establishment of a second tribunal for Rwanda difficult for many to envisage.⁶ And the future of the ICTR seemed precarious indeed when the Rwandan Unity government voted against the Tribunal upon its establishment by the Security Council, objecting, among other things, that it would not administer the death penalty.⁷ This difficult relationship with the Rwandan government continued, ebbing and flowing, but always politically sensitive, and it has certainly not helped the ICTR to carry out its mandate to foster peace and reconciliation in Rwanda.⁸ Indeed, although the UN commission investigating the 1994 genocide concluded that the RPF had committed war crimes during 1994,⁹ it has seemingly

⁵ Resolution 827 on the International Criminal Tribunal for the former Yugoslavia, U.N. Doc. S/RES/827 (25 May 1993).

⁶ ICTY Office of the Prosecutor, *The Early Years: 1993–1997*, available at <http://www.icty.org/sid/95#earlyyears> (accessed July 9, 2012).

⁷ U.N. SCOR, 49th Sess., 3453d mtg., at 13–17, U.N. Doc. S/PV.3453 (Nov. 8, 1994).

⁸ See, e.g., Leila Nadya Sadat, *Transjudicial Dialogue and the Rwandan Genocide: Aspects of Antagonism and Complementarity*, 22 LEIDEN J. INT'L L. 543 (2009); Luc Reydam, *The ICTR Ten Years On: Back to the Nuremberg Paradigm?*, 3 J. INT'L CRIMINAL JUSTICE 977 (2005); Peter Uvin & Charles Mironko, *Western and Local Approaches to Justice in Rwanda*, 9 GLOBAL GOVERNANCE 219, 220–21 (2003).

been impossible for the ICTR to indict RPF members for a variety of political and legal obstacles, a point I will return to later. The ICTR was initially a tiny organization, often neglected by the international community given its great distance from The Hague and New York.¹⁰ Underfunded, and initially permitted only one small courtroom and two trial chambers to address possible crimes involving the murder of hundreds of thousands, the first hearing of the Tribunal, presided over by Senegalese Judge Laïty Kama, took place in a small room with a leaky ceiling with “a couple of tables, a few dozen chairs, one or two interpreters, and a squad of security guards.”¹¹ The ICTR also suffered from allegations of corruption and several prominent staff were forced to resign in 1996;¹² it would take another five years for the tribunal to really find its footing.

This inauspicious beginning notwithstanding, slowly but surely the ICTR began to establish itself as a functioning, important and indeed vital institution, growing to peak capacity with more than a thousand staff members, four modern

⁹ Final report of the Commission of Experts established pursuant to Security Council resolution 935 (1994), paras. 93–100, U.N. Doc. S/1994/1405 (Dec. 9, 1994). *See also* Reydams, *supra* note 8.

¹⁰ Leila Nadya Sadat, *Some Recent Developments at the ICTY and the ICTR*, AIDP Instant Analysis (Nov. 10, 2003), http://law.case.edu/war-crimes-research-portal/instant_analysis.asp?id=2.

¹¹ THIERRY CRUVELLIER, *COURT OF REMORSE: INSIDE THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA* 5 (2010).

¹² Barbara Crossette, *U.N. Investigating Rwanda War Crimes Tribunal Officials*, N.Y. TIMES at 3 (Oct. 30, 1996), available at <http://www.nytimes.com/1996/10/30/world/un-investigating-rwanda-war-crimes-tribunal-officials.html?pagewanted=all&src=pm>.

courtrooms, and an annual budget of US \$140 million.¹³ Although the appointment of a sole prosecutor for both tribunals sometimes made the workload impossibly difficult and was objected to by the Rwandan government, it may also have ensured that the two tribunals had equal prestige, which is also true of the common appeals chamber. The ICTR managed to acquire custody of key accused so that it could begin its work sooner than the ICTY did, and its first trials were of extraordinary historic significance. *Akayesu*,¹⁴ decided in 1998, just after the judgment in the *Tadić* case from the ICTY, was the first conviction for genocide since the convention's adoption in 1948, and *Kambanda* was the first head of state convicted under that treaty.¹⁵ Since its initial rocky start, the ICTR has rendered hundreds of decisions and 53 judgments, indicted 93 persons, completed trials of 72 persons, heard more than 3,500 witnesses,¹⁶ and, along with its sister tribunal, the ICTY, created a jurisprudence that has both transformed international law and

¹³ Data acquired and compiled by author through interviews with ICTR staff in Arusha, as well as by author's office from the annual *Reports of the International Criminal Tribunal for Rwanda*, available at <http://www.unict.org/tabid/117/default.aspx>.

¹⁴ *The Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR 96-4-T, *Judgment* (Sept. 2, 1998).

¹⁵ *The Prosecutor v. Jean Kambanda*, Case No. ICTR 97-23-S, *Judgment and Sentence* (Sept. 4, 1998).

¹⁶ The ICTY had heard roughly 4,300 witnesses as of 2012. ICTY Registry, *Witness Statistics*, available at <http://www.icty.org/sid/10175> (accessed 1 July 2012). The ICTR heard approximately 3,868 witnesses. Data compiled from the annual *Reports of the International Criminal Tribunal for Rwanda*, available at <http://www.unict.org/tabid/117/default.aspx> (accessed and compiled June 2012) and from Case Minutes, Judgments, and Summaries of Judgments, available at <http://www.unict.org/Cases/tabid/204/Default.aspx> (accessed and compiled June 2012).

directly affected State behavior. Recall how ICTR/ICTY prosecutor Louise Arbour told NATO that it was within her jurisdiction as it was conducting its air campaign against the Federal Republic of Yugoslavia.¹⁷ There is no doubt that NATO member states understood that they were obliged to comply with the laws of war, and the number of civilian casualties from their action are extraordinarily low when compared to air campaigns that have not been within the jurisdiction of a war crimes tribunal. It is unfortunate that the temporal jurisdiction of the Rwanda Tribunal was not equally extensive, perhaps a lesson learned for the future.

The ad hoc tribunals have provided specific deterrence by incarcerating individuals convicted of international crimes, acquitted those against whom charges could not be sufficiently proven, and have profoundly affected the political landscape in the countries they were established to address. The danger of continued violence and even renewed genocidal attacks was very real in 1994, and the Hutu Power movement, which had not only targeted Tutsis for extermination but taken aim at moderate Hutu opponents, remained a real threat. Rwanda has abolished the death penalty and undertaken other reforms in order to promote the transfer of cases from the ICTR to Rwandan courts, and relations

¹⁷ See DAVID SCHEFFER, *ALL THE MISSING SOULS* 279–80 (2011); see also Statement of Prosecutor Louise Arbour to the Press, March 31, 1999, available at <http://www.icty.org/sid/7778/en>; ICTY Weekly Press Briefing of May 5, 1999, available at <http://www.icty.org/sid/3397/en>.

between the tribunal and the Rwandan government have gradually improved over time. The ICTR has employed thousands of professional staff from more than a hundred countries, and more than a thousand interns have worked here.¹⁸ One cannot ignore this human element of the work of the Tribunal; thousands of African staff members have been engaged in this project known as international justice for the past seventeen years, and they, their families, and their communities have been associated with its inner workings, its modes of operation, and its human rights orientation. The African Court for Human and Peoples' Rights has been located not far from here, and the ICTR has directly assisted the aspirations of the East African Community of nations to be known for their commitment to international peace and justice, rather than for their periods of instability and ethnic and political violence.¹⁹ Likewise, thousands of non-Africans have come to this continent who probably would not otherwise have done so,²⁰ have grappled with the complexities of the Rwandan genocide, and have, one hopes, come away with a deeper appreciation for the peoples and

¹⁸ Data compiled from the annual *Reports of the International Criminal Tribunal for Rwanda*, available at <http://www.unicttr.org/tabid/117/default.aspx> (accessed and compiled June 2012).

¹⁹ Arusha—sometimes called the “Geneva of Africa”—is also home to the headquarters of the East African Community, the regional intergovernmental organization of Kenya, Uganda, Tanzania, Rwanda, and Burundi. *About EAC*, EAST AFRICAN COMMUNITY, <http://www.eac.int/index.php/about-eac.html>.

²⁰ Data compiled from the annual *Reports of the International Criminal Tribunal for Rwanda*, available at <http://www.unicttr.org/tabid/117/default.aspx> (accessed and compiled June 2012).

nations of Africa than they had before they arrived. I know that more than a dozen of my students have worked here, learned about international justice, experienced African hospitality, and come away changed for the better. As they go on to become successful practicing attorneys, their experience with and understanding of East Africa will stay with them for the rest of their lives. Multiply their and so many other stories by hundreds or thousands, and one can see that the work done here has been like a stone cast into a pond—sending ripples extending all the way to far off and as yet unknown shores. Fatou Bensouda, who was just sworn in as ICC Chief Prosecutor, began her international criminal law career in this Tribunal, from 2000 to 2004 as Legal Advisor and Trial Attorney, then Senior Legal Advisor and Head of the Legal Advisory Unit;²¹ U.S. Ambassador-at-Large and head of the Office of Global Criminal Justice Stephen Rapp was here as well from 2001-2007, as Senior Trial Attorney and Chief of Prosecutions;²² and Robert Petit, now with the Canadian war crimes division, was here from 1996 to 1999 as a legal officer, and subsequently become Co-Prosecutor of the Khmer rouge tribunal.²³

²¹ Office of the Prosecutor of the International Criminal Court, *The Deputy Prosecutor (Prosecutions)*, available at http://www.icc-cpi.int/Menus/ICC/Structure+of+the+Court/Office+of+the+Prosecutor/Biographies/The+Deputy+Prosecutor+_Prosecutions_.htm (accessed 1 July 2012).

²² U.S. Department of State, *Biography of Stephen J. Rapp*, available at <http://www.state.gov/r/pa/ei/biog/129455.htm> (accessed 11 July 2012).

III. FROM ARUSHA TO THE HAGUE

The ad hoc Tribunals for the former Yugoslavia and Rwanda paved the way for the establishment of the International Criminal Court, a permanent court that has succeeded them. Indeed, it is fair to say that without the establishment of the two ad hoc tribunals, there might never have been a successful conclusion to the negotiations in Rome. Although the ICTR and ICTY continued to experience growing pains during the period from 1995–98 when the Rome Statute was being negotiated, their establishment, the enthusiasm of international lawyers and NGOs for their operations, and their ability to overcome both technical and practical difficulties proved that international justice could be successfully undertaken. I was fortunate to have been present during the negotiation of the ICC Statute; it is clear that its negotiation took place against the backdrop of an international justice “movement” that the ICTY and ICTR had unleashed, and which later came to include not only those two tribunals, but the Khmer Rouge Court in Cambodia, the East Timor Special Panels, and the Special Tribunal for Lebanon. The creation of the Residual Mechanism is part of that international commitment to justice as well. Thus, beyond a doubt, the ICTR has had a profound short and medium term effect locally, regionally in East Africa and internationally.

²³ Extraordinary Chambers in the Courts of Cambodia, *Mr. Robert Petit*, available at <http://www.eccc.gov.kh/en/judicial-person/mr-robert-petit> (accessed 1 July 2012).

IV. AN UNCERTAIN LONG-TERM LEGACY?

As the ad hoc tribunals wind down, it is appropriate to ask whether they fulfilled their mandates, and what their legacies are or may be in the future. I have already written about the potential difficulties that will certainly flow from the fact that the ICTR never indicted any members of the RPF, and the accusation of “victor’s justice” that will flow from that decision.²⁴ Although the Prosecutor of the Special Court for Sierra Leone was heavily criticized in some quarters for indicting the Civil Defense Forces,²⁵ most observers have suggested that indicting—without necessarily creating a moral equivalence between them—individuals from each side to a conflict, assuming that a prima facie case exists that they have committed crimes within the jurisdiction of the court or tribunal, is preferable to indicting one side only. The ICTY managed to indict individuals from all sides in the conflict, and has generally been praised for doing so.²⁶ Conversely, criticisms of the first ICC Prosecutor have often centered upon his failure to do so in certain of the situations within his jurisdiction.²⁷ But is this a fatal flaw in the ICTR’s legacy? Not necessarily.

²⁴ Sadat, *Transjudicial Dialogue*, *supra* note 8, at 546.

²⁵ See, e.g., Charles Chernor Jalloh, *Special Court for Sierra Leone: Achieving Justice?*, 32 MICH. J. INT’L L. 395, 425 (2011).

²⁶ See, e.g., ADAM JONES, GENOCIDE: A COMPREHENSIVE INTRODUCTION 536 (2011).

First, *tu quoque* is not a defense. Indeed, the Nuremberg tribunal faced the same issue—the allies sat in judgment of the defeated German accused. The firebombing of Dresden? No jurisdiction. The Katyn massacre? Responsibility wrongly assigned.²⁸ Had the prosecution made mistakes? Of course. It had indicted the wrong Krupp, for example.²⁹ Was the judgment perfect? No. But what allowed that judgment and that trial to have the legacy it did was that the trial was undertaken with great seriousness, and the men and women working on it committed themselves to doing their best. As Justice Robert Jackson admitted in his opening statement, the case was not perfect. Yet he was confident—and history later agreed—that it met the fundamental due process standards of the time. As he said in his opening statement, “The recoil of the Nazi aggression has left Germany in ruins. . . . The German, no less than the non-German world, has accounts to settle with these defendants.”³⁰

Second, the allies recognized that trials alone could not bring about peace and reconciliation in Europe. The IMT’s work was accompanied by an

²⁷ See, e.g., Phil Clark, *State Impunity in Central Africa*, N.Y. TIMES (Apr. 1, 2012), <http://www.nytimes.com/2012/04/02/opinion/02iht-edclark.html>.

²⁸ Soviet officials eventually admitted responsibility for the Katyn massacre. See Masha Hamilton, *Gorbachev Documents Soviet Guilt at Katyn*, L.A. TIMES, Apr. 14, 1990, at A1.

²⁹ Telford Taylor, *THE ANATOMY OF THE NUREMBERG TRIALS* 115 (1992).

³⁰ *United States et al. v. Göring et al.*, Justice Jackson’s Opening Statement for the Prosecution, Nuremberg International Military Tribunal (Nov. 21, 1945), available at <http://law2.umkc.edu/faculty/projects/ftrials/nuremberg/jackson.html>.

extraordinary educational effort aimed at Germany by the United States, in particular, by the entry of Germany into the European communities and by the Marshall Plan, which poured literally billions of dollars into European countries that had been devastated by the war, including Germany.³¹ The decision to focus upon economic redevelopment and institution building was critical, and public opinion polls taken during the post-war period show that although initially there was great German resistance to the Nuremberg trials, ultimately, Germany came to embrace them as its own legacy.³² Germany is now one of the most stalwart supporters of the International Criminal Court and the ad hoc tribunals. What this historic lesson suggests is that having almost completed its trial work, the ICTR—and now the Residual Mechanism—must undertake its legacy work, work that is equally important if the lessons of peace, justice and reconciliation are to take hold permanently in Rwanda. Moreover, it suggests very much that a key element of the ICTR's success lies, once again, in the need for economic development, educational programs and capacity building tasks that are largely outside the purview of either the ICTR or MICT's specific mandate, but which they can encourage others to pursue. Indeed, one of the critical tasks, then, of the Residual Mechanism, in addition to technical tasks devoted to the archives, solving the problems involving the relocation of acquitted persons, monitoring

³¹ Foreign Assistance Act of 1948, Pub. L. No. 80-472, 62 Stat. 137.

³² See MICHAEL SCHARF, *BALKAN JUSTICE* 13, 97 (1997).

proceedings in Rwanda and, hopefully, trying fugitives, will no doubt be to insist upon development assistance and promote capacity building and educational programs to ensure that the legacy of accountability and peace takes hold.³³ One of the most searing and shameful images in the film footage taken during the genocide was of Western workers fleeing their embassies and taking their pets with them, while leaving behind their stricken and faithful Rwandan staff who were about to be butchered. We simply cannot abandon the people of Rwanda again.

V. BUILDING NEW JUSTICE CAPACITY

Looking to the future, it may be useful to ask how the international community will fill the gap left by the winding up of the ad hoc tribunals given the limited capacity and restrictive jurisdictional provisions of the ICC. Five judges have just left this tribunal; dozens others have been winding up their work here, at the ICTY, and at the Special Court for Sierra Leone over the past few years. The ICC will certainly not have the capacity to go as deeply into a situation country as the ICTR and ICTY did; today it has eighteen judges and seven situations; whereas the ICTY has twenty-six judges and until recently the ICTR had eighteen judges. It therefore seems that shoring up domestic capacity

³³ This work has already begun. *See, e.g.,* Adama Dieng, *Capacity-Building Efforts of the ICTR: A Different Kind of Legacy*, NW. U. J. INT'L HUM. RTS. 403 (2011).

will be essential, as will, perhaps, the establishment of international criminal courts or tribunals with either a regional focus or a different subject matter jurisdiction than exists presently at the ICC. Proposals have been advanced to develop regional international criminal tribunals that can sit closer to situation countries than the ICC and give countries more “ownership” of international justice mechanisms;³⁴ to consider tribunals covering non-ICC crimes such as terrorism or piracy; and to continue to promote positive complementarity at the ICC so that national systems can develop war crimes sections within their ministries of justice and give them the legal tools they need to start prosecuting cases on their own, including, as I mentioned last week, a comprehensive international convention on crimes against humanity.³⁵

VI. CONCLUSION

In concluding, it is useful to recall that Rwanda remains one of the poorest countries in the world, with a human development index that ranks it 166 of 187 countries that were measured last year.³⁶ Although it has also experienced tremendous economic growth in the past decade, it has a long way to go in

³⁴ Aryeh Neier, *An Arab War-Crimes Court for Syria*, N.Y. TIMES, April 5, 2012, at A23.

³⁵ FORGING A CONVENTION FOR CRIMES AGAINST HUMANITY (Leila Nadya Sadat ed., 2011).

³⁶ United Nations Development Programme, *Human Development Index 2011 Rankings*, available at <http://hdr.undp.org/en/statistics/> (accessed 2 July 2012).

climbing out of the poverty that helped fuel the violence in 1994 and international assistance following the genocide, including the work of the ICTR, has helped, but not enough. Resolution 955 adopted in 1994 stated that one purpose of the ICTR would be to contribute to national reconciliation and the restoration and maintenance of peace, and external indicators certainly suggest that Rwanda is internally more stable than before.³⁷ Yet just recently, the United Nations released a report suggesting that the Kagame government may be involved in supporting armed groups in eastern Congo, allegations which the government has vehemently denied.³⁸ It is unfortunate that the ICTR was unable to undertake cases involving RPF accused, as this may fuel a sense of impunity among members of the current government and lead to continued instability in the region, as well as contribute to a feeling of persecution among Hutus. It will be important for the ICTR's legacy to emphasize the individual criminal accountability of the accused, who killed moderate Hutus such as the former Prime Minister as well as participated in the genocide, rather than speak in terms of collective responsibility. Yet unlike the Nuremberg Tribunal, where the allies could impose

³⁷ S.C. Res. 955, U.N. Doc. S/RES/955 (Nov. 8, 1994) ("the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the process of national reconciliation and to the restoration and maintenance of peace").

³⁸ United Nations Group of Experts on the DRC, *Addendum to the Interim report of the Group of Experts on the DRC submitted in accordance with paragraph 4 of Security Council resolution 2021 (2011)*, UN Doc. S/2012/348/Add.1 (27 June 2012); *see also East DR Congo faces 'catastrophic humanitarian crisis,'* BBC NEWS, <http://www.bbc.co.uk/news/world-africa-19158901> (Aug. 7, 2012).

their will upon the German government, the ICTR needed the cooperation of both the Rwandan government and the Security Council to do its work, which required concessions as to the temporal jurisdiction of the ICTR and eliminated the possibility of continued or ongoing jurisdiction. The establishment of the Residual Mechanism suggests that the international community remains cognizant of the need to promote the legacy of the ICTR, but Rwanda has not ratified the Rome Statute, meaning that if instability, violence, and atrocities again occur, Security Council action will be required for intervention.

And what of healing and national reconciliation? Alas, that is not a job that can be undertaken by an international court or tribunal—for healing and national reconciliation cannot come into being with the stroke of a pen. Healing and forgiveness are profoundly personal acts that involve the decision of each individual affected to forgive—or at least to accept what happened—or to reject forgiveness as an option. In Jean Hatzfeld’s stories of survivors, there are those for whom the genocide can never end and who hear screams every night when they go to bed. They recount that they will never forgive the killers. There are also those who are ready to move on, to forgive, to be at peace.³⁹ For both groups, life may be a living nightmare. This is true for the survivors and even, sometimes, for the killers who are haunted by the horror of what they have done.

³⁹ JEAN HATZFELD, *INTO THE QUICK OF LIFE: THE RWANDAN GENOCIDE, THE SURVIVORS SPEAK* (2008).

The healing of a community in the wake of such a cataclysmic event simply cannot happen quickly, in accordance with the Security Council's need for an orderly and economics-driven process. It may take decades, time during which the international community can try to create a safe space within which those traumatized by their experiences may overcome them. Think of Elie Wiesel, who nearly 70 years after his incarceration in Auschwitz, still burns with the fire of anger, shame, and despair whenever he speaks of the Holocaust. Have we, once again, left Rwanda too soon, with too little? Can the Residual Mechanism continue to hold space for survivors, and work to ensure the success of the ICTR's legacy? It is too early to know.

Much was achieved here in the past nearly two decades, and, as President Meron observed yesterday, to continue the positive elements of that legacy, we must renew our commitment to the principles that were first articulated at Nuremberg, and reinforced in these courtrooms: That no one is above the law, that individuals have human rights to life and dignity, that international justice is possible and can work, and that all human beings are bound in a common endeavor to promote peace and justice. The principles found in the judgments of this Tribunal must also be made to apply not only to Africans who may have transgressed them, or who may do so in the future, but to individuals living in rich and powerful states such as my own. As the work of the ICTR winds down, those committed to international peace and justice see that there remains a long road

ahead. Even the longest journey, however, begins with the first step, and your work here at the ICTR has helped Rwanda, Africa, and the world take a significant step forward.