

## Second-class justice system

It is eight years since Rwanda was engulfed by genocide. Prosecutors at the international court trying Hutu extremists who started the slaughter planned to mark the anniversary by laying bare the political conspiracy behind it. They wanted to use the trial of Theoneste Bagosora, the army colonel who is the alleged mastermind behind the murder of hundreds of thousands of Tutsis over 100 days, to blow away myths about the killing and draw attention to one of the 20th century's last great crimes. But, after opening Bagosora's trial recently, the judges postponed it for six months – because they did not have a translation of two simple documents. It was a fitting letdown for a tribunal that has vainly raised so many expectations and become a potent argument for and against the international criminal court.

Some say Rwanda's tribunal - based in Arusha, Tanzania - lays bare why international justice does n't work. Others claim it is evidence of why a standing court is required. The Rwanda tribunal, like the international court trying Slobodan Milosevic at The Hague, is an ad hoc creation of the United Nations Security Council. But the Rwandan court has been very much the poor relation. At least twice as many people died in Rwanda as in the former Yugoslavia, but the tribunal trying Bagosora and his cohorts has had neither The Hague's resources nor political clout. Milosevic was brought to trial within a few months of his arrest in the Balkans. Bagosora has been in custody for six years and Rwandans are still waiting to hear the case.

While Belgrade is gripped by Milosevic's performance in the dock, many genocide

survivors are indifferent to the fate of Bagosora at the hands of the international court. They have lost faith in the ability of the tribunal to deliver justice. Too many years of delays, incompetence and a perception that the court is soft on the accused have undermined the tribunal's standing in Rwanda. And when the court does catch public attention it is for the wrong reasons, such as the incident late last year when three judges laughed as a woman gave lengthy testimony about being raped. The judges later said they were laughing at the defence lawyer's questions, not the victim. The genocide survivors' confidence in the court is so low that witnesses are now threatening a boycott of the tribunal.

The Rwanda court has had successes. It was the first international tribunal in history to convict anyone of genocide and it broke new legal ground four years ago when judges – in pronouncing on the guilt of a particularly brutal mayor, Jean-Paul Akayesu - declared for the first time that rape is an act of genocide when a woman is attacked because of her ethnicity. That ruling was picked up by the Yugoslav tribunal. The tribunal has also been remarkably successful at laying its hands on the main perpetrators of the genocide, if not actually getting them to trial. Sixty people are in detention, including much of the cabinet that oversaw the slaughter.

The then prime minister, Jean Kambanda, was persuaded to plead guilty to genocide.

But justice has been so long in coming - only eight people have been convicted so far - and is so distant for the survivors and Rwandans in general that it is of marginal consequence to many of them. One of the original concepts of the court was that it

would play a central role in promoting reconciliation and decent government in Rwanda by establishing that even the most powerful could not escape justice and by exposing the lies that fuelled the hatreds and fears that make genocide possible. The court has been plagued by difficulties since its inception seven years ago, most notably mismanagement, underfunding, corruption, internal politics and racial tensions between Western prosecutors and African tribunal managers.

It is probably all too late. The tribunal's chance to influence the shape of post-

genocide Rwanda has gone. It is doubtful that the dispensing of international justice on African soil for the first time has persuaded other extremists to moderate their behaviour. Instead, the genocide's survivors often find more reasons for bitterness at the tribunal's activities than hope for justice. They resent the fact that Kambanda and Bagosora, in jail, are in better accommodation than many survivors - and that the international court can impose a maximum life sentence, while those who carried out their orders, on trial in Rwandan courts, could face a firing squad.

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### **Glossary**

<b>Prosecutor</b>	<i>a lawyer whose job is to prove in court that someone accused of a crime is guilty</i>
<b>Trial</b>	<i>the process of examining a case in a court of law and deciding whether someone is guilty or innocent.</i>
<b>Alleged</b>	<i>claimed to be true, even though this has not been proved</i>
<b>Tribunal</b>	<i>a special law court organized to judge a particular case</i>
<b>In custody</b>	<i>a situation in which someone is kept in prison until they go to court for trial</i>
<b>Case</b>	<i>a legal matter that will be decided in a court</i>
<b>The dock</b>	<i>the part of a court of law where the person who is accused of a crime stands or sits</i>
<b>The accused</b>	<i>someone who is accused of a crime in a court of law</i>
<b>Testimony</b>	<i>a formal statement about something that you saw, know, or experienced, usually given in a court of law</i>
<b>Ruling</b>	<i>an official decision made by a court or by someone in a position of authority</i>

### **1. True or False?**

1. During the 1990s there was a civil war in Rwanda.
2. The two main tribes in Rwanda are called Hutus and Tutsis.
3. More people died in the wars in Yugoslavia than in the civil war in Rwanda.
4. An International Tribunal has been set up to investigate war crimes in Rwanda.
5. The International Tribunal is based in The Hague.
6. More than 600 Rwandans are in custody awaiting trial for genocide.

## 2. Find the answers to the following questions in the text.

1. When did the genocide in Rwanda begin?  
.....
2. Who is Theoneste Bagosora?  
.....
3. Why was the trial postponed?  
.....
4. Where is the Rwanda tribunal based?  
.....
5. How long has Bagosora been under arrest?  
.....
6. What two notable successes did the Rwanda court achieve?  
.....
7. Who was the Prime Minister of Rwanda at the time of the Civil War?  
.....
8. How many people have been convicted so far by the Rwanda tribunal?  
.....
9. What may happen to the soldiers who carried out orders given by Bagosora and Kambanda?  
.....

## 3. Comprehension

Choose the best answer for each question. Each question refers to one paragraph.

1. Why was the trial of Theoneste Bagosora postponed?
  - a. There was no evidence
  - b. Some documentation was missing
  - c. He was not the mastermind behind the killings
2. Why has it taken so long for the case of Bagosora to come to court compared with the case of Slobodan Milosevic?
  - a. There was more political will to try Bagosora
  - b. More people died in Yugoslavia
  - c. The Milosevic trial has more resources and more political will
3. What is the attitude of many genocide survivors to the Bagosora trial?
  - a. They are gripped by it
  - b. They oppose it
  - c. They don't care about it
4. What are the three major successes that have been achieved by the Rwanda court?  
.....  
.....

5. In paragraph 5, find 6 reasons why the Rwanda court has been plagued by difficulties.

.....  
.....

6. Why are the genocide survivors bitter about the activities of the tribunal?

- a. The tribunal has not curtailed ethnic attacks.
- b. The accused live in better conditions than many of the survivors.
- c. Extremists have not modified their behaviour.

#### 4. Vocabulary

Match the words in the left-hand column with the **definitions** in the right-hand column:

- |                 |                                       |
|-----------------|---------------------------------------|
| 1. engulfed     | a. suitable                           |
| 2. to lay bare  | b. to limit                           |
| 3. fitting      | c. unplanned                          |
| 4. ad hoc       | d. significantly                      |
| 5. tellingly    | f. endless                            |
| 6. chaotic      | g. to expose                          |
| 7. to curtail   | h. insignificant                      |
| 8. interminable | i. very                               |
| 9. marginal     | e. <del>disorganised</del><br>covered |

Match the words in the left-hand column with their **opposites** in the right-hand column:

- |               |                |
|---------------|----------------|
| 1. permanent  | a. innocent    |
| 2. brief      | b. marginal    |
| 3. fascinated | c. corrupt     |
| 4. soft       | d. lengthy     |
| 5. guilty     | e. organised   |
| 6. central    | f. illegal     |
| 7. chaotic    | g. temporary   |
| 8. competent  | h. indifferent |
| 9. legal      | i. tough       |
| 10. decent    | j. incompetent |

## 5. Word Partnerships

- |  |                               |
|--|-------------------------------|
| 1. In 1994 Rwanda was engulfed           | a. boycott the tribunal       |
| 2. They want to draw                     | b. expectations               |
| 3. The tribunal has raised               | c. of genocide                |
| 4. Milosevic was brought                 | d. by genocide                |
| 5. The tribunal's standing has been      | e. to genocide                |
| 6. Witnesses are threatening to          | f. attention to the slaughter |
| 7. The ex-prime minister pleaded guilty  | g. undermined                 |
| 8. Only eight people have been convicted | h. to trial very quickly      |

## 6. Metaphor and phrasal verbs

Match the definitions below with phrases or words from the passage.

- To make something known that has been hidden or secret.  
\_\_\_\_\_
- To do something completely different from what has been done before  
\_\_\_\_\_
- A disappointment.  
\_\_\_\_\_
- To disprove something that people wrongly believe to be true  
\_\_\_\_\_
- To watch something in order to check that it works or happens in the way it should

## 7. Discussion

Should those responsible for war crimes in civil wars be tried by International Courts and tribunals or by the courts in their own countries?