



UNITED NATIONS  
NATIONS UNIES

## International Criminal Tribunal for Rwanda Tribunal Pénal International pour le Rwanda

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### ICTR LEGACY PROJECT PROPOSALS

On 8 November 2014, the ICTR will mark its 20th Anniversary. Its formal closure will follow soon thereafter with the return of the Appeals Chamber's judgement in the Tribunal's last pending appeal. To ensure that the valuable lessons learned over the Tribunal's 20-year history are not lost, the ICTR is planning a series of legacy-related projects to highlight its contributions to the development of international law and reconciliation process in Rwanda, as well as to capture best practices learned in the prosecution and administration of one of the first international criminal courts since Nuremburg. A summary of the projects currently underway or planned for completion before the ICTR's official closure is provided below.

#### *A. ICTR Legacy Website and Launch Events*

The ICTR is undertaking the development of a new website for legacy-related projects. The legacy website will serve as an information hub and resource centre where a broad array of persons will be able to easily access matters of public record relating to the ICTR's administrative and legal work.

The website will be launched to coincide with the Tribunal's 20th Anniversary. To raise public awareness, the ICTR proposes to host a kickoff event for the website in Arusha as part of the 20th Anniversary Symposium, which is detailed below. Smaller events would then be held in regional capitals in Africa and centres of international justice, including The Hague and New York. These events would describe the website and showcase the various legacy-related projects, including the best practices manuals (discussed in more detail below), the Tribunal has produced.

#### *B. ICTR 20th Anniversary Symposium on International Criminal Law*

To commemorate the ICTR's 20th Anniversary, the Tribunal proposes to host a two day symposium on international criminal law in Arusha, Tanzania—the Tribunal's seat—in November 2014. The symposium will provide an opportunity for experts in the field of international justice to reflect on the ICTR's contributions to the development of international criminal law and promotion of respect for the rule of law, particularly in the Horn of Africa and Great Lakes regions. Special attention will be paid to lessons learned from

the ICTR's management of international criminal cases, including particularly in the treatment and protection of witnesses and victims of international crimes. Additional sessions will focus on the ICTR's administrative legacy, including valuable lessons learned in the formation, operation, and closure of an *ad hoc* tribunal.

The participants will include approximately 70 international and national judges, prosecutors, defence counsel, and court administrators. Thirty leading academics and representatives of bar associations, victims groups, and non-governmental organizations active in the field of international criminal law will be invited to lend their perspectives. These "outside" participants will be encouraged to offer an objective evaluation of the current state of international criminal law, as well as the challenges that lay ahead in the ongoing battle against impunity.

### *C. International Tribunals' Workshop on Developed Practices and Lessons Learnt*

Following what was, by all accounts, a widely successful symposium held by the ICTR Chambers in 2010, the ICTR Office of the President began discussions with other international and internationalised criminal tribunals to hold a similar conference whereby the Chambers of the institutions whose mandates are nearing an end could engage in similar discussions to share developed practices and lessons learnt with the continuing international institutions.

The concept for the international tribunals' workshop therefore involves the judicial teams from the ICTR, International Criminal Tribunal for the Former Yugoslavia (ICTY), Special Court for Sierra Leone (SCSL), and the Extraordinary Chambers in the Courts of Cambodia (ECCC) holding discussions with their counterparts from the International Criminal Court (ICC), Special Tribunal for Lebanon (STL), and the Mechanism for International Criminal Tribunals (MICT) on developed practices and lessons learnt so that the continuing institutions can benefit from the experiences of the closing institutions. Such discussions would necessarily include both practices which have been developed that have been determined to work well and lessons learnt about what to avoid with respect to such topics as expediting the criminal trial process, victim participation, legal support for judicial proceedings, decision and judgement drafting, state cooperation, media relations, budget, and exit strategies/closure of field operations.

#### ***D. International Prosecutors' 7th Colloquium on International Criminal Law***

To coincide with the Tribunal's 20th Anniversary, the ICTR Prosecutor intends to convene the 7th Colloquium of Prosecutors of International Criminal Tribunals and Special Courts to discuss developments in international criminal justice. The ICTR Prosecutor initiated the first colloquium in 2004 to provide a useful and regular forum for consultations between the Prosecutors and staff of the Tribunals, as well as an opportunity to dialogue with other stakeholders in the international criminal justice process, including domestic prosecutors, academics, and members of civil society on developments in the struggle against impunity. Since then, prosecutors from each of the *ad hoc* tribunals and courts have hosted colloquia.

2014 will be the ICTR's last opportunity to host this important event. It would be held over the course of three days in Arusha, Tanzania, and scheduled to coincide with the ICTR's 20th Anniversary Symposium (discussed above). This scheduling will hopefully allow dignitaries to participate in both events and reduce anticipated travel costs.

The proposed theme for the 7th Colloquium is "Local Prosecution of International Crimes: Challenges and Prospects". The theme recognizes that primary responsibility for the investigation and prosecution of international crimes now rest on national jurisdictions.

Attendees will include approximately 95 current and former international prosecutors, national prosecutors from jurisdictions engaged in the domestic prosecution of international crimes, as well as court administrators, judges, and civil society representatives. Each institution or organization participating will be required to submit well in advance a paper on their own experience and perspectives on the theme. At the end of the colloquium-or shortly thereafter-a report will be adopted setting out the discussions and highlighting the steps necessary to give effect to the primary responsibility of local jurisdictions to investigate and prosecute international crimes. Also, as is customary, the prosecutors of the tribunals and special courts will adopt and issue a public statement touching on current issues of justice of concern to them.

#### ***E. Documentary Film(s) about the ICTR***

To tell the story of the ICTR and its legacy, we propose a video campaign in two parts:

Part 1: A short, visually compelling video for the legacy homepage that celebrates the accomplishments of the ICTR.

This video will tell the story of the ICTR in broad strokes using bold, iconic imagery, compelling text overlays, and authoritative narration. The video will touch briefly on how the tribunal came into being, then focus on what the ICTR has accomplished and what it means moving forward. Production value will be emphasized much more strongly than past video treatments of the ICTR. Video will be shot on high end HD cameras equipped with prime lenses. Aerial photography, time-lapse and super slow motion shots will give the video a sense of historical significance and add to the overall visual interest. Music, graphics, and text will give the video forward momentum while telling the ICTR's story. Appropriate narration will be employed to add weight to the video and attract a broader audience.

Part 2: A documentary that is composed of a series of highly curated interviews that add depth, emotion and humanity to the story of the ICTR.

Ten-to-twenty individuals will be identified to give in-depth interviews about their relationship to the ICTR. The focus will be on telling their story as they want to tell it, emphasizing human drama and emotional resonance in a way that we simply couldn't otherwise access in an institutional documentary. We will isolate the single most powerful moment of the interview and build a segment around that story. Stylized b-roll will be used to add meaning and weight to what the subject is saying. The end result will be a documentary told entirely by the people whose lives were changed as a result of their engagement with the ICTR. Tracking shots, focused lighting and multiple angles will be used to maximize visual interest during the interviews. The b-roll will consist of stylized recreations and modern day shots of relevant locations. Music will subtly underscore the interview and add extra dimension to the stories they tell. The full interviews can be made available under a Creative Commons license to producers who also want to tell the story of the ICTR and accessible on the legacy website.

#### ***F. Best Practices Manual on Referral of International Cases to National Jurisdictions***

International crimes are committed on a large scale, involving thousands—if not hundreds of thousands—of perpetrators and, of course, victims. Over the past 20 years, the ICTR has prosecuted those most responsible for the Rwandan Genocide, including senior government and military leaders.

The sheer scale of the atrocities committed coupled with the Tribunal's limited mandate in terms of resources and time made it impractical for the Tribunal to prosecute all of those responsible. To avoid a gap in impunity, it was essential that national authorities assume a larger role in prosecuting these international crimes. Before that could happen, the Tribunal had to ensure that national prosecutions would be conducted in a manner consistent with international fair trial standards.

Our experiences with referrals may provide useful lessons for other international courts and tribunals seeking to refer international criminal cases to national jurisdictions. The lessons include practical steps for partnering with national authorities to rebuild justice sectors in post-conflict environments. In the wake of the 1994 Genocide, Rwanda's judicial, legal, and penal infrastructure was decimated. This infrastructure needed to be restored before international fair trial rights could be ensured. By partnering with the Tribunal, Member States, and NGOs, Rwanda made great strides in restoring national capacity at all levels of the justice sector.

The ICTR Prosecutor's best practices manual will share the Tribunal's experience in the referral of cases and recommend best practices for future cases.

### *G. Genocide Story Project*

The ICTR Prosecutor proposes to write an account of the Rwandan Genocide as told through the judgments of the ICTR Trial and Appeals Chambers. The account will be based only on those facts adjudicated at trial and affirmed on appeal. It will be geared to serve two primary audiences: (1) the international justice community for whom the Rwandan Genocide provides specific interest in helping identify possible precursors to genocide, and (2) the people of Rwanda who collectively were severely affected by the atrocities committed during the Genocide.

To appeal to these target audiences, the account will be written in an easy-to-understand narrative style, with the story told both chronologically and thematically. Endnotes, rather than footnotes, to the relevant judgments will be used so as not to break up the narrative. The account will be approximately 250 pages in length, with maps, photos, endnotes, a bibliography, a glossary of terms, index and, if feasible, hyperlinks to audio and visual content posted on the legacy website.

Though undertaken at the initiative of the Prosecutor, this account will not be the story as told by the Prosecutor but, rather, will be the story as told by the ICTR's judgments. Only those facts that were able to be brought to the courtroom, heard before judges, subjected to cross-examination, analyzed by the judges, and finally adjudicated will be included in the narrative. While this approach will leave many facts untold, it will capture all of the facts that

have withstood the test of a fair trial. In this way, it will be among the most authoritative accounts of the Genocide compiled to date.

### ***H. Appeals Chamber Digest***

Over the past three years, the Office of the Prosecutor has compiled a practice-based and user-friendly digest of all ICTR and ICTY Appeals Chamber judgements, and ICTR Appeals Chamber interlocutory decisions. The digest is comprised of three volumes, totalling approximately 600 pages. It was last updated in March 2014 and will be updated again when the next major Appeals Chamber judgement is returned.

An arrangement already has been reached with the Law Review of St. John's University School of Law in New York to assist in editing and cite-checking the entire manual. When all ICTR judgements are returned, the OTP plans to finalize the digest and present it for publication. We believe it will be of great use to lawyers and judges in other Tribunals, countries where ICTR/ICTY cases have been referred for trial under Rule 11*bis* of the Tribunals' rules, and for national prosecutions of international crimes.

### ***I. Directory of Former ICTR Staff***

A large number of highly qualified staff have worked at the ICTR over its 20-year lifespan. The Tribunal has employed lawyers, legal advisors, legal researchers, legal IT technicians, investigators and trackers, language translators, psychological counsellors, and administrative and support staff who have, over the years, developed excellent understanding and experience in the management and prosecution of international crimes.

The ICTR intends to produce a directory of ex-ICTR staff willing to serve national jurisdictions and international tribunals in the various areas of prosecutorial and judicial work related to the prosecution of international crimes. Current and former staff members will be invited to submit professional biographies that can be compiled into the directory. Once assembled, the directory will be available on the ICTR website.

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Should you require additional information about these projects or want to obtain copies of any of the materials that are ready for publication, kindly contact [ictrlegacy@un.org](mailto:ictrlegacy@un.org)