



**Post-Genocide Redress
in Rwanda**
an international-law
perspective

Simona Pinton

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To victims of human rights atrocities

To my loved ones

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My stay in Arusha, Tanzania, at the International Criminal Tribunal for the Genocide in Rwanda more than ten years ago, for a research period during my doctoral studies, provided the springboard for “*Post-Genocide Redress in Rwanda an international-law perspective*”. During that stay, I joined Dr. Silvana Arbia’s prosecutorial team. Working with her inspired me and reinforced my interest and desire to deal with the genocide in Rwanda from an international-law perspective. This is why, more than twenty years after that genocide, I felt the moral obligation to study how the international community dealt with the horrible aspects and consequences of that 1994 tragedy. It was also my intent to research the adequacy – or lack – of international rules to redress atrocity crimes and to provide victims with effective reparation in compliance with the general principle of international law on reparation.

To the victims of that horrible genocide, as well as related war crimes and crimes against humanity, to civil society organizations engaged with providing justice to victims and collectivities goes my gratitude. The stories and capacity of the latter to bring humanity back in the face of the worst brutality give the most powerful lesson on the capacity of humankind to serve good causes and to maintain faith in it. Their resilience and community spirit are a precious heritage for whoever follows.

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The final and loving thought is for Bolla, my wordless and faithful companion during those long days and nights.

Padua, Seattle, 10 December 2019

Simona Pinton

ABBREVIATIONS

GENERAL

AC	Appeals Chamber
ACHPR	African Charter on Human and People Rights
ACoHPR	African Commission on Human and Peoples Rights
ACHR	American Convention on Human Rights
ADFL	<i>Alliance de Forces Démocratiques pour la Libération du Congo-Zaire</i>
AI	Amnesty International
ASF	<i>Avocats Sans Frontières</i>
ASIL	American Society of International Law
ASP	Assembly of States Parties of ICC
AU	African Union
CAT	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CIA	Central Intelligence Agency
CJA	Center for Justice and Accountability
CNDP	National Congress for the Defence of the People forces
CoAT	Committee against Torture
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECOSOC	United Nations Economic and Social Council
EctHR	European Court on Human Rights
EU	European Union
FARG	<i>Fond d'Assistance pour les Rescapés du Génocide</i>

FDLR	<i>Forces Démocratiques de Libération du Rwanda</i>
FRY	Former Republic of Yugoslavia
GA	General Assembly of the United Nations
GAOR	General Assembly Official Records
HRW	Human Rights Watch
IACoHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court on Human Rights
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Covenant on the Elimination of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICGLR	International Conference on Great Lakes Region
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
ICTJ	International Center for Transitional Justice
ICTR	International Criminal Tribunal for Rwanda
ICTR RPE	ICTR Rules of Procedure and Evidence
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDI	Institut de Droit International
IGOs	International Governmental Organizations
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILA	International Law Association
ILC	International Law Commission
ILO	International Labor Organization
INGOs	International Non-Governmental Organizations
IOM	International Organization for Migration
IOs	International Organizations
ISS	Institute for Security Studies
DR	<i>Mouvement Démocratique Républicain</i>
LRA	Lord's Resistance Army
MICT	The Residual Mechanism for International Criminal Tribunals
MNRD	National Republican Movement for Development and Democracy
MS	Member States
NGOs	Non-Governmental Organizations

NHRIs	National Human Rights Institutions
NSGJ	National Service of <i>Gacaca</i> Jurisdictions
NURC	National Unity and Reconciliation Commission
OAS	Organization of American States
OAU	Organization for African Unity
OECD	Organization for Economic Co-operation and Development
OG	Official Gazette of the Republic of Rwanda
OSCE	Organization for Security and Cooperation in Europe
OTP	Office of the Prosecutor
PCIJ	Permanent Court of International Justice
PK	Peacekeeping
RAF	Rwandan Armed Forces
RPA	Rwandan Patriotic Army
RPF	Rwandan Patriotic Front
RTL	<i>Radio Télévision Libre des Mille Collines</i>
SADC	Southern African Development Community
SC	Security Council of the United Nations
SCOR	Security Council Official Records
SR	Special Rapporteur
TC	Trial Chamber
TFV	Trust Fund for Victims
TRC	Truth and Reconciliation Commission
UDHR	Universal Declaration on Human Rights
UN	United Nations
UN CoHR	UN Commission on Human Rights
UNDP	United Nations Development Programme
UN Doc.	United Nations Document
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UN HCHR	UN High Commissioner for Human Rights
UN HRC	UN Human Rights Committee
UN HRCo	UN Human Rights Council
UN MONUC	UN Organization Mission in the DRC
UN MONUSCO	UN Organization Stabilization Mission
UNRISD	United Nations Research Institute for Social Development
UNTS	United Nations Treaty Series
UPR	Universal Periodic Review

USIP	United States Institute of Peace
VPRS	Victims Participation and Reparation Section
WSO	World Summit Outcome

JOURNALS AND OTHER SOURCES

African JICL	African Journal of International and Comparative Law
AFDI	Annuaire français de droit international
AJCL	American Journal of Comparative Law
AJIL	American Journal of International Law
AJPIL	Austrian Journal of Public and International Law
Am. Un. ILR	American University International Law Review
Amsterdam LF	Amsterdam Law Forum
Ann. IDI	Annals Institute de Droit International
ARIEL	Austrian Review of International and European Law
ASIL Proc.	Proceedings of the American Society of International Law
ASR	African Studies Review
Berkeley JIL	Berkeley Journal of International Law
BYIL	British Yearbook of International Law
Brooklyn JIL	Brooklyn Journal of International Law
Can. Def. Q.	Canadian Defence Quarterly
Cardozo JICL	Cardozo Journal of International and Comparative Law
Case W. Res. JIL	Case Western Reserve Journal of International Law
Chicago JIL	Chicago Journal of International Law
Col. HRLR	Columbia Human Rights Law Review
Col. LR	Columbia Law Review
Col. JTL	Columbia Journal of Transnational Law
CLF	Criminal Law Forum
DPR	Development Policy Review
Duke JCIL	Duke Journal of Comparative and International Law
Emory ILR	Emory International Law Review
EJIL	European Journal of International Law

EPIL	Encyclopedia of Public International law
Fordham ILJ	Fordham International Law Journal
GAOR	Official Records of UN General Assembly
GLJ	Georgetown Law Journal
Geo.Wash. ILR	George Washington International Law Review
GSP	Genocide Studies and Prevention: An International Journal
Hast. ICLR	Hastings International and Comparative Law Review
HILJ	Harvard International Law Journal
HILR	Harvard International Law Review
HRB	Human Rights Brief
HRLJ	Human Rights Law Journal
HRLR	Human Rights Law Review
HRQ	Human Rights Quarterly
ICJ Reports	Reports of the Judgments, Advisory Opinions and Orders of the International Court of Justice
ICLQ	International and Comparative Law Quarterly
ICLR	International Criminal Law Review
IJCJ	International Journal of Criminal Justice
IL	International Lawyer
ILC Report	Report of the International Law Commission
ILM	International Legal Materials
ILR	International Law Report
Int'Herald Trib.	International Herald Tribune
IRRC	International Review of the Red Cross
Is. LR	Israel Law Review
Is. YHR	Israel Yearbook of Human Rights
JAL	Journal of African Law
JCSL	Journal of Conflict & Security Law
JDE	Journal of Development Economics
JEAS	Journal of Eastern African Studies
JGR	Journal of Genocide Research
JHIL	Journal of the History of International Law
JICJ	Journal of International Criminal Justice
JMAS	Journal of Modern African Studies
JRA	Journal of Religion in Africa
JSP	Journal of Social and Political Psychology
LCP	Law and Contemporary Problems

LJIL	Leiden Journal of International Law
LSI	Law and Society Inquiry
Miami ICLR	Miami International and Comparative Law Review
Mich. JIL	Michigan Journal of International Law
Mich. LR	Michigan Law Review
Mich. SUCLJIL	Michigan State University College of Law Journal of international Law
MPEPIL	Max Planck Encyclopedia of Public International Law
MPYUN	Max Planck Yearbook of the United Nations Law
Nat. Sec. & ACLR	National Security and Armed Conflict Law Review
Netherlands YIL	Netherlands Yearbook of International Law
New Eng. LR	New England Law Review
New York ULR	New York University Law Review
NMJ	Nigerian Medical Journal
Northwestern ULR	Northwestern University Law Review
Northwestern JIHR	Northwestern Journal of International Human Rights
Notre Dame LR	Notre Dame Law Review
Penn State ILR	Penn State International Law Review
PSPR	Personality and Social Psychology Review
RADIC	Revue Africaine de droit international et comparé
RBDI	Revue Belge de droit international
RdC	Recueil des Cours de l'Académie de Droit international de la Haye
RDI	Rivista di diritto internazionale
RGDIP	Revue générale de droit international public
RIAA	UN Reports of International Arbitral Awards
RIS	Review of International Studies
Riv. Trim. DPC	Rivista Trimestrale Diritto e Procedura Civile
RSDIDE	Revue Suisse de droit international et de droit européen
Santa Clara JIL	Santa Clara Journal of International Law
TLR	Temple Law Review
VJTL	Vanderbilt Journal of Transnational Law
VJIL	Virginia Journal of International Law

Wash.Un. GSLR

Washington University Global Studies Law
Review

Yale JIL

Yale Journal of International Law

Yale LJ

The Yale Law Journal

Yearbook ILC

Yearbook of the International Law Commission