

Rwanda: The Two Faces of Justice
By Samantha Power

1.

Eight years ago, in the immediate aftermath of the extermination of 800,000 Rwandan Tutsis and moderate Hutus, Rwandan survivors and Western diplomats vowed publicly, "Justice will be done." But no country or international institution had ever processed 800,000 murder cases before, and the pledge would prove far easier to make than to meet.

Today, two judicial experiments are underway in Central Africa, which are intended to respond to Rwanda's demand for retribution and truth, and its need for deterrence and reconciliation. The first is the International Criminal Tribunal for Rwanda (ICTR), a United Nations court convened in Arusha, Tanzania, that is trying the masterminds behind the genocide. The second is the more traditional, and far more charged, process of community catharsis in Rwanda itself, which is meant to resolve the fates of lower-level genocide suspects and to help victims learn precisely how their loved ones were murdered.

The courtroom record of the ICTR has been obscured by the scandals that have plagued it since its creation in 1995. Just last year, two investigators working at the tribunal were discovered to be wanted genocidaires. They had acquired false passports and been hired by the court's unsuspecting defense lawyers. Both men went from being paid indirectly by the UN to being imprisoned by it. The headline in one African paper said it all: "SHOCK AS ICTR MAN TURNS GENOCIDE SUSPECT."

The more fundamental criticism of the tribunal is that, despite the \$500 million spent so far, the people in charge are lazy or incompetent and its proceedings are too slow. "The tribunal was set up in 1995 and there have been nine decisions handed down so far," says Martin Ngoga, the Rwandan government's representative at the tribunal. "That is an average of one-point-something decisions each year, and it now costs \$90 million a year!"

The early delays could be attributed at least partially to logistics. The court took up space in a dreary, largely windowless concrete conference center in Arusha, Tanzania, a town of 200,000, with dusty, unpaved roads. The building, which has the name "The Geneva of Africa" on its façade and opened in 1978, looks more like a Stalinist blockhouse than it does an emblem of the world's commitment to justice. When the UN lawyers began arriving, the conference center contained no courtroom and lacked reliable phones, electricity, and Internet service. On my first visit to Arusha in 1998, the tribunal's library consisted of two small wheeled trolleys piled with a random assortment of donated international legal reference books.

Legal talent was not easy to attract. The hardy few who volunteered had to survive the notoriously tortuous UN hiring process, which demands mounds of paperwork, often prefers multinationality to experience and skill, and defers decisions on appointments for six months or more. A 1997 UN audit blamed the court for corruption and gross mismanagement. Court reporters could not type. UN finance personnel embezzled funds. In February 1997 Secretary-General Kofi Annan dismissed the first "registrar," or top administrator, and the deputy prosecutor.

Judge Navanethem Pillay, a former South African anti-apartheid defense lawyer and supreme court judge, was one of the first judges to arrive in Arusha. "The early years were extremely frustrating," she says. "I came thinking, 'Each trial chamber can complete a case every three months, and we'll finish all the cases in our first four-year mandate and I'll be out of here.'" Pillay, who became the president of the court in 1999 and tried to make it act more energetically, will conclude her second four-year term in June 2003. She has insisted on much heavier workloads for the nine judges, and because the trial pace has quickened at last, Pillay predicts that some sixteen decisions will be delivered by the end of her term. This will still leave forty-five suspects awaiting trial or judgment and an untold number of suspects yet to be apprehended.

The attention paid to the UN tribunal's many shortcomings has allowed its two main achievements to go unheralded. It has jailed and tried Rwanda's "Most Wanted," its "big fish," the Hutu leaders who scattered around the globe after they were defeated by Tutsi rebels in July 1994. Among the sixty-one Rwandan Hutus currently in custody are eleven former government ministers. Arrests have been made in twenty countries. If the UN tribunal did not exist, these men and one woman would likely still be plotting genocide from exile.

Secondly, while it is true that the UN court's proceedings have been plodding at best, some of the court's judgments have been groundbreaking. In September 1998 the UN court issued, for the first time in history, a conviction for genocide, a crime that was not tried at Nuremberg. In convicting Jean-Paul Akayesu, a small-town Rwandan Hutu mayor, the tribunal also held that systematic rape was a crime against humanity and sexual violence a form of genocide. In December 1998 the UN court in Arusha became the first to convict a former head of state. Indeed, as virtually every ICTR official I interviewed defensively noted, Jean Kambanda, the prime minister of Rwanda's genocidal interim government, pleaded guilty to genocide and was sentenced in September 1998, two and a half years before the more notorious Serbian president, Slobodan Milosevic, had even taken up residence at The Hague.

Two important trials are taking place at present. Colonel Theoneste Bagosora is charged with being the grand strategist behind the genocide; three propagandists—two journalists and one ideologue—are charged with genocide for using the Rwandan press, radio, and television to incite the massacres. The notorious Radio Mille Collines (RTLM), which one witness called the genocide's "biggest machete," used its broadcasts to portray the Tutsi as demonic threats to Hutu survival. But the Arusha court will have to decide

whether RTLM propaganda should be considered protected speech or deliberate incitement to genocide. With the permanent International Criminal Court (ICC) likely to open for business next year, a guilty verdict could make propagandists around the world a little more nervous about fomenting hate for a living.

But, as with the genocide itself, the world has shown little interest in the criminals who carried it out. More than five hundred journalists descended on The Hague to cover the start of the Milosevic trial in February 2002; just forty came to Arusha to cover the launch of the trial of Bagosora, a man few outside Rwanda would be able to identify as the genocide's leading culprit. While I watched a day of memorable jousting between the prosecution and Ferdinand Nahimana, the alleged brains behind the hatemongering at RTLM, the only people with me in the public gallery were a Kenyan schoolteacher, two Australian backpackers, three British safari-goers, and three Rwandans, who I later learned were ICTR employees.

Whatever the ICTR's successes in punishing leading genocidaires, or setting legal precedents that might deter would-be thugs and aid the new ICC, the ICTR's biggest fault is that it has hardly any connection with Rwandans. "The tribunal was not set up for the people of Rwanda," says Gerard Gahima, Rwanda's attorney general. "It was set up to ease the world's guilty consciences, and in everything the court does, this shows."

2.

The UN court is a world away from the people whom international justice claims to serve. The rare Rwandan who tries to visit the UN court must take a bus through four countries to get there—from Kigali, Rwanda, to Kampala, Uganda, to Nairobi, Kenya, to Arusha, Tanzania. The journey takes two days, and costs around \$40 for the bus ticket and \$20 for a Kenyan transit visa. This is more than most Rwandans earn in a month.

UN officials and Western diplomats weren't thinking about logistics back in 1994 when, after the most rapid genocide the world has ever known (more than 800,000 were killed in less than three months), the UN Security Council voted to create a war crimes tribunal modeled on the International Criminal Tribunal for the former Yugoslavia (ICTY) that had just been set up in The Hague. The Tutsi rebels who halted the genocide—and who since then have governed Rwanda (which remains 85 percent Hutu)—proposed the creation of an international court to be based in Kigali. If justice was to be done in the name of Rwandans, the Rwandan ambassador to the UN insisted, Rwandans should at least be privy to its proceedings.

But, it was argued, Rwanda's security was still unstable, and defense witnesses and defendants, mainly Hutu, would be too frightened to travel to what they saw as the fearsome stronghold of the Tutsi enemy. Besides, a UN court would have to maintain some distance from the survivors of the genocide so as not to be charged, as the Nuremberg court had been, with dispensing only victors', and here victims', justice. Johannesburg was considered as a possible site. But Nelson Mandela had only been

elected in April 1994, and post-apartheid South Africa was considered too new to trust or test.

In the end, despite the Rwandan government's opposition, Arusha was chosen. It was close but not too close, Western diplomats said, and it had "symbolic value." It was here in 1993 that a power-sharing deal had been arranged between Hutus and Tutsis, only to be overridden by the genocide.

The distance makes it difficult for Rwandans to follow the trials. But the larger problem is that while the ICTR may be doing justice, it is not doing justice with the Rwandans either in view or in mind. UN judges and lawyers are the first to acknowledge their neglect of what they call "outreach." In 2000, the ICTR set up an information office in Kigali to try to improve local awareness of the tribunal. The center had 21,000 visitors last year, but virtually all were lawyers, researchers, or university students who were taking advantage of free access to e-mail. Located in a leafy diplomatic section of town, the office can be reached only by the few who live nearby or by the well-to-do who have their own cars. Public buses do not stop in the neighborhood. Astonishingly, the ICTR has translated only three of its nine decisions from English and French into Kinyarwanda, the local language.

Every new UN registrar arrives in Arusha threatening bold steps to get the tribunal's message "to the people." In a country with few television sets, a UN radio station was planned, the current registrar, Adama Dieng, tells me. "But then the equipment was diverted to Afghanistan." Some parts of the major trials could be transferred to Kigali, where the locals would have their first chance to see the leading genocidaire penned behind bulletproof glass in the defendant's box. But Dieng asks, quite reasonably, "If you bring a defense witness to Kigali who is wanted by the Rwandan government, do you really think the Rwandans will let him leave? Let's be serious." Dieng recently proposed renting out Rwandan stadiums so that people could gather to watch footage of the Bagosora trial on large movie screens. But in this instance, it is the Rwandan government that is skeptical. "I'm not sure stadiums are such a good idea, given how many Rwandans were gathered and murdered in stadiums during the genocide," Attorney General Gahima tells me.

Until one of the UN's well-meaning schemes is actually put into effect, Rwandans interested in following the Bagosora trial will have to settle for the two three-minute, colorless summaries that are broadcast on Radio Rwanda each week. "Nothing ever changes or happens here," says Jean Paul Ndamage, the Radio Rwanda correspondent, as he lounges in a friend's office at the Arusha tribunal. "I have nothing to report if there is no news." The tedious procedural wrangling among lawyers has alienated many, who have given up on the court's capacity for dramatic appeal.

While the ICTR's achievements get no coverage in Rwanda, the government-controlled media goes out of its way to draw attention to the tribunal's deficiencies. In fact, both sides say relations between the Tutsi-led Rwandan government and the UN tribunal have

never been worse. Ever since the UN chief prosecutor Carla del Ponte announced in December 2000 that she planned to indict Tutsi soldiers for war crimes, the Rwandan authorities have made it increasingly difficult for witnesses to travel to Arusha to testify. Since July, the trials of eight genocide suspects have had to be adjourned because witnesses failed to appear.

When Judge Pillay and Del Ponte raised the issue of the Rwandan government's noncooperation before the Security Council in late July, the Rwandan ambassador to the UN transmitted a report to the member states that described the tribunal's "shortcomings" as:

...inefficiency, corruption, nepotism, lack of protection of witnesses, harassment of witnesses, employing genocidaires as members of defense teams and investigators, mismanagement, slow pace of trials, insufficient staff and lack of competent staff, negligence and false allegations concerning the government of Rwanda....

3.

Marie Josée Kayites and Immaculate Uwayesu are Tutsi genocide survivors and, they now say, "tribunal survivors." In 1994, Immaculate Uwayesu, forty, was gang-raped by so many men that she lost count and consciousness. "I remember the first five or six, but then I went under," she recalls. Juvenal Kajelijeli, the mayor of her home town, who was among the planners of the genocide, waited outside while she was raped. Kajelijeli is now imprisoned at the ICTR. In November 2001, Uwayesu boarded her first airplane, a UN shuttle, and flew to Arusha to serve as a "protected witness."

Seeing Kajelijeli powerless in the witness box was a gratifying experience for her; but when she took the stand, testifying anonymously from behind a curtain, she broke down. She told the court that she had been *gufatwa ku ngufu*, the Rwandan expression for rape, which, translated directly, means "held by force." The defense counsel pounced. According to Uwayesu, they demanded to know exactly what she meant by "rape." She remembers, "I told them, 'men took their private parts and put them in my private parts.' But they said that was not enough. They wanted me to use the real words. But I couldn't. Everyone knew what rape was, but they pushed for more and more detail. I just couldn't...."

A week after she returned home, she was summoned to the local police station to explain to a Hutu police official why she had gone to Arusha to "spread lies." She was stunned. "It was supposed to be a big secret between me and the tribunal," she says. "I told nobody, not even my parents, but somehow they knew everything I had said." She went to the ICTR office in Rwanda and demanded to know how her visit to the court and the testimony she gave could have been leaked. The security officials told her the prosecutor was away and would call her when she returned. Two months later, in January of this year, Uwayesu found a note on her door: "On a day in the future that neither you nor we can predict, we will sew up your mouth and we'll do something to you to ensure you never tell lies again." Living among Hutu villagers and terrified that they knew she had

testified against one of their former leaders, Uwayesu fled her home and took shelter with a widows association in Kigali.

Marie Josée Kayites, a neighbor and distant cousin of Uwayesu, underwent a similar ordeal. Kayites' husband was butchered to death in the genocide, and she was not only gang-raped, but also mutilated with a machete. As she tells me about the events of 1994, she unbuttons her sweater and shows cuts along her back. She also reveals her right breast, where her nipple was sliced off.

Kayites grows animated when she discusses her experience testifying in Arusha. "They asked me what I meant by 'raping,'" she says. "I didn't know what to do. I looked around me for help. It is not something you do in Rwandan culture. They asked me if it was for a man to put his penis in a woman's vagina. I nodded. They said I had to repeat it. So I repeated it. But then I started to cry because of the shame. For a Rwandan girl to use such words in her life, you don't know: it is awful."

When Kayites returned to Rwanda, she, too, received death threats. When she could find nobody at the tribunal to help her resettle, she also went to the local widows association, which took her in. But when she went to the doctor for a checkup a few months ago, Kayites was told that one of her multiple rapists had infected her with HIV. Kayites knew from Rwandan radio that any genocide suspect imprisoned at the UN detention center in Arusha who tested positive for HIV was receiving life-saving anti-retroviral therapy. But when she turned to the tribunal for help, the doctors explained apologetically that the UN would treat routine ailments suffered by ICTR witnesses. But they could not pay for costly anti-retroviral treatment.

Roland K.G. Amoussouga, the ICTR's longest-serving employee and the man who established its witness protection program, explains the apparent injustice. "Where would we draw the line?" he asks. "If you want to treat one witness, you have to treat all the witnesses. We have to work on the premise that local institutions can cope."

Besides, he says, it is the Security Council, not the ICTR, that makes the rules. "People say, 'the tribunal is feeding the prisoners, it is dealing with their HIV.' Well, yes we are. We are mandated to do so," says Amoussouga. "But we are not mandated to care for victims."

Rwandan government officials argue that anti-HIV treatment should be considered part of any witness protection program. "By 2008, you won't have witnesses available for the rape trials," the Rwandan government's Ngoga observes.

Kayites makes no distinctions between the UN tribunal and the UN Security Council. She just asks gently, "How can it be that a victim of the genocide is told there is nothing that can be done, while the organizers of the genocide are given the treatment they need to lead full, healthy lives?"

4.

In Rwanda's Butare province, a three-hour drive from where Uwayesu and Kayites are hiding out, villagers have walked for several miles in the hot sun to reach a dirt plateau atop one of the country's many lush hills. If Rwandans have no contact with the antiseptic, procedurally languorous tribunal in Arusha, the recently launched emotional and judicial process known as "gacaca" (pronounced ga-CHA-CHA) is allowing survivors to confront their tormentors face to face.

Gacaca courts are named for the leaves of grass on which traditional leaders sat while they resolved community disputes. The old gacaca process settled property feuds, marital spats, and the occasional theft. The gacaca revival will attempt to use untrained community leaders to sit in judgment on those charged with murder, rape, and theft during the genocide.

The gacaca trials were needed because, while the accused masterminds of the genocide have been confined quite comfortably in the Arusha detention center, awaiting their day in court, their accused foot soldiers have been locked up in misery without trial or hope in Rwanda's crowded jails. When the genocide ended, some 120,000 Rwandans, mostly Hutus, were crammed into prisons built for 10,000. Some of the inmates had been spotted in the act of butchery; others were arrested on the basis of nothing more than the hunch of a neighbor (who may have been more interested in the accused's land or cows than justice). In the eight years since, Rwanda's flimsy justice system has tried only six thousand persons, less than 5 percent of the current inmates. At this rate, it will take the country's trained legal professionals two centuries to process them all.

Beginning in 1999, Rwandan president Paul Kagame began to realize that something drastic would be required. In an attempt to declog the country's prisons, his government created a public confessional process that recalls both the Salem witch trials and a Mississippi Christian revival. In October 2001, each of the country's 11,000 voting districts elected nineteen "persons of integrity"—farmers, teachers, and workmen—to serve as unpaid judges. Many of the 254,000 people elected were illiterate. A few who were chosen were quickly fingered as suspected genocidaires. The judges were given a thirty-six-hour crash course in the (ever-evolving) gacaca rules of procedure; they then found themselves empowered to make investigations, summon Rwandans to "court," search local houses, order detentions, pronounce sentences, assign damages, and confiscate goods. It is these judges who will have the power to decide the fates of tens of thousands of murder suspects who, by admitting wrongdoing, could go free. The community judges will rely on evidence provided by the people living in Rwanda at the time of the genocide, who are mandated by law to turn up at the once-a-week hearings. A central aim of gacaca is to stimulate a conversation, and establish what actually happened during the killing frenzy of 1994.

The success of gacaca, like that of the Truth and Reconciliation Commission in South Africa, thus depends on the number and authenticity of the confessions that it elicits.

Prisoners classified as "Category One" killers—some 2,500 genocide planners, well-known murderers, or those who killed with "zeal" or "excessive wickedness"—will be tried eventually in Rwanda's regular courts. If convicted, even their heartfelt confessions will not spare them the maximum sentence of life imprisonment or death. But during the next five years, the great majority of prisoners will appear before a gacaca jury of their peers. Those who confess murder— even serial murder—and who are deemed to have faithfully and remorsefully recounted the gory details of their participation could see their sentences halved from fourteen years' to just seven years' jail time and seven years' community service. For most who have been locked up since the genocide, this will mean immediate release. If an inmate does not confess, and the gacaca judges find him guilty, he will be sentenced to anywhere from twenty-five years to life in what will surely remain crowded jails. The later a prisoner's confession comes in the gacaca process, the less of a sentence reduction he or she will receive.

Throughout Rwanda, anticipating the spread of the gacaca process in December, the Rwandan government has been attempting to clarify the charges against prisoners with incomplete or missing files. Each week these prisoners are "presented" to the community. In this pre-gacaca screening process, when testimony is offered linking the suspect to a crime, it is added to his or her file, but, when nobody offers evidence against the suspect, he or she is released.

In the screening session I witnessed in Niyikazu, Butare, one group of prisoners arrived on foot, dressed like other villagers in worn blue jeans and smudged Nike T-shirts, African sarongs, and an assortment of flip-flops, loafers, and bedroom slippers. The sight of them traipsing up and down the nearby slopes created the impression of a large-scale influx of refugees. They were hauling stools and benches, on which their fellow townspeople sat during the day of exhausting testimony. Although there was hardly any supervision, none of the prisoners tried to make a dash for the hills. The local prison chief explained, "It is not in our culture for people to try to escape."

A second group of prisoners arrived dressed in pink prison uniforms and packed into a single open-roofed truck. Some of the prisoners had starched their shirts for the big day. All seemed giddy, enjoying the change of scenery and the first hope in seven years of eventual release.

Before the formal testimony began, a handful of prisoners in the jail's musical troupe made their way into the center of the courtyard, which was by now ringed by more than a thousand onlookers. One prisoner played the bongo drums and four strummed guitars, several of which had been painted pink to match their prison uniforms. The musicians, known as the Stars de la Vérité, were joined by prison singers, who danced to a rhythmic song about murder, confession, truth, liberation, and reconciliation. The beat was catchy, combining reggae, polka, and gospel singing:

What should we do with ourselves?
We the people who destroyed our beloved country?
You who saw crimes and you who committed them?...

Whatever happened didn't come from us. It was put into us...
You should confess what you have done and ask for forgiveness...
You who survived the genocide and who lost your beloveds...
We are together with you and we share the pain with you.
We are asking forgiveness from the bottom of our hearts.

When the song reached its final stanza — "We are assuring you, it will never happen again"—the three prison dancers twirled around and swished their hips to the tune, all the while making a throat-slitting motion, and wagging their fingers to indicate admonition. "We will never do it again!"

The Rwandan genocide was a conformist crime. Now, eerily, the same conformism is present in the confessional process among prisoners. One observer called it a new breed of "command responsibility." When the government commands it, the prisoners take responsibility.

Whatever their motives, the performers who were urging confession beamed as the audience—sheltered beneath floral bonnets, umbrellas, and banana leaves—roared with laughter. It was hard to tell whether, in a community that is overwhelmingly Hutu, this was nervous, incredulous laughter at topics never publicly broached or relief that the preachy message was coming packaged in playful wrapping. In this feel-good opening act, one had to strain to spot the dour faces of Tutsi genocide survivors wedged among their Hutu neighbors.

Each prisoner who was screened in the process that followed was introduced with the words, "Who knows this man?" Often, no one spoke when the question was first posed. But usually the suspect's fellow inmates could be counted on to offer inculcating or exculpating testimony. For Tutsi survivors it was harder. When they stepped forward to make accusations, some faced their foes, seeming to revel in the long-awaited moment of confrontation. But most of the time, those who shuffled into the center of the courtyard and took the microphone did so reluctantly, turning their backs on the accused as they spoke, and often trembling as they resurrected their demons publicly for the first time. The inmates stood largely expressionless, passively awaiting judgment. If no one presented evidence against those with empty files, they knew they would be released.

When presented to the crowd, "TM," a suspected killer with an incomplete file, said he had no part in the death of a young Tutsi boy, whom he happened to find murdered. Witnesses leaped up to contradict him, including one who said he saw TM commit the crime. TM was asked if he would like to rethink his plea of innocence, and he said: "I insist I found the boy when he was already dead, but, just to make sure, it is true, I hit him on the head. That I confess to." The crowd whistled and jeered at TM's feeble and belated admission. His file would now include the witnesses' murder charges as well as his response. Still, if TM can learn to master the art of confession before the actual gacaca hearings begin in his district next year, he may go free.

Stilton Siborurema, forty-five, stood with his arms folded at the center of the circle. He was accused of taking part in the killing of three Tutsi children. As witnesses stepped into the circle to testify, he looked as if he was napping standing up. But he was fortunate. The dozen or so villagers who spoke argued that he had been framed. By the time Siborurema was asked to sit down, charges against two new men had been lodged, and the consensus in the audience was that, for nearly seven years, Siborurema had been unjustly imprisoned, and he was provisionally released. Of the eight thousand prisoners presented to their communities in the pre-gacaca screenings in the last two years, some two thousand have been freed.

5.

While the pre-gacaca screenings have made it possible for the most obviously innocent prisoners to rejoin society, the actual gacaca trials, which began in June in handpicked sites and will spread throughout the rest of the country next year, are much broader in scope. It is at these hearings that the prisoners will have the chance to offer their confessions in exchange for early release. It is here also that the Tutsi survivors, or rescapés, will be given the chance to speak publicly and ask questions of their neighbors about the terrifying days and nights of 1994.

Gacaca is likely to give Tutsi survivors frustrated by the ICTR's insensitivity more of what they are looking for, but by no means all of what they need. Their Hutu neighbors haven't talked much about the events of 1994; and the government and the survivors hope that the hearings will at least encourage them to discuss the past. While Tutsis were trembling behind the sorghum and banana trees, or clinging to the rafters of their homes, Hutus could more easily move around and so are now better positioned to describe how the massacres were carried out. If the story is to be told of who killed whom at what checkpoint, as well as who defied the murderous commands of Hutu extremists, the cooperation of the Hutu majority is essential.

At the pilot gacaca hearings so far, two groups of Rwandans tend to testify —the rescapés, or survivors, and the prisoners who hope to reduce their sentences. But it is the Hutu villagers, who may not have killed back in 1994 but who peered out from behind their curtains, who know the secrets and carry the keys to reconciliation.

Because the Rwandan government has confined gacaca's jurisdiction to the genocide, preventing Hutus from testifying against Tutsi soldiers who committed war crimes, many see the process as favoring the Tutsi. Moreover, since new arrests can still be made, many Hutus are nervous that even showing up at the hearings—never mind speaking out—might prompt their neighbors to accuse them of complicity in the genocide. Despite heavy government pressure on citizens to turn up (some no-shows complain that they've been fined), attendance at the gacacas seems to be falling off. "It's not really surprising," says Klaas de Jonge of Penal Reform International, which monitors the gacaca process. "Why the hell would you go there and wait to get labeled?"

Once genocide on this scale has been carried out, true "justice," for all concerned, is an obvious impossibility. The ICTR and gacaca efforts will undoubtedly upset many more than they please. But can either of these processes—alone or in combination— help to create a more stable, tolerant, or united Rwanda?

For all of the Rwandan complaints about the ICTR, it is nonetheless accomplishing some important objectives. It is arresting criminals who would otherwise remain at large. It is reconstructing the process by which Rwanda's military and political leaders masterminded the genocide. And as a precursor to the ICC, it may be alerting would-be participants in genocide that they can no longer count on impunity. The main trouble with the Arusha court, apart from its high cost per verdict, is that it is failing to meet the current needs of the citizens of Rwanda, both Hutu and Tutsi.

The gacaca process is intended to meet the specific needs of Rwandans. But it may undermine stability by releasing confessed murderers into society and causing anguish to survivors who will have to recall unspeakable horrors before those who were, at best, indifferent when it mattered. Indeed, gacaca may set off a new round of injustices; suspects will have to defend themselves before untrained judges who may have personal stakes in the outcome. And by revealing that some Hutus have been wrongly jailed for the better part of a decade, gacaca may incite new resentments and demands for redress. With only one tenth of the budget of the ICTR, its ambition wildly exceeds its resources, and Western governments are far more interested in funding the ICTR.

On the other hand, Rwandans will at last have the chance to testify about their experiences; prisoners will be able to unburden their guilty consciences. For a government of victors and victims to allow participants in genocide to reintegrate themselves into society could improve relations between the Tutsi government and the Hutu majority. And crucially, if re-scapes, prisoners, returnees, and community bystanders actually manage to listen to one another, they may together compile a multisided collective account of the genocide made up of individual human stories rather than a mere statistical tally.

Regardless of which mode of justice is pursued for Rwanda—retributive justice in Arusha or participatory justice in Rwanda—what the victims of the genocide say they want most is justice that will somehow restore what was lost. This is one form of justice, 800,000 deaths later, that will remain out of reach.