

The wheels of justice must keep turning

Joint Op-Ed by United Nations Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu and Lieutenant-General (ret'd) The Honourable Romeo Dallaire

(New York, 18 November 2024) Last April, we commemorated the 30th anniversary of the genocide against the Tutsi in Rwanda. At the Rwandan capital, Kigali, at United Nations Headquarters, in New York, and across the world, we remembered the immense suffering this genocide caused on so many innocent civilians, who were targeted because of their identity, because of who they were. In honoring them, we also renewed our commitment for the prevention of genocide, the gravest of crimes, the crime of crimes. We did so by reiterating that genocide does not happen overnight and that this crime is the result of a process which unfolds well before the actual killing starts. In Rwanda, the murder of thousands of innocent civilians took place in a very short period of time. The alarm was raised, yet genocide happened. This shocked the world and raised the unavoidable question of what we could have collectively done to prevent this horror from happening in the first place. At the same time, the conditions which facilitated this terrible tragedy were a long time in the making. Dehumanization of a specific group had been taking place well before the genocide took place. Hate speech and incitement to violence found fertile ground in those terrible days of April 1994. The prevalence of genocide ideology preceded, and fueled, the commission of the acts of genocide. Commemorating this genocide and honoring the victims also meant remembering that genocide is a process, that there are risk factors and indicators for this crime, and that it is essential to act when they are present in order to prevent the worst possible outcome.

Accountability for past violations constitutes an important mitigating measure. Justice is essential not only for the cause of justice itself, to bring solace to the friends and relatives of those who perished, but also for reconciliation, for moving forward in peace, for building a future in which such crimes cannot be committed again. For the prevention of future crimes.

Yet, today, more than 1,000 fugitive *génocidaires* from Rwanda are still at large, despite existing indictments and international arrest warrants in place. This is according to the International Residual Mechanism for Criminal Tribunals, the IRMCT, which has carried forward the work of bringing international accountability to the horrible crimes committed in the 1994 genocide against the Tutsi in Rwanda after the International Criminal Tribunal for Rwanda (ICTR) concluded its work in 2015.

Let us underline this in no unequivocal way: More than thirty year after those tragic events, which were caused by specific individuals, with specific and vicious aims, and with strong allegations of an intent to destroy an entire group from the face of the Earth, more than 1,000 of those individuals, indicted by an impartial and independent court of justice for allegations of commission of the crime of genocide, are not finding their day in court. Many are enjoying spaces of immunity that allow them to remain at large. Spaces where past acts of genocide may be denied. Spaces such denial is being promoted. Today, there are States that are hosting alleged *génocidaires*. This is unacceptable.

States must ensure that there is no space for such impunity. In a world community where the global commitment to prevent genocide is reiterated each 9 December, when we mark the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide, there cannot be space for impunity being facilitated by States unwilling to take the necessary action for justice to prevail. The space for impunity must shrink and the space for accountability must widen. States in which alleged perpetrators are found must prosecute or extradite them without delay. States in which individuals indicted by the ICTR are present must take active and immediate steps to ensure that those individuals can be brought to justice without further delay.

For this, the ball is in the court of national jurisdictions. Many are leading by example and are taking the right steps and playing a leading role, not only in bringing perpetrators to justice, but also in actively seeking the assistance they need to ensure that all evidence is taken into account. To this day, the IRMCT has been providing assistance to national jurisdictions in response to specific requests for assistance in no small amount. In the last two years alone, in relation to Rwanda, the residual mechanism has assisted 10 different Member States, handing over 5,000 documents and facilitating the participation of 69 witnesses in national proceedings and providing investigative plans.

In June, just two months after the official commemorations of the 1994 genocide against the Tutsi in Rwanda, the United Nations Security Council heard from the President and the Prosecutor of the IRMCT, Judge Santana and Prosecutor Brammertz, on the important progress made by the IRMCT over its almost 15 years of existence in continuation of the justice work not only by the ICTR but also by the International Criminal Tribunal for the Former Yugoslavia (ICTY). Thanks to this, it has been possible to complete the work initiated by the ICTR and the ICTY and account for all 253 persons indicted by these Tribunals for war crimes, crimes against humanity and genocide. These are the gravest international violations. These are crimes that target civilian populations explicitly. In the case of genocide, for targeting a specific, protected group with the intention to destroy the group in whole or in part. We reiterate: for wanting to erase a national, ethnical, racial or religious group from the face of the Earth.

But more action is needed. Justice has not been fully met. Full accountability has not been achieved. In Rwanda, the country itself walked the talk of healing and reconciliation with efforts at the community level to bring people together. This includes through the gacaca courts, which became an example of effective transitional justice mechanism and a model for the world. But as long as fugitives remain at large, the scar of the 1994 genocide against the Tutsi will continue bleeding. The entirety of the international community has a responsibility to ensure that all perpetrators are brought to account.

Of course, nothing can return those who were killed to their families, their friends and relatives. But justice and accountability can help bring closure to survivors and can reassure them that their suffering is and will be recognized, and their sacrifice is and will be honored. Only when all perpetrators have been held into account, we will be able to uphold the expectations that all victims rightly possess: that their voices are heard, that their suffering is acknowledged, and that

there is justice for the crimes committed against their loved ones. Because too many victims of the 1994 genocide against the Tutsi in Rwanda are yet to find this solace, it is imperative that the wheels of justice continue turning and that all alleged perpetrators are brought to justice without delay. No effort must be spared to achieve this end.

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