



ISSN: 2583-7753

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 3 | Issue 4

2025

DOI: <https://doi.org/10.70183/lijdlr.2025.v03.124>

© 2025 LawFoyer International Journal of Doctrinal Legal Research

Follow this and additional research works at: www.lijdlr.com

Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.

In case of any suggestions or complaints, kindly contact (info.lijdlr@gmail.com)

To submit your Manuscript for Publication in the LawFoyer International Journal of Doctrinal Legal Research, To submit your Manuscript [Click here](#)

ACCOUNTABILITY AND LEGACY: ASSESSING THE ACHIEVEMENTS AND LIMITATIONS OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Nandani Kumari¹

I. ABSTRACT

The 1994 Rwandan genocide left a shattered society and raised urgent demands for accountability. The United Nations Security Council reacted by setting up the International Criminal Tribunal for Rwanda (ICTR) by Resolution 955 of 8 November 1994 to try individuals most responsible for genocide and other serious violations of international humanitarian law committed during 1994. This paper looks at ICTR's mandate, key jurisprudential outcomes (in particular Akayesu, Kambanda, Nahimana et al. and Bagosora), and the myriad difficulties it encountered - procedural delay, high cost, perceived selectivity, distance from victims geographically and culturally, and reconciliation limits. On the basis of legal documents, records of the tribunal and learned commentary, the research provides lessons for future international criminal instruments and makes some practical recommendations to improve timeliness, local incorporation and victim-centred construction. The paper concludes that ICTR's legal contribution is substantive, but its operational constraints present some cautionary lessons for present and future accountability initiatives.²

II. KEY WORDS

ICTR; Rwanda; genocide; international criminal justice; Akayesu; Kambanda; Nahimana; Bagosora; transitional justice; reconciliation.

III. INTRODUCTION

Between April and July 1994, Rwanda experienced one of the worst mass killings in modern history. An estimated 800,000 to 1,000,000 people, mostly Tutsi and moderate Hutu, were murdered in about one hundred days. The speed and scale of the violence shocked the world and revealed major failures in international prevention. In the

¹ LLM, Lovely Professional University, Phagwara, Punjab (India). Email: nandani29103@gmail.com

² S.C. Res. 955 (8 Nov. 1994); ICTR case law and IRMCT key figures.

immediate aftermath, the United Nations Security Council established the International Criminal Tribunal for Rwanda (ICTR) to prosecute those most responsible, create an accurate historical record of the crimes, and help with national reconciliation. The Tribunal was based in Arusha, Tanzania, and had jurisdiction over genocide and other serious violations committed in Rwanda during 1994. These arrangements placed the ICTR at the forefront of international criminal law after the Cold War, with responsibilities for both legal innovation and political care.³

A. Research Methodology

The work employs doctrinal legal analysis and qualitative synthesis. Primary sources include the text of UNSC Resolution 955 and significant ICTR decisions (Akayesu, Kambanda, Nahimana et al., Bagosora), as well as crucial numbers from the ICTR/IRMCT and UN completion reports. Secondary sources include peer-reviewed studies, NGO reports (Human Rights Watch), and current evaluations of transitional justice processes. Quantitative summary statistics (indictments, convictions, acquittals, referrals) were derived from ICTR/IRMCT key numbers and confirmed by significant NGO reports; these figures were used to create the bar-chart figure shown below. The approach seeks to integrate legal explication with institutional and policy analysis.⁴

B. Research Design Formulation

The study follows a qualitative, doctrinal, and analytical research design. It begins with an in-depth analysis of legal instruments, judicial decisions, United Nations documents, and available scholarly writings on the International Criminal Tribunal for Rwanda. It focuses on the interpretation of the legal reasoning and institutional functioning of the Tribunal to extract from it not just key achievements and limitations but also points to guide future international justice mechanisms.

C. Literature Review

1. Books

³ Estimates of victims and UNSC Res. 955 (8 Nov. 1994); ICTR establishment and mandate.

⁴ UNSC Res. 955; ICTR key figures; ICTR judgments; UN completion strategy.

- William A. Schabas, *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone* (Cambridge University Press, 2006). Provides a thorough legal analysis of the ICTR, emphasizing its important rulings, such as Prosecutor v. Akayesu, which recognized rape as genocide. It also criticizes the tribunal's drawn-out procedures and selective prosecutions.
- Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (Human Rights Watch, 1999). Explains the sociopolitical and historical causes of the Rwandan genocide. The book remains vital for understanding the need of creating the ICTR and the limits that the international community faced throughout the crisis.
- Kingsley Chiedu Moghalu, *Rwanda's Genocide: The Politics of Global Justice* (Palgrave Macmillan, 2005). Critically investigates the ICTR, claiming that it was highly affected by world politics. It raises doubts about whether the tribunal actually provided justice for the victims or was more concerned with international recognition.

2. Articles

- Payam Akhavan, *Redressing Genocide through International Justice: The ICTR in Historical and Political Context*, *Human Rights Quarterly* (1996). Argues that the ICTR was a moral imperative but adds that justice can only be successful if tribunals are impartial and recognized as legitimate by local people.
- Antonio Cassese, *Reflections on International Criminal Justice*, *Modern Law Review* (1998). Discusses how the ICTR helped shape the ideas ultimately accepted by the International Criminal Court (ICC), namely establishing the scope of crimes against humanity and genocide.
- Phil Clark, *Hybridity, Holism and "Traditional" Justice: The Case of the Gacaca Courts in Post-Genocide Rwanda*, *George Washington International Law Review* (2010). Provides a comparative viewpoint, emphasizing that the ICTR was frequently perceived as remote and alien, whereas Gacaca courts were more accessible to the people but less aligned with international norms.

3. Reports

- *United Nations Security Council, Report of the International Criminal Tribunal for Rwanda (1995–2015)*. Provides official statistics on indictments, convictions, acquittals, and referrals. It demonstrates that, despite setting legal precedents, the ICTR only achieved 93 charges against the thousands of offenders implicated.
- *Human Rights Watch, Justice for Rwanda: A Progress Report on the ICTR (2008)*. Examines the tribunal's triumphs and flaws, highlighting jurisprudence accomplishments while condemning delayed trials and a lack of responsibility for atrocities perpetrated by the Rwandan Patriotic Front (RPF).

4. Websites

- *International Residual Mechanism for Criminal Tribunals (IRMCT) – UN Official Website*. Provides up-to-date information on ICTR legacy cases, archives, and residual services following its termination in 2015. It contains trial records, rulings, and databases for continuing study.
- *United Nations Audiovisual Library of International Law (UN-AVLIB)*. Provides lectures, case summaries, and official UN commentary on the ICTR's historical relevance and role to the evolution of international criminal law.

D. Statement of Problem

The ICTR is a groundbreaking response to mass violence, but people still debate its effectiveness and impact. On one hand, decisions from the ICTR set key precedents. For instance, they recognized sexual violence as a form of genocide and held media figures accountable for incitement. On the other hand, the Tribunal's long and costly processes, along with the small number of prosecutions compared to the scale of the violence, raise concerns. There is also a perception of selective justice, as no RPF members were prosecuted. This leads to questions about its role in promoting reconciliation, deterring violence, and achieving lasting justice in Rwanda and beyond. This paper addresses two main issues: first, assessing how well the ICTR

achieved its goals of accountability and support for reconciliation; second, identifying lessons that can guide responses to current conflicts involving mass atrocities.⁵

E. Research Gap

Much existing scholarship on the ICTR has focused on its legal precedents and institutional framework, hailing landmark judgments such as *Akayesu* and *Kambanda* as milestones in the creation of international criminal law. Nevertheless, it often analyzes the Tribunal as if it existed in an abstract environment independent of its broader political, social, and cultural context. Hardly any analysis is given to how the distance between the ICTR from Rwandan society, delays in proceedings, or the dismissal of the investigation into crimes committed by the RPF has shaped public perceptions of justice and reconciliation. This research consequently intends to fill that gap by connecting the legal achievements of the ICTR with the operational and socio-political limitations. The paper will adopt a balanced approach, appreciating not only the doctrinal contributions but also the challenges the Tribunal had to face in fostering genuine reconciliation within Rwanda. Such integration of legal analysis with institutional assessment offers a nuanced perspective that might usefully inform the design of future international and hybrid accountability mechanisms.

F. Research Questions

1. How was the mission and reach of the ICTR shaped by UNSC Resolution 955?
2. How has the ICTR influenced international criminal law?
3. What political, cultural, and practical obstacles did the Tribunal have to overcome, and how did these obstacles impact its legitimacy?
4. What changes would improve the efficiency, victim-centeredness, and timeliness of upcoming international or hybrid tribunals?

G. Research Objectives

1. To describe the ICTR's creation, mandate, and structure.
2. To look at the Tribunal's major legal achievements and legal developments.

⁵ ICTR accomplishments and critiques; discussions on reconciliation and selectivity.

3. To list and evaluate the main operational and political challenges that prevented the ICTR from working effectively.
4. To summarize lessons for current and future international accountability systems and suggest changes for better timing, legitimacy, and local impact.

H. Scope and Significance of Study

The scope of this study is confined to the International Criminal Tribunal for Rwanda, starting from its establishment in 1994 through to its closure in 2015. The scope is further limited to an analytical study of the legal framework, landmark judgments, institutional design, and practical difficulties encountered while in operation. This study does not divulge the entire history of the genocide within Rwanda but rather details the implementation of international justice through the ICTR and the influence of its experiences on subsequently created mechanisms, like the International Criminal Court and hybrid tribunals.

This research is important because it attempts to bridge the gap between legal doctrine and lived reality. The book captures the dual legacies of the ICTR: a judicial body that expanded the definitions of genocide and crimes against humanity, and a political experiment in post-conflict accountability. In examining the ICTR's successes and shortcomings, the study attempts to provide balanced insights for scholars, practitioners, and policymakers in the field of international criminal law. In the end, it seeks to contribute to ongoing debates over how institutions of global justice can balance legal precision with local involvement and durable reconciliation.

I. Research Hypothesis

1. The ICTR made lasting contributions to international criminal law, especially by defining sexual violence as genocide and clarifying incitement. These changes positively influenced later tribunals and the ICC.⁶
2. While the ICTR improved legal doctrine, its operational impact, such as timeliness and community-level reconciliation, was limited due to structural constraints like location, language, and costs.⁷

⁶ Akayesu and subsequent ICTR jurisprudence.

⁷ ICTR operational critiques and outreach limitations.

3. Better integration with local systems, such as hybrid courts and referrals, along with early, clear communication with victim communities, would have increased the ICTR's legitimacy and societal impact.⁸

J. Research Limitations

This paper is thus limited to secondary doctrinal sources such as judgments, official UN documents, and scholarly commentary. There are no empirical data from the field or interviews with officials at the ICTR. This limitation does not have an impact on the legal analysis developed in this paper.

IV. BACKGROUND: COLONIAL LEGACIES, POLITICAL BREAKDOWN AND THE ROAD TO GENOCIDE

Rwanda's colonial past shaped political and identity conflicts between Hutu and Tutsi groups; Belgian colonial policy institutionalized ethnicity in identification cards and privileged minority elites, sowing long-term discontent. Post-independence politics created cycles of exclusion and periodic bloodshed. The death of President Juvénal Habyarimana on April 6, 1994, sparked a planned and quickly executed campaign of mass slaughter, mostly led by Hutu extremist networks, militias (particularly the Interahamwe), and complicit elements inside official structures. Propaganda, notably hate radio, played an important role in rallying perpetrators. After the conflict subsided, Rwanda's legal and institutional capacity had been shattered, compelling the international community to establish an ad hoc international tribunal to handle crimes that exceeded domestic competence.⁹

V. ESTABLISHMENT AND MANDATE OF THE ICTR

On November 8, 1994, the Security Council passed Resolution 955, establishing the International Criminal Tribunal for Rwanda to try those responsible for genocide, crimes against humanity, and significant breaches of Common Article 3 and Additional Protocol II in Rwanda during 1994. The Tribunal's seat was in Arusha, Tanzania, with branches and liaison offices to enable collaboration with Rwanda. The

⁸ ICTR referrals and complementarity experiences.

⁹ Historical analyses; UN backgrounders; ICTR founding context.

Council specifically said that prosecutions will contribute to the process of national reconciliation. However, the resolution restricted the Court's temporal jurisdiction to crimes committed in 1994, as well as its geographic reach to Rwanda and Rwandan nationals for acts committed in neighbouring nations - structural decisions that affected later assessments of the Tribunal's completeness.¹⁰

VI. MAJOR CASE-LAW STUDIES AND LEGAL SIGNIFICANCE

1. *Prosecutor v. Jean-Paul Akayesu (ICTR-96-4-T, 2 Sept. 1998)*: The Akayesu trial resulted in an international tribunal's first genocide conviction, as well as the first recognition of rape and sexual assault as instruments of genocide when perpetrated with the purpose to eliminate a protected people. The Trial Chamber extended on the criteria of genocide, stating that sexual assault might meet the "causal" and "intentional" components required for genocide determinations. The decision affected future legislative formulation and prosecutions, particularly determining later ICC jurisprudence on sexual and gender-based offenses.¹¹
2. *Prosecutor v. Jean Kambanda (ICTR-97-23)*: Jean Kambanda, the interim government's Prime Minister, pled guilty to genocide and associated crimes and was sentenced to life in prison, making him the only head of government to plead guilty to genocide. His plea and punishment demonstrated the Tribunal's readiness to prosecute political leaders and highlighted that political office does not shield persons from criminal prosecution.¹²
3. *Prosecutor v. Nahimana et al. (Media Case; ICTR-99-52)*: The Media Case looked at the culpability for inciting violence through radio broadcasts and print media. The ICTR's decisions in this consolidated case highlighted the significance of communication channels in fomenting atrocities and established guidelines for determining whether speech constitutes "direct and public incitement to genocide," balancing free expression concerns with criminal

¹⁰ S.C. Res. 955 (1994); ICTR Statute and key documents.

¹¹ *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Trial Judgment (2 Sept. 1998).

¹² *Prosecutor v. Jean Kambanda* judgment and sentence.

liability. The case has become crucial to the legislation governing incitement and propaganda-based offenses.¹³

4. *Prosecutor v. Bagosora et al. (Military I / ICTR-98-41 & appeals)*: The trials of Théoneste Bagosora and his co-accused centred on high military figures accused of planning and directing atrocities. Bagosora's conviction on several counts was upheld on appeal, demonstrating the Tribunal's ability to apply command responsibility and condemn top military officers for policies and acts that resulted in mass deaths. The length of these cases also demonstrated operational issues (complicated evidence, several defendants, and extended duration).¹⁴

VII. QUANTITATIVE SUMMARY AND FIGURE

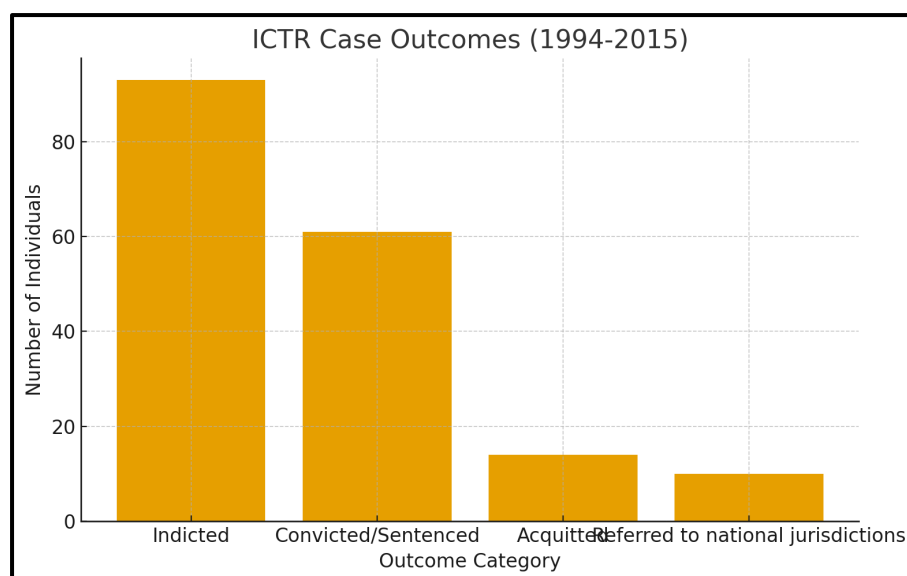
The total results of the Tribunal are summarized by the ICTR's official "key figures": 93 indicted, 61 convicted/sentenced, 14 acquitted, and 10 referred to national jurisdictions. NGO summaries like Human Rights Watch and UN annual reports support these figures, which were compiled from ICTR and IRMCT reports. These categories are represented visually in the bar chart below, which provides a better understanding of the relative magnitude of the Tribunal's achievements in relation to its total caseload.¹⁵

Figure: ICTR Case Outcomes (1994-2015)

¹³ *Prosecutor v. Nahimana et al.*, ICTR Media Case (trial and appeals judgments).

¹⁴ *Bagosora et al.*, ICTR-98-41 (Appeals judgment, 14 Dec. 2011).

¹⁵ ICTR / IRMCT, *Key Figures on ICTR Cases*; Human Rights Watch, *Justice for Rwanda: A Progress Report on the ICTR* (2008); United Nations, *Report of the International Criminal Tribunal for Rwanda (1995–2015)*, UN Doc S/2015/883.



A. Analysis: Achievements vs. Constraints

1. *Jurisprudential Achievements:* The ICTR's main accomplishments are doctrinal: it defined the definition and ingredients of genocide, identified sexual assault as a genocidal instrument, established criteria for incitement and mass-media culpability, and imposed command responsibility on top military and civilian officials. These contributions influenced later jurisprudence at the ICC and other courts, and they established an evidential and archival record that preserved contemporaneous testimony, documents, and material evidence.¹⁶
2. *Operational and Political Constraints:* However, the Tribunal's operations revealed several constraints, including high costs and slow trials (multi-year proceedings), procedural complexity (joint trials of multiple defendants), language and translation burdens, the distance between Arusha and affected Rwandan communities, and political constraints (no prosecutions of RPF members under ICTR mandate). These limits influenced views of legitimacy and reduced the Tribunal's societal impact in comparison to mass, local gacaca tribunals, which handled the majority of post-genocide cases in Rwanda. The ICTR therefore had huge symbolic and legal ramifications, but it had minimal direct community-level impact.¹⁷

¹⁶ ICTR notable judgments (Akayesu, Media Case, Bagosora) and legal analyses.

¹⁷ ICTR budget/completion reports; critiques in NGO and academic literature.

VIII. CONTEMPORARY RELEVANCE AND LESSONS FOR CURRENT CONFLICTS

The ICTR's experience is still relevant for current and possible future accountability initiatives (e.g., Syria, Sudan/Darfur, Ukraine):

1. *Timeliness matters*: The ICTR's long deadlines hampered the speed of justice. Rapid processes (special investigative units, early fact-finding, specialist chambers) might boost deterrence and public legitimacy in current situations.¹⁸
2. *Local integration is essential*: The ICTR's remoteness from Rwandan villages reduced local ownership. Hybrid courts or locally located international chambers that prioritize outreach and victim engagement are more likely to interact with impacted people.¹⁹
3. *Evidence and media liability*: The Media Case precedents are extremely significant in situations when state or non-state actors utilize modern media (social platforms, encrypted communications) to promote violence; tribunals must adapt doctrines to digital environments.²⁰
4. *Balance comprehensiveness and realism*: The ICTR's mandate confined charges to crimes committed in 1994; future mandates should include a larger temporal and party scope, as well as parallel truth institutions to record all victims' experiences.²¹

A. Findings

1. The most significant contribution of the ICTR was to the development of the interpretation of genocide itself, particularly via the Akayesu judgment.
2. It contributed to the recognition of sexual violence as an element of genocide and crimes against humanity.
3. Yet, despite its achievements in legal terms, the Tribunal faced enormous operational limitations related to high costs, very slow procedures, and limited local engagement.

¹⁸ ICTR completion strategy and critiques.

¹⁹ Analyses comparing ICTR and Gacaca.

²⁰ Media Case jurisprudence.

²¹ critiques of mandate and complementarity.

4. Its jurisprudence influenced subsequent international courts, including the ICC and hybrid tribunals.
5. The experience of the ICTR underlines the need for accountability mechanisms that balance international oversight with national participation.

IX. CONCLUSION

An important historical experiment in international criminal justice is the ICTR. In addition to holding numerous high-ranking offenders accountable, it created enduring jurisprudence that clarified the elements of genocide, acknowledged sexual violence as genocidal, and extended liability to media actors and commanders. The Tribunal's social and reconciling effects were also limited by its operational realities, which included being costly, slow, and occasionally seen as selective or remote. Scholars and policymakers can learn from the ICTR's dual legacy: legal advancements can coexist with practical shortcomings; accountability institutions need to combine doctrinal rigor with design decisions that prioritize victim-cantered remedies, speed, and local ownership.

The ICTR's lessons faster evidence collection, hybrid trial models, meaningful victim participation, and cautious mandate-setting that prevents the appearance of one-sided justice should inform the design of future tribunals as the world faces new atrocity risks. Only then will international criminal justice be able to bring together the social legitimacy and legal clarity required to aid in the reconstruction of fragile societies.²² Analysis mostly confirmed the hypotheses proposed at the beginning, as the findings confirmed the enduring legal influence of the ICTR while also highlighting operational and institutional limitations.

X. SUGGESTIONS AND RECOMMENDATIONS

1. *Hybrid, decentralized trial architecture*: Establish early referral channels with objective standards to expedite transfers; pair local courts for less serious offenders with international judges for complex core trials. (A real-world

²² Synthesis based on ICTR judgments, IRMCT/UN reports, and academic criticisms.

example would be to use hybrid panels and, when safe, locate courtroom sessions in the impacted nation.)

2. *Fast-start evidence teams*: In order to gather perishable evidence (digital, forensic, and witness statements) and maintain chain-of-custody for upcoming prosecutions, deploy modular investigative teams in the initial weeks or months of a crisis. This talks about the ICTR's experience with drawn-out procedures caused by lost evidence and time.
3. *Victim Participation and reparative mechanisms*: To give survivors real benefits, establish reparations trust that is financed or co-funded by member states and guarantee victims have formal participatory rights (impact statements, restorative justice options). This will supplement symbolic verdicts with material repair.
4. *Cost control through local staffing and tech use*: Reduce expenses significantly by hiring skilled local attorneys and court employees, limiting international joint trials, and utilizing remote testimony and enhanced case management systems. Here, the high staff costs of the ICTR are instructive.²³
5. *Parallel truth-commissions*: Establish independent truth-finding with subpoena powers and witness protection in cases where prosecutions are unable to cover all crimes or parties. This will help to create a thorough historical record and include victims from all backgrounds. This might have improved Rwandan perceptions of selectivity.

XI. ETHICAL CONSIDERATION

The research is based solely on materials in the public domain and includes legal judgments, United Nations resolutions, official reports, and scholarly publications. No human participants or personal data have been used in this study. All materials used have been correctly cited and acknowledged to maintain transparency, credibility, and academic integrity.

²³ ICTR budget and administrative reviews.

XII. REFERENCES

1. United Nations Security Council, S.C. Res. 955, U.N. Doc. S/RES/955 (8 Nov. 1994).
2. International Criminal Tribunal for Rwanda (ICTR) / International Residual Mechanism for Criminal Tribunals (IRMCT), “Key Figures of Cases” (ICTR/IRMCT public records, Oct. 2019).
3. Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T, Trial Judgment (2 Sept. 1998).
4. Prosecutor v. Jean Kambanda, Case No. ICTR-97-23 (plea and sentence, 1998).
5. Prosecutor v. Nahimana et al. (Media Case), Case No. ICTR-99-52 (trial and appeal judgments).
6. Prosecutor v. Théoneste Bagosora et al., Case No. ICTR-98-41 (Appeals Judgment, 14 Dec. 2011).
7. ICTR Completion Strategy and Final Reports: S/2015/884 (ICTR final report), United Nations (2015).
8. Human Rights Watch, Rwanda and ICTR commentaries (various years; summary reports on indictments/convictions).
9. United Nations, Backgrounders and Reports on Rwanda and the ICTR (UN Department of Public Information; UN Office on Genocide Prevention).
10. Legal analyses and articles on ICTR jurisprudence (Akayesu, Media Case) - see published judgments and scholarly commentary (e.g., case law PDFs at ICTR/UN web archives and major law reviews).