

Éric David, Pierre Klein, Anne-Marie La Rosa (eds)
**Tribunal pénal international pour le Rwanda,
Recueil des ordonnances, décisions et arrêts
1995-1997**

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The Rwandan genocide began in early April 1994. By mid-July, between half a million and one million people were dead. The International Criminal Tribunal for Rwanda (ICTR) came into being on 8 November of that same year. The international community's failure to take readily available and effective measures to prevent the genocide has provoked much finger-pointing and some *mea culpas*. These reactions, in turn, are arguably responsible for the relative efficiency with which the international community acted to establish a forum for the exposure and punishment of these crimes.

Professor Eric David remarks in the introduction to this first volume of a series that will collate the jurisprudence of the Rwanda Tribunal that the "third genocide of the century" contrasts markedly with the other two (that of the Armenians in 1915 and of the Jews in the Second World War). The two earlier genocides, he observes, were not committed with household items such as planks of wood with nails embedded in them. They were not committed in the presence of international peace-keeping forces who failed to apply rules of engagement recognizing a legal obligation to "use all available means" to halt such abuses.

Professor David cites the "incredible passivity" of the Security Council as a causal factor in the genocide. But he also pays indirect tribute to the Security Council by listing the salutary humanitarian purposes served by the tribunal it established: catharsis, memory, and the teaching and development of international humanitarian law. Realization of these humanitarian purposes requires that the Tribunal's work be made publicly accessible. The series that begins with this volume will do just that.

This exhaustive compilation of the indictments, orders, decisions and other pronouncements of the Rwanda Tribunal during its first years in operation (1995-1997) is well structured. The vast majority of documents appear in both French and English, with the

two versions printed on opposite pages to permit easy comparison. This is especially helpful to those who seek to parse linguistic differences between the two versions of the Statute of the Tribunal and its Rules of Procedure and Evidence, both reproduced at the front of the volume. The bilingual index is a researcher's dream, providing cross-references to the work accomplished by the Tribunal for each and every citation of its Statute and Rules, the UN Charter, the Geneva Conventions, other documents and more.

For those with just a passing interest in the ICTR, this volume delivers (and the series promises to deliver) too much detail and too little synthesis to serve as a mere overview. Rather it will be a formidable research tool for serious investigators, especially when augmented by subsequent volumes. Nevertheless, scholars and non-scholars alike will find chilling enlightenment in the indictments that set out in emotion-free legal prose the ease with which those tragic events unfolded. To give only one example, they include the indictment of Jean-Paul Akayesu, the bourgmestre of Taba, who was prosecuted for the killing of hundreds of Tutsis.

Yet for the most part the documents are not nearly so sensational. Some reflect matters of great interest for international criminal law and procedure, such as the basic authority of the Tribunal to exercise its jurisdiction; or the application of measures to protect witnesses; or the relationship between a State's assertion of jurisdiction over an ICTR indictee versus that of the Tribunal itself. The majority of the documents, however, at least taken in isolation, add little weight to the establishment of a jurisprudence. Instead they tend to reflect the typical infighting and jockeying for position between prosecution and defence counsel during the pre-trial stages of criminal proceedings.

Catharsis, memory, and the teaching and development of international humanitarian law — the purposes served by the Tribunal, according to Professor David — are also served by the volume he has helped to compile. But realization of those purposes will have to wait. Six years after the Tribunal's establishment, only three cases (those of Kambanda, Ruggiu and Serushago) out of a total of 44 indictments have reached final resolution — and all by guilty plea rather than through trial. Although several trials and appeals are in

progress, there is yet to appear any final judgment in a contested case. Indictments, orders and decisions — yes. Jurisprudence — not yet. As a result, neither this volume, nor the next one(s) covering the Tribunal's work to date, can reflect definitive conclusions of the ICTR. For that, we will have to wait for volumes reflecting work still sitting in the ICTR Trial and Appellate Chambers' "in" box. And when the Tribunal's work is done, this series will be the definitive window onto its legacy.

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