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THE ROLE OF MULTILATERAL AND BILATERAL COOPERATION FOR JUSTICE MECHANISMS IN POST-GENOCIDE RWANDA

ABSTRACT

The 1994 Rwandan genocide stands among the most dreadful episodes in the history of international human rights violations, leading to the systematic killing of nearly 800,000 individuals. In its aftermath, Rwanda confronted the immense task of national reconstruction, along with the urgent need to re-establish justice, reconciliation, and international engagement. Although considerable scholarship has examined institutional aspects of justice mechanisms such as the International Criminal Tribunal for Rwanda (ICTR) and the Gacaca courts, comparatively limited attention has been given to the role of bilateral and multilateral cooperation in shaping Rwanda's post-genocide judicial procedures. The research problem of this study is to investigate how bilateral and multilateral actors contributed to the design, implementation and effectiveness of justice mechanisms in post-genocide Rwanda. In light of the global inaction during the genocide, Rwanda's reliance on global collaboration to rebuild its justice systems offers a critical lens for rethinking international relations, especially debates related to transitional justice. The research analyses how these multilateral and bilateral partnerships have shaped the development, implementation, and outcomes of Rwanda's judicial framework in the discussion section. Drawing on a qualitative methodology based on secondary sources, including peer-reviewed journals and institutional reports, and grounded in the theory of constructivism, this paper critically evaluates how Rwanda's post-genocide justice was shaped by social constructions of justice and international cooperation. The findings contend that international collaboration, when aligned with domestic priorities, can promote context-sensitive justice processes and challenge conventional assumptions about intervention.

Keywords: post-genocide Rwanda, multilateral cooperation, bilateral cooperation, justice mechanisms, constructivism

1. Introduction

The Rwandan genocide of 1994, which began on 7 April and continued for 100 days of incomprehensible terror, is considered one of the most tragic moments in history. Between 800,000 and 1 million people, primarily Tutsis but also moderate Hutus, were violently and systematically executed during this period.¹ Decades of ethnic disagreements and tensions between the Rwandan Patriotic Front (RPF) and the Rwandan Armed Forces (FAR) culminated in this genocide, which was exacerbated by colonial legacies that deepened divisions between the Hutu and Tutsi populations. Following President Juvénal Habyarimana's assassination, the unrest escalated.² In spite of losing over a million people in three months, Rwanda faced the challenge of coping with the severe social scars that remained among those who survived the massacre,³ which also shattered institutions at every level. Following such a tragedy, Rwanda was confronted with the daunting task of reconstruction, to restore justice for the atrocities committed, reconstruct its institutions, and reestablish both local and international trust.⁴

As instruments of accountability and peacebuilding, justice systems proved vital to the nation's post-genocide recuperation. Yet this legal process was not carried out in isolation. Given the severity of the devastation and the widespread distrust of foreign institutions that had failed to intervene during the genocide, both bilateral and multilateral collaboration played an integral role in shaping Rwanda's post-conflict justice trajectory.

Rwanda's judicial system was practically inoperative in the early aftermath of the genocide. The United Nations Security Council's establishment of the International Criminal Tribunal for Rwanda (ICTR) was the primary multilateral action taken by the international community in response. Concurrently, Rwanda developed domestic systems, notably the Gacaca courts, with the objective of handling the vast volume of cases pertaining to the genocide in a participatory and culturally ingrained way. Bilateral partnerships with nations including Belgium, the United States (US), and

¹ Mohammed Saaida, 'Rwandan Genocide Timeline (April -July 1994)' [2024] ResearchGate <www.researchgate.net/publication/378966308_Rwandan_Genocide_Timeline_April_July_1994> accessed 10 July 2025, 1.

² Helen M Hintjens, 'Explaining the 1994 genocide in Rwanda.' (1999) 37(2) *The Journal of Modern African Studies* 241-286.

³ Heide Rieder and Thomas Elbert, 'Rwanda – lasting imprints of a genocide: trauma, mental health and psychosocial conditions in survivors, former prisoners and their children' [2013g] 7(1) *Conflict and Health* 1,1 <<http://dx.doi.org/10.1186/1752-1505-7-6>> accessed 10 July 2025.

⁴ Catherine Newbury and Hannah Baldwin, *Aftermath: Women in Postgenocide Rwanda; Working Paper No. 303* (Working Paper No. 303, U.S. Agency for International Development, U.S. Agency for International Development 2000), 35.

France, which offered judicial training, assistance for capacity-building, regulatory structures, and assistance in capturing genocide fugitives, supported these efforts. Progressively, Rwanda's post-genocide accountability process became characterised by this hybrid paradigm of domestic and international justice systems.⁵

Furthermore, although distinct mechanisms such as the ICTR and the Gacaca courts have been subjected to extensive study, a substantial gap remains in the literature regarding the extent to which bilateral and multilateral cooperation affected the development, implementation, and outcomes of these justice mechanisms. The effects of cooperation, particularly the relationships between Rwanda's sovereignty and international influence, have not yet been thoroughly evaluated in the transitional justice discourse. This paper aims to close this gap by analysing the strategic contributions that both types of international cooperation have made to the creation of Rwanda's judicial system

This study's significance extends beyond the Rwandan context. In an age in which transitional justice has emerged as a fundamental component of post-conflict reconstruction, analysing the dynamics of international cooperation offers deeper insight into the relationship between sovereignty, international oversight, and local justice. In this regard, Rwanda presents a unique case study for evaluating the potential advantages and constraints of such collaboration, especially in post-conflict states where the legitimacy of foreign actors remains contested.

This paper is guided by the following research problem: how have multilateral and bilateral cooperation contributed to the development, implementation, and effectiveness of justice mechanisms in post-genocide Rwanda? The research objective is to evaluate the impact of multilateral and bilateral cooperation on the design, implementation, and outcomes of justice mechanisms in post-genocide Rwanda.

This research is significant as it advances understanding of the relationship between justice mechanisms and international collaboration. Furthermore, it contributes to scholarly and policy debates on how justice systems can be made fairer, more responsive, and sustainable. The paper offers a constructivist interpretation of how international standards are negotiated and established, challenging traditional views of sovereignty, intervention, and normative diffusion from an international relations perspective.

The following section discusses the methodology and literature review, covering concepts such as transitional justice, Rwanda's post-genocide mechanisms, and international cooperation. The discussion and findings section analyses how

⁵ Rachel Andrew, 'HYBRID MODELS OF JUSTICE AND RWANDA'S POST-GENOCIDE RESPONSE' (MA Research Paper, The University of Western Ontario 2014) <<https://tjcentre.uwo.ca/documents/Rachael%20Andrew.pdf>> accessed 10 July 2025, 27.

multilateral and bilateral actors influenced the design, implementation, and effectiveness of Rwanda's justice institutions, and the study concludes by reviewing the lessons learned.

2. Methods and Methodology

This study, which evaluates the role of multilateral and bilateral cooperation in shaping post-genocide justice mechanisms, incorporates a qualitative research design based on a desk study. The study relies on secondary sources, including peer-reviewed scholarly articles, legal opinions, United Nations (UN) reports, government publications, non-governmental organisation (NGO) writings, and official statements from pertinent bilateral and multilateral organisations. This desk research methodology allows for a thorough evaluation of existing information while enabling the researcher to uncover gaps and tensions between different perspectives on Rwanda's justice process. Credible academic search engines, legal repositories, and validated institutional archives were examined in order to maintain reliability and intellectual rigour.

As stated, the author's study uses a qualitative method to examine this research rather than a quantitative approach based on statistical information. This approach is consistent as it involves categorising texts into themes and extending their examination of definitions and words.⁶ The dependability of qualitative content analysis is often expressed through credibility, verification, reliability, adaptability, and uniqueness⁷, which calls for a comprehensive examination of the content, background, and opinions found in the selected sources. Also, this chosen analysis method has a number of disadvantages despite its benefits. Since the research uses secondary sources, it is constrained by what has already been published and recorded, thereby limiting the paper to previously published and documented material. Furthermore, different stakeholder views influence how justice effectiveness is interpreted. However, the variety of available information offers an adequate foundation for comprehending the dynamics of international cooperation within Rwanda's judicial system. The overall credibility and analytical value of the paper are not affected by these limitations, which have been recognised as typical issues in secondary research.

Although there are numerous qualitative techniques, such as focus groups, discussion analysis, and observations,⁸ this research focuses on a qualitative compilation

⁶ Alan Bryman, *Social Research Methods* (Oxford University Press 2016), 11.

⁷ Satu Elo and Maria Kääriäinen, 'Qualitative Content Analysis: A Focus on Trustworthiness' (2014) 4(1) Sage Journals 1.

⁸ Steven Tenny, Janelle M. Brannan and Grace D Brannan, 'Qualitative Study' [2022] National Library of Medicine, 1.

and an assessment of academic materials, given the limited time, facilities, and ethical concerns associated with conducting primary research in a post-conflict setting. Nevertheless, the paper overcomes the shortfall by critically examining a broad range of viewpoints and academic discussions. The study meets its goal by providing a thorough and critical analysis of the research issue through the synthesis of numerous sources and its implementation of a theoretical framework.

Constructivism, an essential theory in international relations, serves as the theoretical basis for this study. Constructivism contends that identities, standards, and common perceptions influence state conduct in addition to material power and strategic goals.⁹ This theory becomes particularly applicable to Rwanda, where justice mechanisms were constantly shaped by the social construction of meaning between bilateral actors such as the US, Belgium, and France, as well as multilateral organisations including the United Nations. Constructivism offers a lens through which to analyse how Rwanda navigated its position in the global community after the genocide. It facilitates an assessment of how the nation upheld its sovereignty while interacting with international justice standards, particularly in the creation of the Gacaca courts. This approach further makes it possible to comprehend how power was employed to establish narratives, legal standards, and institutional legitimacy.

3. Literature Review

3.1 Transitional Justice in post-conflict contexts

The branch of international law known as ‘transitional justice’ tackles the issue of how to address historical, widespread abuses of human rights and humanitarian atrocities during a period of transition to democracy and peace.¹⁰ Crucially, global actors are often involved in transitional justice initiatives, which are never solely domestic in nature. Regardless of whether there are mechanisms in place, the global community continues to promote transitional justice in post-conflict countries as a crucial pillar of stability and enduring peace.¹¹ Mechanisms that play a preventative role in deterring revenge and the recurrence of conflicts include truth commissions, criminal accountability, reparations and institutional reforms. Justice mechanisms

⁹ Isa Erbas, ‘Constructivist Approach in Foreign Policy and in International Relations’ (2022) 6(3) *Journal of Positive School Psychology* 5087, 5088.

¹⁰ Anja Seibert-Fohr, *Transitional Justice in Post-Conflict Situations* (Max Planck Encyclopedias of International Law [MPIL] 2019) <<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e419>> accessed 9 July 2025.

¹¹ Eirin Mobekk, ‘Transitional Justice in Post-Conflict Societies – Approaches to Reconciliation’ (2005) <www.bmlv.gv.at/pdf_pool/publikationen/10_wg12_psm_100.pdf> accessed 9 July 2025, 261.

in post-conflict settings often struggle to maintain a balance between conflicting demands, punitive justice, political order, and reconciliation.¹²

Globally, transitional justice has evolved from purely retributive frameworks to a mixed restorative-retributive approach that incorporates societal recuperation, enabling perpetrators to take responsibility and victims to engage in retributive justice processes to rectify systemic power disparities.¹³ A wider range of transitional justice mechanisms is also being adopted by the international human rights community, while international collaboration remains crucial in forming these mechanisms.¹⁴

According to constructivism, transitional justice is a socially constructed approach to mass atrocities that is shaped by common standards of accountability and serves as a normative framework, that is, a methodical set of standards that both empower and constrain those who make decisions about transitional justice and, most significantly, influence the basis of transitional justice organisations.¹⁵ According to constructivism, international standards influence how states behave and how global politics operate, but they are also perceived and internalised distinctly based on local identity, history, and institutional capacity.¹⁶ Thus, transitional justice is a negotiated solution between local requirements and global standards rather than a universal format.

3.2 Justice Mechanisms in Post-Genocide Rwanda

Rwanda has been presented as an example of robust and speedy implementation of criminal accountability for crimes, while also abandoning a truth and reconciliation process as an aspect of its transitional justice strategy.¹⁷ Following the 1994 genocide, Rwanda was confronted with an unprecedented justice crisis. National courts,

¹² Joe Edet and B Kooffreh, 'Transitional Justice in Post Conflict Societies: Underscoring the Debates on Amnesty versus Victims' Rights' (2018) 73 Kooffre 139, 1.

¹³ ICTJ, *A Mixed Approach to International Crimes The Retributive and Restorative Justice Procedures of Colombia's Special Jurisdiction for Peace* (International Center for Transitional Justice (ICTJ) 2020) <www.ictj.org/sites/default/files/ICTJ_Report_Colombia_MixedProcedures.pdf> accessed 9 July 2025.

¹⁴ Eric Wiebelhaus-Brahm, 'Transitional Justice, Civil Society, and the Development of the Rule of Law in Post-Conflict Societies' (2007) 9(4) *The International Journal of Not-for-Profit Law*, 3.

¹⁵ Alana Tiemessen, 'TRANSITIONAL JUSTICE AS A NORMATIVE STRUCTURE: What to Expect When You're Expecting Accountability' (PHD, University of British Columbia 2008) <<https://cpsa-acsp.ca/papers-2008/Tiemessen.pdf>> accessed 9 July 2025.

¹⁶ Matthew J Hoffmann, 'Norms and Social Constructivism in International Relations' [2017] *Oxford Research Encyclopedia of International Studies*, 5.

¹⁷ Mark A Drumbl, 'Post-Genocide Justice in Rwanda' (2020) 22 *Journal of international peacekeeping* 247.

local Gacaca courts, and the ICTR were created to contribute to the development of nationwide reconciliation, support regional peacekeeping, and dispel negative opinions about the international community's neglect during the genocide.¹⁸ As a culturally and contextually relevant transitional technique,¹⁹ the Gacaca courts in Rwanda are an example that enriched traditional peacemaking and justice methods.²⁰ Gacaca judges heard more than 1.9 million claims between 2002 and 2012, making Gacaca the world's most extensive post-conflict justice initiative. By resolving harm at the individual and communal levels, the programme contributed to reconstructing Rwanda's social fabric.²¹ In order to resolve these genocide crimes, there was a widespread judicial response, with over 10,000 courts and 250,000 judges, as well as mass imprisonment, with over 130,000 people imprisoned.²² Yet the system faced criticism for its deficient fair trial standards, for posing significant ethical, practical, and efficacy issues. The root cause was Rwanda's attempt to deal with all of the perpetrators through a single justice mechanism, which exhausted the system. Instead, justice in post-conflict societies must use a variety of complementary strategies, such as truth commissions, traditional approaches, and the prosecution of key offenders, in order to effectively foster peace, stability, and reconciliation.²³ Accordingly, the establishment of the ICTR by the global political community, alongside grassroots initiatives directed through the Gacaca court system, shaped a legal pluralist framework. Despite the fact that this is not an ideal tool for accomplishing all reconciliation aims, it supports reconciliation as an approach that calls for both individual and collective transitional justice.²⁴

¹⁸ African Rights & REDRESS, *SURVIVORS AND POST-GENOCIDE JUSTICE IN RWANDA* (African Rights and REDRESS 2008) <<https://redress.org/wp-content/uploads/2018/01/Nov-08-Survivors-and-Post-Genoicide-Justice-in-Rwanda.pdf>> accessed 9 July 2025.

¹⁹ The incorporation of the traditional *nahe biti bot* dispute-resolution method into hearings in East Timor is another instance.

²⁰ Anja Seibert-Fohr, *Transitional Justice in Post-Conflict Situations* (Max Planck Encyclopedias of International Law [MPII] 2019) <<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e419>> accessed 9 July 2025.

²¹ Mary Triggiano, 'Justice After Genocide: Rwanda's Journey Towards Accountability and Healing – Marquette University Law School Faculty Blog' (*Marquette University Law School*, 13 January 2025) <<https://law.marquette.edu/facultyblog/2025/01/justice-after-genocide-rwandas-journey-towards-accountability-and-healing/>> accessed 10 July 2025.

²² Eirin Mobekk, 'Transitional Justice in Post-Conflict Societies – Approaches to Reconciliation' (2005) <www.bmlv.gv.at/pdf_pool/publikationen/10_wg12_psm_100.pdf> accessed 9 July 2025.

²³ *Ibid.*

²⁴ Leo C Nwoye, 'Partners or Rivals in Reconciliation? The ICTR and Rwanda's Gacaca Courts' (2014) 16(119) *San Diego International Law Journal*, 119.

3.3 International Cooperation in Transitional Justice

Anne K. Krüger's article 'The Emergence of a Transitional Justice Epistemic Community' exemplifies a novel global phase of transitional justice, that is, the development of a worldwide network of specialists, global foundations, and NGOs, as a key revolution and indispensable precondition for global collaboration in transitional justice procedures.²⁵ Teitel also frames this as a change in perspective from state-centric methods to a more comprehensive focus on non-state actors, which reflects the impact of globalisation.²⁶ In addition to concerns at the local/global level, the new global stage of transitional justice has been defined by a move away from extraordinary transitory solutions and toward 'steady-state' righteousness, which is most effectively illustrated by the creation of the permanent International Criminal Court (ICC).²⁷ Likewise, the ICTR was set up to fulfil the UN Charter's mandate to uphold global peace and security.²⁸

Global cooperation is demonstrated through bilateral partnerships, multilateral organisations, international NGOs, and donor governments. These actors offer technical aid, funding, legal proficiency, and political backing.²⁹ Nevertheless, cooperation is seldom neutral; it is entrenched in power asymmetries that can distress local activity, institutional design, and normative priorities.³⁰

Justice mechanisms are frequently co-produced by domestic and international actors in many post-conflict environments, influenced by a combination of foreign strategic objectives and local needs. For instance, the Rwandan government and foreign donors favourably backed the integration of Gacaca into Rwanda's national justice apparatus following the genocide, demonstrating shared objectives³¹. According to constructivism, such collaboration represents a process of norm diffusion in which justice is created by common discourse, perspectives, and

²⁵ Noemi Gal-Or and Birgit Schwelling, *Global Cooperation in Transitional Justice: Challenges, Possibilities, and Limits* (Centre for Global Cooperation Research, Duisburg-Essen University 2015) 1,9.

²⁶ Ruti Teitel, 'Transitional Justice Globalized' [2008] *The International Journal of Transitional Justice* 1-4.

²⁷ Noemi Gal-Or and Birgit Schwelling, *Global Cooperation in Transitional Justice: Challenges, Possibilities, and Limits* (Centre for Global Cooperation Research, Duisburg-Essen University 2015) 1,10.

²⁸ Abdullah Omar Yassen, 'International Cooperation: From the ICTY and ICTR to the ICC' (2017) 7(1) *Journal of Polytechnic* 1, 165.

²⁹ Advisory council on international affairs, *Interaction between actors in international cooperation towards flexibility and trust* (No. 82, Advisory council on international affairs 2013) 1.

³⁰ Dustin N Sharp, 'Addressing Dilemmas of the Global and the Local in Transitional Justice' (2014) 29(1) *Emory International Law Review* 71, 107.

³¹ Ibid.

interpretations rather than being confined to capacity-building. According to Alana Tiemessen, while domestic institutions have come to understand the practical necessity of employing complementary approaches to attain accountability, the global community is gradually moving from merely endorsing to actively directing restorative justice mechanisms, such as truth commissions.³²

3.4 Multilateral and Bilateral Cooperation in Post-genocide Rwanda

Some Western nations have apologised for their role in the genocide and currently, Kigali is considered a global 'aid darling', receiving almost \$1 billion a year from foreign countries, making it one of the largest recipients of aid per capita in East Africa.³³ A significant proportion of the overall aid to Rwanda is provided by NGOs and multilateral organisations, many of which implement direct programming in Rwanda instead of collaborating with the government.³⁴ Accordingly, international assistance was instrumental in reconstructing justice mechanisms. Multilateral cooperation arose mainly through the United Nations (UN), which recognised the ICTR that adjudicated claims against the key leaders of the genocide, while the national court system focused on those responsible for its planning.³⁵ Furthermore, a small number of nations, including Belgium, Canada, Switzerland, the United Kingdom (UK), the United States (US), the Netherlands, Finland, New Zealand and Germany, sought to investigate and prosecute genocide suspects discovered on their territory, as they were concerned about the political consequences of being perceived as offering a safe haven for such alleged perpetrators.³⁶

Another source of the justice framework was international conventions, along with multilateral and bilateral agreements that Rwanda has signed. Sub-regional

³² Alana Tiemessen, 'TRANSITIONAL JUSTICE AS A NORMATIVE STRUCTURE: What to Expect When You're Expecting Accountability' (PHD, University of British Columbia 2008) <<https://cpsa-acsp.ca/papers-2008/Tiemessen.pdf>> accessed 9 July 2025.

³³ Mariel Ferragamo, 'Thirty Years After Rwanda's Genocide: Where the Country Stands Today' (*Council on Foreign Relations*, 2024) <www.cfr.org/in-brief/thirty-years-after-rwandas-genocide-where-country-stands-today> accessed 10 July 2025.

³⁴ Peter Uvin, 'Difficult choices in the new post-conflict agenda: the international community in Rwanda after the genocide' (2001) 22(2) *Third World Quarterly* 177, <<http://dx.doi.org/10.1080/01436590120043291>> accessed 10 July 2025.

³⁵ Mariel Ferragamo, 'Thirty Years After Rwanda's Genocide: Where the Country Stands Today' (*Council on Foreign Relations*, 2024) <www.cfr.org/in-brief/thirty-years-after-rwandas-genocide-where-country-stands-today> accessed 10 July 2025.

³⁶ African Rights & REDRESS, *SURVIVORS AND POST-GENOCIDE JUSTICE IN RWANDA* (African Rights and REDRESS 2008) <<https://redress.org/wp-content/uploads/2018/01/Nov-08-Survivors-and-Post-Genocide-Justice-in-Rwanda.pdf>> accessed 9 July 2025.

legal instruments, memorandums of understanding, existing extradition treaties and mutual legal support are all in effect and serve as a forum for criminal case handling involving genocide.³⁷ Such partnerships played a significant role in bolstering Rwanda's domestic judiciary, facilitating inquiries, and permitting suspect extradition. Nevertheless, historical political events, diplomatic difficulties, and conflicting narratives additionally impacted bilateral and international partnerships. For example, France's acknowledgement of complicity in the genocide made its bilateral assistance challenging.³⁸ Donor-driven justice frameworks sometimes operated counter to Rwanda's internal agenda, particularly when the nation attempted to regain control over its own justice discourses and reclaim sovereignty.³⁹

Moreover, Rwanda's leadership, predominantly under President Paul Kagame, was highly strategic in handling external affairs.⁴⁰ While accepting aid and support, the government resisted external condemnation of its justice mechanisms by prioritising Gacaca's broader, community-based approach rooted in moral and communal identities, even though Western actors pressed for retributive justice.⁴¹ This act echoes what constructivists define as norm localisation, where states adapt international values to fit local political and cultural settings.

Critically, there remains a research gap on how multilateral and bilateral cooperation impacted the design, implementation, and outcomes of Rwanda's justice mechanisms. While institutional evaluations exist, few studies investigate the cooperative processes that developed these systems. This study fills that gap by critically examining the roles and implications of bilateral and multilateral cooperation in Rwanda's post-genocide justice trajectory. It highlights how global norms were incorporated into domestic practices and how Rwanda both participated with and resisted external influences in building its path to justice by utilising constructivist theory.

³⁷ Siboyintore John Bosco, Kimanuka Oscar and Ngarambe Prudence, 'Impact of International Cooperation on the Fight against Genocide in Rwanda: A Case Study of National Public Prosecution Authority' (2024) 11(8) *Journal of Emerging Technologies and Innovative Research* 352, 354.

³⁸ Barbara Wojazer and Melissa Bell, 'Macron seeks forgiveness for France's role in Rwanda genocide, but stops short of apology | CNN' (*CNN*, 27 May 2021) <<https://edition.cnn.com/2021/05/27/africa/rwanda-france-genocide-macron-forgiveness-intl/index.html>> accessed 10 July 2025.

³⁹ Cyanne E Loyle, 'Transitional justice and political order in Rwanda' (2017) 41(4) *Ethnic and Racial Studies* 663, <<http://dx.doi.org/10.1080/01419870.2017.1366537>> accessed 10 July 2025.

⁴⁰ Mehari Taddale Maru, 'Rwanda and President Kagame | Al Jazeera Centre for Studies' (*Al Jazeera Centre for Studies*, 9 September 2017) <<https://studies.aljazeera.net/en/reports/2017/09/rwanda-president-kagame-170909121048238.html>> accessed 10 July 2025.

⁴¹ Seth D Kaplan, *Human Rights in Thick and Thin Societies: Universality without Uniformity* (Cambridge University Press 2018) 162-183.

4. Discussion and Findings

4.1 Impact of Multilateral Cooperation on Rwanda's Justice Mechanisms

4.1.1. Contribution to the Development and Design of Justice Mechanisms

The early post-genocide judicial actions in Rwanda were influenced by multilateral cooperation, especially through the United Nations and the international development agencies.⁴² As discussed in the literature review, the most notable example was the creation of the ICTR by UN Security Council Resolution 955 in 1994. Intended to indict those most accountable for genocide and crimes against humanity, the ICTR demonstrated international normative standards of international justice and accountability, which in turn reinforced the ICTR's role in promoting justice and reconciliation.⁴³ However, the creation of the ICTR may be interpreted as a manifestation of global collective guilt, in which the international community actively participated in post-conflict efforts to find consolation.⁴⁴ From a constructivist lens, ICTR signified a transnational norm construction process in which global legal standards were embedded in Rwandan post-genocide recovery.

The fact that the ICTR was located outside Rwanda remains a contentious element that undermines reconciliation objectives, as the Rwandan government objected to the tribunal being hosted not on Rwandan territory, but instead in Arusha, Tanzania⁴⁵. In terms of design, the ICTR's framework accentuated international legal legitimacy but failed to integrate local cultural or justice preferences. As shown in the table below, the ICTR prioritised international legal legitimacy by focusing on high-level perpetrators and applying formal processes in Arusha, far from Rwanda, thereby limiting survivors' accessibility and engagement.

⁴² Minaffet, 'Economy and Business' (*minaffet.gov.rw*, 2025) <www.minaffet.gov.rw/bilateral-and-multilateral-cooperation> accessed 10 July 2025.

⁴³ UN, 'The ICTR in Brief | United Nations International Criminal Tribunal for Rwanda' (*United Nations International Criminal Tribunal for Rwanda*, 2014) <<https://unictr.irmct.org/en/tribunal>> accessed 10 July 2025.

⁴⁴ Maria Sebastian, 'Justice Sector Reform in Rwanda: A Space of Contention or Consensus?' [2010] Independent Study Project (ISP) Collection 1,23.

⁴⁵ Ibid.

Feature	ICTR (Multilateral)	Gacaca courts (Domestic)
Location	Arusha, Tanzania	Local Rwandan communities
Focus	Top-level Perpetrators	Crimes committed by ordinary people
Participation	Less voice of survivors in trials	High community engagement
Legal Formalism	International legal procedures	Participatory justice

Table 1: Comparative overview of ICTR and Gacaca design elements.
 Source: Author developed using the Journal Article of Sebastian⁴⁶

It can therefore be argued that, while the ICTR’s establishment marked a symbolic commitment to global justice, its design revealed the gap between normative intent and domestic legitimacy. As shown in Table 1, the ICTR’s multilateral model lacked the local participatory and restorative justice that many Rwandans valued. From a constructivist perspective, the author opines that this disconnect reflects a mismatch in the internalisation of global norms, where a universalist, legalistic framework was prioritised over Rwanda’s cultural recollection and expectations of justice.

4.1.2. Operational Realities and Multilateral Dynamics

The implementation of the ICTR exposed deep strains between Rwanda and the international community. The ICTR functioned from 1995 to 2015 and convicted 93 individuals for crimes against humanity, genocide, and war crimes,⁴⁷ and the tribunal was formally shut down on 31 December 2015, with the Residual Mechanism assuming most of its functions.⁴⁸ Public disenchantment was caused by its operational inefficiencies, exorbitant expenses, protracted trials, and the small number of prosecutions.⁴⁹ Moreover, Rwanda objected to certain ICTR measures, such as the decision not to enforce the death penalty, which contravened local legal frameworks

⁴⁶ Ibid.

⁴⁷ As defined by Article 3 of the 1949 Geneva Convention

⁴⁸ Patrick Rowanda and Susanne Buckley-Zistel, *Changing Patterns of Acceptance. International Criminal Justice after the Rwandan Genocide* (International Nuremberg Principles Academy 2017) <www.nurembergacademy.org/fileadmin/publications_images/changing-patterns-of-acceptance-international-criminal-justice-after-the-rwandan-genocide/Rwanda.pdf> accessed 9 July 2025.

⁴⁹ Ibid.

at the time. In response to tribunal calls, Rwanda abolished capital punishment in the Death Penalty Abolition Act and provided for life imprisonment to be the maximum punishment that could be imposed on a guilty individual in a case transferred to Rwanda from the ICTR.⁵⁰ From a constructivist lens, these dynamics illustrate the difficulties of norm diffusion. While Rwanda acknowledged the value of multilateral assistance, it selectively internalised global norms, modifying them to suit its political and societal context. This selective involvement shows agency in norm localisation.

4.1.3. Outcomes and Effectiveness

As discussed in section 4.1.1, the ICTR, as a multilateral justice mechanism, had mixed effectiveness. On the one hand, it contributed to international justice frameworks by establishing significant legal precedents, such as the historic case of *The Prosecutor v Jean-Paul Akayesu*,⁵¹ which was the first instance in which rape was regarded as an act capable of constituting genocide. On the other hand, the ICTR's limited prosecutions and disconnection from victims hindered its local influence, as it did not focus on personal healing, forgiveness, and apology, objectives more aligned with the community efforts supported by the Gacaca system.⁵² However, critics contend that it was not only the employment of Gacaca which was used for a particular political purpose, but rather the procedure itself that was controlled in a manner that consolidated the power structure of the RPF government. Through the Rwandan study, it is possible to understand that the acceptance of transitional justice emphasises the ways in which governments employ transitional justice as an instrument of political order.⁵³ From a legal pluralist standpoint, most condemnations of the ICTR and Gacaca have become inconsequential, as their dual approach enhances global awareness, promotes transitional justice from top-down and grassroots levels, and encourages reconciliation on both individual and communal dimensions.

In contrast to the ICTR, multilateral cooperation reinforced the eventual advancement of Rwanda's local justice system, such as the National Commission for Human Rights, which is a constitutional entity provided for in Article 139 of the

⁵⁰ Dennis Byron, 'The Impact of International Criminal Law on Domestic Jurisdictions', *International Conference on the "Legacy of the ICTR"* (University of Johannesburg 2013) 1,4.

⁵¹ ICTR-96-4-T, International Criminal Tribunal for Rwanda (ICTR), 2 September 1998

⁵² Leo C Nwoye, 'Partners or Rivals in Reconciliation? The ICTR and Rwanda's Gacaca Courts' (2014) 16(119) *San Diego International Law Journal* 119, 171.

⁵³ Cyanne E Loyle, 'Transitional justice and political order in Rwanda' (2017) 41(4) *Ethnic and Racial Studies* 663, <<http://dx.doi.org/10.1080/01419870.2017.1366537>> accessed 10 July 2025.

Rwandan Constitution.⁵⁴ These reforms, although externally embraced, were nationally led and aligned with Rwanda's objective of reclaiming sovereignty and post-genocide legitimacy.

According to a UNDP report from 2023, Rwanda has one of Africa's most effective post-conflict justice systems. By December 2023, e-Courts had processed 1,816 cases, providing all parties involved with a simplified legal process with reduced expenses and greater convenience.⁵⁵ However, the author argues that while Rwanda's justice system is efficient and technologically sophisticated, the underlying question remains whether justice is truly independent and whether freedom of expression is genuinely upheld.

Nevertheless, as a form of reparation, the international community's multilateral efforts could be seen during commemorations. As Rwandans rethink their road toward recovery, the 30th commemoration of the genocide indicates a position in which leaders, experts, and civil society actors are advancing the African Union's Transitional Justice Policy. This policy, implemented in 2019, defines common standards and provides standards for how governments can utilise transitional justice to aid African nations in moving from a fractured past to a shared goal of lasting peace.⁵⁶ This showcases that the international community must learn from the Rwandan genocide to avert future atrocities.

4.2 Impact of Bilateral Cooperation on Justice Mechanisms

4.2.1 Contribution to the Development and Design of Justice Mechanisms

The Rwandan government, through the Ministry of Foreign Affairs and International Cooperation, actively fosters bilateral collaboration internationally through three directorates covering Asia and the Pacific, Africa, and Europe and the Americas.⁵⁷

⁵⁴ Ministry of Justice Rwanda, *THE NATIONAL HUMAN RIGHTS ACTION PLAN OF RWANDA : 2017-2020* (Ministry of Justice 2017) <www.humanrights.dk/files/media/document/Rwanda%20NHRAP%202017-2020.pdf> accessed 10 July 2025.

⁵⁵ UNDP, *UNDP Annual Report 2023* (United Nations Development Programme (UNDP) 2023) <www.undp.org/sites/g/files/zskgke326/files/2024-04/undp_ar_2023_high_quality_res__0.pdf> accessed 10 July 2025.

⁵⁶ ICTJ, 'Thirty Years On, Lessons from Rwanda on Transitional Justice and Atrocity Prevention in Africa | International Center for Transitional Justice' (*International Center for Transitional Justice (ICTJ)*, 2024) <www.ictj.org/latest-news/thirty-years-lessons-rwanda-transitional-justice-and-atrocity-prevention-africa> accessed 10 July 2025.

⁵⁷ Minaffet, 'Economy and Business' (*minaffet.gov.rw*, 2025) <www.minaffet.gov.rw/bilateral-and-multilateral-cooperation> accessed 10 July 2025.

The European Union, Belgium, Switzerland, and Japan have invested about \$4.2 million in the rehabilitation of judicial structures.⁵⁸

Bilateral cooperation allowed Rwanda to construct its legal institutions with focused, often adaptable assistance. For instance, the Netherlands has collaborated on various facets of justice, including infrastructural development, judicial and law enforcement reforms, and the search for perpetrators of genocide.⁵⁹ Additionally, it provided financial support for the enhancement of Rwanda's legal system between 2014 and 2018.⁶⁰ The Netherlands' €9.3 million bilateral funding⁶¹ to Rwanda echoes a tailored, negotiated method to justice support, highlighting long-term capacity-building through dedicated judicial training, vocational rehabilitation in prisons, and institutional care, signifying sustained alignment with Rwanda's emerging justice priorities. According to constructivism, these relations are co-constructed, with both Rwanda and its partners engaging in a process of identity negotiation in which actors strike a balance between achieving their interaction goals and sustaining their identity-related objectives, such as the desire for coherence.⁶²

4.2.2 Implementation and Bilateral Dynamics

Given the above bilateral dynamics, the Netherlands has displayed an enduring commitment to supporting Rwanda's implementation of justice mechanisms by assisting in the localisation of justice services and bolstering the Integrated Electronic

⁵⁸ ACBF, *Studies in reconstruction and capacity building in post-conflict countries in africa* (EB/R31 -OC/5 -2A2, The African Capacity Building Foundation (ACBF) (2003) 1,32 <<https://elibrary.acbfpact.org/acbf/collect/acbf/index/assoc/HASH01c6/e1db6c54/8f2e4da5/556d.dir/Thematic91.pdf>> accessed 10 July 2025.

⁵⁹ Edmund Kagire, 'Rwanda, The Netherlands to Strengthen Further Judicial Cooperation' (*KT PRESS*, 2021) <www.ktpress.rw/2021/06/rwanda-the-netherlands-to-strengthen-further-judicial-cooperation/> accessed 10 July 2025.

⁶⁰ Netherlands Ministry of Foreign Affairs, *Country Report on Human Rights and Justice in Rwanda* (Netherlands Ministry of Foreign Affairs 2018) 1, 27 <www.rodra.co.za/images/countries/rwanda/country_reports/Netherlands%20Ministry%20of%20Foreign%20Affairs%20Country%20Report%20on%20Human%20Rights%20and%20Justice%20in%20Rwanda.pdf> accessed 9 July 2025.

⁶¹ MINECOFIN, 'Rwanda's Government receives EUR 9.3 million support for the Justice sector' (*Home*, 18 June 2019) <www.minecofin.gov.rw/news-detail/rwanda-s-government-receives-eur-9-3-million-support-for-the-justice-sector#:~:text=Rwanda's%20Government%20receives%20EUR%209.3,vocational%20skills%20and%20a%20diploma> accessed 10 July 2025.

⁶² William B Swann and Jennifer Bosson, *Handbook of personality: Theory and research ; Chapter 17* (3rd edn, The Guilford Press 2008).

Case Management System to guarantee a quicker and more efficient way to administer justice.⁶³

Nevertheless, bilateral cooperation is also marked by friction. Rwanda's relationship with France remained strained due to its alleged complicity in the genocide.⁶⁴ This tension impacted legal cooperation and diplomatic affairs, as Rwanda severed its diplomatic relations with France and created two independent commissions, whose 2008 and 2010 reports found that France was complicit in the genocide.⁶⁵ Conversely, despite Belgium's colonial legacy, Belgium-Rwanda cooperation strengthened due to their mutual interest in restoring post-conflict governance.⁶⁶ However, as a notable diplomatic shift, Rwanda suspended its bilateral development collaboration with Belgium in 2025, citing past grievances and current political tensions, such as Belgium's purported politicisation of aid and intrusion on Rwanda's sovereignty amidst the ongoing crisis in the Eastern Democratic Republic of Congo (DRC).⁶⁷ Through a constructivist perspective, the author views the post-genocide implementation of justice in Rwanda as shaped not only by financial aid but by the evolving identities, political values, and historical narratives ingrained in bilateral partnerships. While cooperation with the Netherlands indicates a common normative commitment to community-based justice and institutional reform, pressures with France and the breakdown of ties with Belgium illustrate how conflicting histories and competing interpretations of sovereignty and transparency affect the success or failure of justice alliances. This emphasises that justice mechanisms are socially constructed processes and not merely technical activities, but are inherently political, contingent on shared trust and changing geopolitical interests.

⁶³ Edmund Kagire, 'Rwanda, The Netherlands to Strengthen Further Judicial Cooperation' (*KT PRESS*, 2021) <www.ktpress.rw/2021/06/rwanda-the-netherlands-to-strengthen-further-judicial-cooperation/> accessed 10 July 2025.

⁶⁴ Barbara Wojazer and Melissa Bell, 'Macron seeks forgiveness for France's role in Rwanda genocide, but stops short of apology | CNN' (*CNN*, 27 May 2021) <<https://edition.cnn.com/2021/05/27/africa/rwanda-france-genocide-macron-forgiveness-intl/index.html>> accessed 10 July 2025.

⁶⁵ Filip Reyntjens, 'France and Rwanda sacrifice truth at the alter of reconciliation' [2021] *World Politics Review* 1, 2.

⁶⁶ MINAFFET, 'Brief historical timeline: belgium in rwanda' (*minaffet.gov.rw*, 2025) <www.minaffet.gov.rw/updates/news-details/brief-historical-timeline-belgium-in-rwanda> accessed 10 July 2025.

⁶⁷ MINAFFET, 'RWANDA SUSPENDS DEVELOPMENT COOPERATION WITH BELGIUM' (*minaffet.gov.rw*, February 2025) <www.minaffet.gov.rw/updates/news-details/rwanda-suspends-development-cooperation-with-belgium> accessed 10 July 2025.

4.2.3 Outcomes and Effectiveness

As discussed in section 4.2.2, bilateral cooperation significantly boosted Rwanda's institutional capacity while bolstering the performance of national courts and facilitating the computerisation of legal processes. Rwanda's judicial system performed better in 2023–2024 and during the preceding five years, as the backlog of cases decreased from 62% in 2022–2023 to 59% in 2023–2024, with disposed cases exceeding filed cases by 2%.⁶⁸ These advancements imply that bilateral cooperation has strengthened Rwanda's performance in the judicial sector, particularly in the area of digital case management. Rwanda must, however, strike a balance between preserving national control over its legal system and maintaining international credibility.⁶⁹ For external actors, the task is to interact diplomatically and refrain from enforcing strict justice systems, requiring evolving collaboration models that are based on context-sensitivity, mutual respect and norm pluralism.

Furthermore, Rwanda's increasing self-reliance and economic growth, reflected in an 8.9% real GDP growth rate as of 2024,⁷⁰ have shifted its reliance away from foreign donors, reducing the leverage of bilateral and multilateral actors. Yet, there remains a need for global legitimacy, particularly in adjudicating fugitives and fostering regional collaboration.

Nevertheless, the effectiveness of this cooperation must be critically analysed beyond quantitative measurements. While bilateral assistance has bolstered legal functionality, it is also subject to criticism for permitting political repression by evading key human rights safeguards. The UK-Rwanda Migration and Economic Development Partnership, for example, is illustrative of this tension, as it provided Rwanda with monetary and political support while circumventing its documented history of political suppression and human rights abuses. However, in 2023, the UK Supreme Court held this cooperation to be unlawful, referring to Rwanda's past practice of refolement and holding that it could not be treated as a safe third country

⁶⁸ judiciary.gov.rw, *The Judiciary Performance For The Year 2023-2024* (judiciary.gov.rw 2024) <www.judiciary.gov.rw/index.php?eID=dumpFile&t=f&f=105108&token=85feda6111e61730f0f554f161970cfce31cde6b> accessed 9 July 2025.

⁶⁹ Jackson Nyamuya Maogoto, 'International Justice for Rwanda Missing the Point: Questioning the Relevance of Classical Criminal Law Theory' [2001] *Bond Law Review* <<http://dx.doi.org/10.53300/001c.5370>> accessed 10 July 2025.

⁷⁰ World Bank Group, 'Rwanda's Economy Registers Robust Growth in 2024 Despite Global Challenges' (*World Bank*, 1 April 2025) <www.worldbank.org/en/news/press-release/2025/04/01/rwandas-afe-economy-registers-robust-growth-in-2024-despite-global-challenges> accessed 10 July 2025.

for asylum seekers.⁷¹ Yet, the UK controversially continued to consider Rwanda as a destination for the transfer of migrants, and the US has sought Rwanda's assistance in deterring Russia's paramilitary Wagner Group from spreading around the continent.⁷² Such interactions of conflicting political interests in post-conflict contexts pose challenging decisions for peacebuilding and recuperation procedures in failed states.⁷³ This raises concerns that bilateral collaboration may inadvertently legitimise authoritarian governance in the absence of robust accountability structures.

Moreover, the moral validity of Rwanda's reforms to its system of justice is exacerbated by its regional actions. Rwanda has confronted global criticism for its purported assistance to the March 23 Movement (M23) rebel group in the DRC, with UN documents indicating their involvement, despite denials by President Kagame. However, experts claim that Rwanda's interference in eastern Congo reflects Kagame's desire to establish regional power and gain access to mineral resources.⁷⁴ The author views that the long-term viability and sustenance of justice reforms may be jeopardised if bilateral partners ignore such geopolitical complications for strategic or economic reasons. Even though bilateral collaboration has strengthened Rwanda's justice system, its efficacy is constrained by the absence of protections for human rights, the politicised application of aid, and Rwanda's contentious regional actions. This emphasises the necessity of evaluating judicial reforms in conjunction with political accountability.

5. Conclusion

The post-genocide rehabilitation of Rwanda illustrates a unique and intricate interplay between domestic resolve and international collaboration. Multilateral and bilateral actors played substantial roles in shaping justice mechanisms aimed at addressing the mass acts of violence in 1994. The paper identified that, as a form of multilateral cooperation, the establishment of the ICTR illustrated the international community's dedication to legal accountability. However, it also showed

⁷¹ Ohchr.org, 'Experts welcome announcement to end UK-Rwanda asylum partnership' (*ohchr.org*, 10 July 2024) <www.ohchr.org/en/press-releases/2024/07/experts-welcome-announcement-end-uk-rwanda-asylum-partnership> accessed 10 July 2025.

⁷² Mariel Ferragamo, 'Thirty Years After Rwanda's Genocide: Where the Country Stands Today' (*Council on Foreign Relations*, 2024) <www.cfr.org/in-brief/thirty-years-after-rwandas-genocide-where-country-stands-today> accessed 10 July 2025.

⁷³ Joe Edet and B Kooffreh, 'Transitional Justice in Post Conflict Societies: Underscoring the Debates on Amnesty versus Victims' Rights' (2018) 73 *Kooffre* 139, 139.

⁷⁴ Mariel Ferragamo, 'Thirty Years After Rwanda's Genocide: Where the Country Stands Today' (*Council on Foreign Relations*, 2024) <www.cfr.org/in-brief/thirty-years-after-rwandas-genocide-where-country-stands-today> accessed 10 July 2025.

that there were limitations in accessibility, cultural disconnection, and operational inefficiencies. Bilateral partnerships, particularly with countries like the Netherlands, offered tailored assistance for institutional reform and technological modernisation for its justice system. Nevertheless, it was discernible that such cooperation was not always ideologically neutral but was also shaped by geopolitical interests, historical grievances, and donor-driven agendas, complicating these relationships, as seen in the cases of France and Belgium. From a constructivist perspective, Rwanda's trajectory confirms that justice is not a universal design but a negotiated result between domestic principles and international norms. Its experience indicates the significance of norm localisation, where global norms are adapted to local realities. However, for transitional justice to be worthwhile and sustainable, it must be attended by honest political accountability, inclusive contribution, and respect for human rights. This paper, therefore, determines that Rwanda's post-genocide justice is a product of intricate, strategic international cooperation. The paper calls for a critical rethinking of global participation in transitional justice to bolster more flexible and context-sensitive methods that focus on local agency while complying with global standards.

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ULOGA MULTILATERALNE I BILATERALNE SURADNJE U RAZVOJU MEHANIZAMA PRAVDE U RUANDI NAKON GENOCIDA

SAŽETAK

Genocid u Ruandi 1994. godine pripada među najstrašnije događaje u povijesti međunarodnih kršenja ljudskih prava jer je doveo do sustavnoga ubojstva gotovo 800.000 osoba. Nakon genocida Ruanda se suočila s golemim zadatkom nacionalne obnove uz koju je bilo nužno ponovno uspostaviti pravdu, provesti pomirenje, a uz sve to bio je nužan i međunarodni angažman. Iako su značajna znanstvena istraživanja proučavala institucionalne aspekte pravosudnih mehanizama poput Međunarodnog kaznenog suda za Ruandu (ICTR) i sudova Gacaca, relativno ograničena pozornost posvećena je ulozi bilateralne i multilateralne suradnje u oblikovanju pravosudnih postupaka u Ruandi nakon genocida. U članku se analizira kako su bilateralni i multilateralni akteri pridonijeli osmišljavanju, provedbi i učinkovitosti mehanizama pravde u Ruandi nakon genocida. Naime, u svjetlu globalne neaktivnosti tijekom genocida oslanjanje Ruande na međunarodnu suradnju u obnovi pravosudnih sustava pruža ključnu perspektivu za preispitivanje međunarodnih odnosa, osobito rasprava vezanih uz tranzicijsku pravdu. Istraživanje analizira kako su multilateralna i bilateralna partnerstva oblikovala razvoj, provedbu i rezultate pravosudnog okvira u Ruandi. Oslanjajući se na kvalitativnu metodologiju utemeljenu na sekundarnim izvorima, uključujući recenzirane časopise i institucionalna izvješća, te na teoriju konstruktivizma, ovaj rad kritički procjenjuje kako je ruandsko pravosuđe oblikovano društvenim konstrukcijama pravde i međunarodne suradnje nakon genocida. Zaključno, potvrđuje se da međunarodna suradnja, kada je usklađena s domaćim prioritetima, može potaknuti kontekstualno osjetljive pravosudne procese i dovesti u pitanje konvencionalne stavove o intervenciji.

Ključne riječi: Ruanda nakon genocida, multilateralna suradnja, bilateralna suradnja, mehanizmi pravde, konstruktivizam

KASUNI PRASADINI Somarathna diplomirala je međunarodne odnose na sveučilištu Girne American University, stekla je diplomu prava (viši stupanj) Pravnoga fakulteta Sveučilišta u Colombu i trenutačno je u postupku stjecanja kvalifikacije za odvjetnika. Njezino radno iskustvo uključuje praksu u Komisiji za ljudska prava Šri Lanke pod vodstvom glavnoga tajnika Ranjitha Uyangode. To iskustvo produbilo je njezin interes za ulogu institucija i prava u oblikovanju upravljanja, a njezini ostali istraživački interesi uključuju javne politike, javnu upravu, rodnu ravnopravnost i politiku, tranzicijsku pravdu te upravljanje nakon sukoba.