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EDITORIALS/OPINION

Rwanda Panel's Legacy: They Can Run but Not Hide

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ARUSHA, Tanzania — The arrest in London of General Augusto Pinochet of Chile raises new hope that responsible members of the international community will not forget crimes against humanity committed by political rulers, but will seek ways to punish them and thus deter such future crimes.

But the most important precedent-setting case of this kind has emerged from a United Nations tribunal in Africa that has struck the most effective judicial blow against impunity to date.

On Sept. 4, the International Criminal Tribunal for Rwanda, in the northeastern Tanzanian town of Arusha, sentenced Rwanda's former prime minister, Jean Kambanda, to life imprisonment for genocide and crimes against humanity. It was the first time an individual has been punished for genocide by an international tribunal.

Mr. Kambanda had pleaded guilty to these crimes, essen-

tially admitting that the criminal enterprise of Rwanda's mass killings was a state-sponsored plan aimed at wiping out the country's Tutsi ethnic minority.

This judgment was a landmark in international law. In the years after World War I, several unsuccessful attempts were made to establish international tribunals to prosecute individuals responsible for war crimes. But international criminal justice took root only after World War II with the tribunals set up by the Allied powers in Nuremberg and Tokyo to prosecute German and Japanese war criminals.

It was not until 1948 that the UN General Assembly adopted the Genocide Convention, a treaty requiring the signatory countries to prevent and punish genocide.

Yet international penal tribunals are less than perfect

responses to mass atrocities for a number of reasons. Only a relatively small number of people can be tried. Trials are unavoidably lengthy because of the intricacies of judicial proceedings, not least the need to respect due process. All this can try the patience of victims and observers and raise questions about the court's true deterrent effect.

But what is the alternative? Do nothing and let vigilante justice run its course? Or take shortcuts with the judicial process and risk undermining its credibility? Neither can be acceptable.

The trials at the Rwanda tribunal in Arusha are especially important for Africa because the court is adjudicating crimes committed in a civil war that was similar to many others in the continent.

The Arusha tribunal's work tells Africans that there is hope

for redress of crimes against humanity, and sends a message to the leaders and warlords on the continent who are retarding its political evolution, economic development and social cohesion. It is planting a seed which — while it may not completely eliminate an evil impulse that has reared its head in this century in World War II Europe, Cambodia and the former Yugoslavia — should give potential perpetrators of genocide reason to rethink before they act.

As the drama of General Pinochet's arrest demonstrates, those who commit serious crimes against humanity may try to run, but they can no longer hide.

The writer is legal adviser to the International Criminal Tribunal for Rwanda. This comment is adapted from a longer article distributed by the Los Angeles Times Syndicate.