

The Challenges of Ensuring that Justice is Done and is Seen to be Done in Post- Ethnic Conflicts: The Case of Rwanda¹

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ABSTRACT The principle of ensuring that justice is done and is seen to be done' in post- ethnic conflicts countries such as Rwanda has been and remains a controversial and a far-fetched objective in post-inter-ethnic conflict countries such as Rwanda. The methodology applied in this paper is essentially a qualitative approach and relies on the analysis of the available literature. Using the analysis of available literature, the paper seeks to demonstrate why it is difficult for the winners of the Rwandan conflict to "*ensure that justice is done and is seen to be done*" by the alleged suspects of the Rwandan genocide. The paper rejects the claims of impartiality when the judges and the prosecutors have direct and indirect personal interests on the issues they are presiding over. The paper argues that in order for to avoid the "victor's justice", the judges must be impartial and not be part of the conflict they adjudicate. The paper further argues that for the Rwandan judges to be impartial they must not be under external influence. The Rwandan judges have personal interests in the outcome of the Rwandan genocide trials. The paper recommends that the prosecution of crimes of genocide and genocide ideologies in Rwanda be done by competent and independent courts of justice which are not party to the alleged crimes they have prosecuted.