

# 'Justice seen is Justice done?' - Assessing the Impact of Outreach Activities by the International Criminal Tribunal for Rwanda (ICTR)

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## Abstract

*By referring to the International Criminal Tribunal for Rwanda (ICTR) as a case study, this paper seeks to explore the impact of outreach activities by international criminal tribunals. Building upon primary field research findings, including twenty-seven in-depth interviews and focus group discussions with 108 respondents, this paper applies a theory-driven investigation of the impact of outreach activities by the ICTR. Contrary to the theoretical argument, on a national level throughout society over time, outreach activities by the ICTR did neither increase awareness and understanding, nor shape positive perceptions towards the Tribunal and its expected contribution to reconciliation. Furthermore, a comparison of groups of outreach participants and control groups shows that outreach did increase the level of knowledge among beneficiaries of such activities. An increased understanding, however, cannot be correlated with more positive perceptions towards the Tribunal or its role in promoting reconciliation.*

## KEY WORDS:

*ICTR, International Criminal Justice, Transitional Justice, Rwanda*

## Introduction

In addition to judicially prosecuting and punishing grave crimes and human rights violations, most international criminal tribunals and courts are moreover mandated or expected to contribute to national post-conflict reconciliation processes. The international ad-hoc tribunals for Rwanda and the former Yugoslavia, for example, despite their primary mandate of "bringing to justice those responsible for serious violations of international humanitarian law" are furthermore tasked to contribute to the restoration and maintenance of peace and reconciliation in formerly war-torn societies (UNSC 955 1994).

The mandate of the International Criminal Tribunal for Rwanda (ICTR), for instance, explicitly states that "the prosecution of persons responsible for serious violation of international humanitarian law would [...] contribute to the process of national reconciliation and to the restoration and maintenance of peace" in Rwanda (*ibid.*). Nevertheless, *inter alia* due to the tribunal's location outside the conflict-ridden territory and the complexity of judicial trials, there remains a danger that the tribunal's contributions may not be recognized by the population on the ground. For justice to contribute to comprehensive national reconciliation processes, however, scholars and policy-makers alike agree that it is important for affected citizens to be provided with an extensive understanding of the tribunals' work (Clark 2009b). Against this backdrop, a number of international courts and tribunals - including the ICTR in a pioneering effort - claim to have set in place "sustained strategic communication programs to explain [their] work and relevance to the audiences" in the respective contexts (Gallimore 2006). Those outreach mechanisms are "the primary channel to ensure that the concerned people are informed about the work of the tribunal" and are consequentially expected to have a positive impact (*ibid.*).

Various scholars and policy-makers frequently claim outreach programs to be successful and influential, whilst critics dismiss their efforts (Lambourne 2013). However, throughout the literature, there is a persistent lack of timely and comprehensive analysis of any such outreach activities. By referring to outreach activities by the ICTR as an in-depth case study, this

paper aims to address the lacuna in the literature by assessing the impact of the ICTR's outreach program. Deriving from novel qualitative field research conducted with representative participants of ICTR community-based outreach activities in Rwanda between June and August 2013 as well as secondary survey data, this study will evaluate the overall impact of outreach activities by the tribunal, and thereby contribute to the necessary and on-going impact assessment of transitional justice mechanisms (van der Merwe et al. 2009). Findings deriving from this study will be of relevance to, amongst others, on-going outreach activities by the International Criminal Court (ICC). Based upon twenty-seven expert interviews in Rwanda and ten focus group discussions with 108 respondents in total, this paper demonstrates that in the case of the ICTR, outreach cannot be considered to have its theorized and expected impact. In fact, outreach activities by the ICTR did not significantly contribute to positively shaping the perception regarding the criminal tribunal and its contribution to reconciliation. Throughout society, increased outreach activities cannot be correlated with increased awareness, positive perceptions and better attitudes towards the ICTR's contributions to reconciliation. On a micro-level, community-based outreach activities did result in a greater understanding amongst its participants. This slight increase in knowledge, however, cannot be correlated with a more positive attitude towards the tribunal or the ICTR's theorized contribution to reconciliation. In brief, I will argue that *inter alia*, outreach activities by the ICTR were initiated too late with too little resources to have the capabilities for any meaningful impact on reconciliation. Likewise, I recommend that outreach activities need to engage in two-way, inter-active and participatory communicative approaches in order to have any potential to meaningfully change local perceptions.

## International Criminal Tribunals and Outreach

Quite generally, international criminal justice (including related outreach activities) and reconciliation, as well as the relationship between the two concepts, are closely linked to the over-arching concept of transitional justice, which, per definition, is described as a set of mechanisms and

processes in order to address legacies of conflicts and human rights violations and to achieve a peaceful transition.

The specific debate on the effects of tribunals' outreach activities specifically derives from the overarching discussion regarding the general criminal justice - reconciliation relationship. Ever since the creation of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the ICTR in 1993 and 1994, scholars and researchers increasingly dealt with the question of how international criminal justice on the one hand and reconciliation on the other correlate with each other (Akhavan 1997). Generally, throughout the literature there appear to be differing arguments and competing claims or conclusions regarding the correlation between the two concepts, including justice's theorized effects on reconciliation. According to one group of scholars, justice must be seen as a (pre-) condition for reconciliation (*ibid.*), while an opposing point of view cites a lack of empirical data to prove this (Clark 2009). In addition, various other scholars suggest that - under certain circumstances - justice might have negative, counter-productive effects on reconciling transitional or formerly conflicting societies (Hayden 2011).

Despite those competing scholarly claims and assumptions, however, various authors representing opposing schools of thought seem to agree that '*justice needs to be seen to be done*' in order to have any meaningful impact (Clark 2010). Various scholars frequently criticize the fact that international criminal tribunals - including the ad-hoc tribunals for Rwanda and the former Yugoslavia or the permanent ICC - are located too geographically remote from the population whom they are supposed to deliver justice for. However, it is not only geographical distance but also the whole nature and complexity of judicial trials as well as language barriers that imply the danger of target populations not knowing about and consequentially not valuing criminal trials, thus negating any positive implications.

Case-specific empirical evidence from Rwanda suggests that significant proportions of the populations affected by international justice processes are often not aware of the Tribunal and its respective mandate and proceedings (Weinstein et al. 2004). Kamatali, while referring to Rwandans' knowledge about the ICTR, observes that:

“[i]t is surprising how little the ICTR is known in Rwanda. Rare are Rwandans who know who has been arrested, who has been sentenced, what the specific sentences are, who pleaded guilty, and what was said during the course of the guilty plea” (Kamatali 2003: 123).

Consequentially, the tribunals are seemingly too invisible and inaccessible to have any meaningful implications. More specifically, research which conceptually theorizes that justice is expected to contribute to reconciliation recognizes that, if justice is to have such an effect, it must be communicated to and recognized by the concerned populations. At the same time, scholars who dismiss international criminal justice's positive impact on reconciliation argue that this can be partially explained through the fact that societies affected by judicial proceedings and interventions are not well enough informed (Clark 2010). Hence, for justice through criminal proceedings to make a significant contribution to reconciliation, the people concerned must be aware and informed of the tribunal's mandate, recent proceedings and expected contributions to peace and reconciliation. Towards this end, increased outreach activities by tribunals are considered to be necessary.

However, similarly to the general conceptual relationship between justice and reconciliation and as previously stated, there appears to be a gap of systematic and timely studies examining the implications of outreach activities by criminal tribunals and courts. Generally speaking, the early focus of outreach-related literature was to describe the nature of international tribunals' outreach programs, their challenges and their necessity (Balthazard 2012). At the same time, those few studies attempting to analyze such activities look at outreach as one of various variables without explicitly placing the focus on accounting for its impact (*ibid.*; Vinck and Pham 2010). Moreover, whereas some earlier research attempted to investigate outreach policies' overall macro-level implications on a societal level, no study so far has conducted an analysis and evaluation of the effectiveness of outreach on a micro-level. Additionally, all previous relevant research fails to take into consideration the respective population's point of view, and only draw their conclusions on official information provided by the respective courts and interviews conducted with policy-makers or tribunal staff. None of these assessments, however, pays sufficient attention to

the grassroots perspective and actual perceptions and opinions of those directly targeted by and concerned with outreach efforts. Despite this lack of empirical micro-level data, existing scholarly work specifically dealing with the ICTR's outreach program exclusively draws on data and information from prior to 2006 (Peskin 2005), thus not allowing for any timely assessment of outreach activities' implications and effects, while failing to account for recent efforts, developments and changes. Due to the fact that the ICTR is currently in the midst of finalizing its completion strategy<sup>1</sup>, a final and topical evaluation of the Tribunal's outreach activities therefore proves necessary.

As the brief overview of the wider research field regarding the justice - reconciliation relationship above shows, there appears to be an agreement across authors that for criminal justice through international tribunals to actually have any impact on reconciliation, the concerned societies and populations must be aware and informed of the respective trials and proceedings (*ibid.*). Outreach activities are therefore expected to increase awareness and positive perceptions regarding the judicial mechanism's work, and thereby have a catalyzing effect for justice's theorized implications for reconciliation (Balthazard 2012).

Both, academics as well as tribunal officials and policy-makers alike provide various theoretical arguments on why outreach is necessary and what its expected implications are (Peskin 2005). In a more general sense, Vinck and Pham argue, awareness and understanding of any transitional justice mechanism or process is necessary for their basic functioning: "Victims and populations need to be informed in order for any transitional justice mechanism to achieve its goal" (Vinck and Pham 2010: 12). More specifically and directly applied to the context of international courts, Clark notes that "if tribunals are to contribute to reconciliation, they need to be transparent and accessible" (Clark 2009b: 101). In other words, theoretically for justice to have any reconciling effect it needs *to be seen to be done*.

Consequentially, scholars and policy-makers alike increasingly realized that for tribunals "to fulfill [their] broader mandate of contributing to

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<sup>1</sup> Whereas the most recent completion strategy foresaw the ICTR to have fully wrapped up any judicial activities by 31 December 2014 and transfer the remaining case law to the Arusha branch of the United Nations Mechanism for International Criminal Tribunals (UN MICT), United Nations Security Council (UN SC) Resolution 2194 from 18 December 2014 extended the mandate of two ICTR judges and the ICTR Prosecutor until 31 December 2015.

peace and reconciliation, [they] must be able to build positive, direct relationship[s] with those affected by the crimes [they were] created to prosecute" (Cina and Vohrah 2001: 550). Kamatali furthermore argues that "if international justice is to contribute to national reconciliation, it has to be able to infiltrate through national borders; spread within communities, groups and individuals; and be felt as a necessary ingredient for them to be reconciled" (Kamatali 2003: 120). Borrowing and building upon conceptual thoughts from the general justice - reconciliation debate, Moghalu further theorizes that:

"When justice is [...] seen to be done, it provides a catharsis for those physically or psychologically scarred by violations of international humanitarian law. Deep-seated resentments - key obstacles to reconciliation - are removed and people on different sides of the divide can feel that a clean slate has been provided for." (Moghalu 2004: 214)

But how exactly is communicating tribunals' work expected to advance reconciliation within societies? In brief, the theoretical assumptions regarding outreach activities by international criminal tribunals may be understood as follows: An increase in information about judicial proceedings through outreach activities by international criminal tribunals is expected to result in higher levels of understanding among the society. This increased awareness, in turn, is supposed to positively change the population's perception and thereby increase the relevance of and confidence in the Tribunals' work and reconciliatory effects (Balthazard 2012). Against the backdrop of this theoretical debate, it remains of crucial importance to emphasize that outreach activities can be understood as the catalyzing factor which advances and reinforces international criminal justice's theorized effects on reconciliation.

## Research Design

As described in the introduction, this paper will be analyzing the impact of outreach by the ICTR both on macro-level throughout society as well

as on a micro-level among outreach participants. In order to actually determine and evaluate the impact of outreach activities by the ICTR in Rwanda, the following analysis will therefore deploy a structured, focused comparison which intends to analyze whether - as the theoretical argument suggests - outreach activities can be positively correlated with higher levels of knowledge and more positive perceptions regarding the ICTR's work.

Generally, in order to be able to apply a valuable qualitative comparison, the cases under analysis must be comparable, yet they need to imply a certain extent of variance. For the macro-level analysis of the overall impact of outreach, the level and intensity of outreach varies over time. Moreover, referring to the micro-level analysis, the different comparable cases can be categorized into: a) target groups of outreach participants, and b) control groups of respondents which did not participate in outreach activities. Whereas the first group of cases consists of respondents who participated in outreach activities, the second group of cases includes respondents who did not benefit from the ICTR's outreach program, but are otherwise as similar as possible to the first one. Except for the variance in outreach participation, the other characteristics of the two categories of cases are identical, in order to hold other, potentially intervening factors or variables constant. Whereas the two sub-groups of respondents cannot be considered as representative for Rwandan society as a whole, however, they are representative for the sub-population of community-based outreach participants.

Against this background, the primary selection criterion for the groups of outreach participants by the ICTR is active participation in outreach activities within at most six months prior to the beginning of the data collection process (i.e. between January and June 2013). By only including respondents who fairly recently participated in outreach activities, this methodological approach intends to avoid any potential loss of information over time, or the impact of any major recent tribunal-related events as well as any outside information regarding the tribunal. At the same time, the selection accounts for various geographical locations and eventual differences in access to information as well as conflict-related experience.

The control groups, on the other hand, were selected in direct accordance with the initial selection of the first sample of outreach participants: For every group of respondents of outreach participants, an almost identical control group was selected with the only variance being the lack of participation in outreach activities. All other characteristics - including geographical location, age and gender composition, level of education, access and exposure to information and conflict experience - of the initially selected target group as well as the control group are identical. Thereby, the research design can control for and hold constant any other potentially intervening factors which could influence the level of knowledge and perception or attitude towards the ICTR and its (theorized) impact among the concerned respondents. Such potentially intervening factors could, for example, include differing exposure to media coverage, biased access to information or different conflict- and genocide-related experience.

## Operationalization and Indicators

In order to actually determine the impact of outreach activities, the following analysis will focus on the following indicators, and respectively compare them over time for the macro-level analysis as well as between target groups and control groups for the micro-level analysis:

- a. *Level of Knowledge*
- b. *Overall Attitude towards the ICTR*
- c. *Perception of the ICTR's Contribution to Reconciliation*

Specifically, for the macro-level analysis regarding the overall impact of outreach activities throughout society, the analysis that follows will compare whether over time, the population's level of knowledge, their attitude towards the ICTR as well as their perception of the Tribunal's contribution to reconciliation positively changed over time. Similarly, regarding the micro-level analysis the three stated indicators will be compared between the target groups of outreach participants and the control group respondents who did not participate in outreach in order to account for whether or not outreach had a positive effect. In order to allow for accurate theory testing, the indicators correspond to the subsequent steps of the theoretical causal argument as described in the theory section above.

To accurately apply a structured focused comparison, various questions are formulated, in order to identify the above posited indicators:

- a. *How well informed is the population regarding the ICTR (incl. facts, mandate, proceedings)?*
- b. *What is the population's overall perception towards the ICTR?*
- c. *What is the population's attitude towards the ICTR's contribution to reconciliation?*

Consequentially, particularly with regards to the micro-level analysis, respondents from target and control groups were asked questions referring to their level of knowledge and understanding of the ICTR, and regarding the opinions and perceptions of the ICTR. Specifically, respondents across both samples were asked to explain what they know about the ICTR, and were asked, for example, what their opinion of the Tribunal is, and whether they thought it contributed to reconciliation. In this context, reconciliation was broadly defined as involving components of mutual acknowledgement of past suffering, improved inter-ethnic relations and the "changing of destructive attitudes and behavior into constructive relationships" (Bronéus 2003: 3). Due to the general difficulty and challenge of measuring and collecting verifiable data regarding the concept of reconciliation, and a resulting lack of such data, however, this paper did not specifically measure levels of reconciliation. Rather, this thesis will theoretically assume that if outreach contributed to increasing the perception towards the ICTR's promotion of reconciliation, it may also be expected to have an impact on reconciliation.

## Data Collection

This paper's conclusions and arguments primarily derive from primary qualitative field research conducted in Rwanda between June and August 2013 as well as from secondary survey data.<sup>2</sup> The secondary data

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<sup>2</sup> The fieldwork has generously been funded by a Travel Scholarship by the Nordic Africa Institute (NAI).

derive from two large-N studies from 2002 and 2006, which both integrate data from rural and urban locations across various - partially identical - locations (Weinstein et al. 2004; CCM 2006). One limitation of the secondary survey data, however, are the inhomogeneous numbers of respondents (n=2091 vs. n=500). Moreover, there is a time-lag between the two surveys and the primary data collection process in 2013. Nevertheless, those are the only available sources measuring the population's understanding and attitudes towards the ICTR, and triangulated with the micro-level analysis, they must be considered as relevant and reliable findings.

Overall, twenty-seven in-depth interviews as well as ten focus group discussions (FGDs) with 108 respondents in total were carried out (total n=135). The in-depth interviews were conducted mostly in Kigali, but also in Musanze (northern Rwanda) and included ICTR staff and officials; researchers and academics; policy-makers, mainly from Rwanda's justice sector, including the Ministry of Justice (MoJ), the Supreme Court and the Public Prosecution Authority (PPA); as well as NGO and civil society representatives. In-depth interviews generally aimed at obtaining empirical data regarding outreach activities and at contextualizing relevant information, as well as at identifying general attitudes and perceptions regarding the ICTR, their public information strategy, international criminal justice in general or reconciliation more broadly.

In addition to the in-depth interviews, the primary data for the micro-level analysis mainly derive from additional focus group discussions (FGDs). Ten FGDs with 108 informants in total included identical proportions of respondents from target groups of outreach participants (54 respondents) as well as control groups (54 respondents). 51.9% of the FGD respondents were female while 48.1 % were male. With regards to geographic locations, FGDs were conducted in Rwanda's northern, southern, and eastern region - corresponding with the geographical focus of ICTR outreach activities in 2013. Due to the fact that the ICTR almost exclusively targeted secondary school students with its recent outreach activities, all FGD respondents are between the age of twelve and eighteen and all attended a secondary school. The group discussions usually lasted between 45 and 120 minutes, while groups were on average composed of eight to fifteen respondents each.

Whereas this sample of respondents admittedly is not representative for Rwandan society at large, the sample must be seen as representative for the population of community-based outreach activities nowadays conducted by the ICTR. In addition to different types of media engagement, the ICTR's current outreach activities primarily focus on community-based activities with secondary school students. As argued below, these lectures and presentations at the secondary school-level constitute the centerpiece of the ICTR's outreach program, and consequentially, the sample chosen for the study can be considered as representative for the sub-population of ICTR outreach participants as a whole.

## **Contextualization: The International Criminal Tribunal for Rwanda's (ICTR) Outreach Program**

Before presenting and analyzing the empirical findings, the following section will provide a brief contextualization of the Tribunal's outreach activities. Essentially, the ICTR is mandated to prosecute and judge individuals responsible for the crime of genocide, crimes against humanity and other serious violations of international humanitarian law committed in Rwanda between 1 January and 31 December 1994 (Gahima 2013). According to the ICTR's official mandate, the process of holding accountable perpetrators of mass violence is expected "to contribute to the process of national reconciliation in Rwanda and to the maintenance of peace in the region" (UN SC 955 1994). As previously suggested in this paper's theory section, there are various challenges for the ICTR of not being able to properly and sufficiently communicate to the concerned population in Rwanda. Against this backdrop, the Tribunal, between 1998 and 2000, set up its outreach program (Gallimore 2006) aiming to ensure that "the Rwandan people have an understanding of the work of the Tribunal" (*ibid.*). According to additional official tribunal documents, this is to be achieved by explaining and communicating the ICTR's work and relevance to audiences in Rwanda, using a range of techniques and strategies, including the operation of an ICTR Information and Documentation Center in Kigali (*ibid.*). More recently, visits, lectures and presentations by ICTR staff at the secondary-school level across various

locations throughout the country seemed to constitute the centerpiece of the ICTR's outreach activities. Further outreach activities include visits to the Tribunal, media campaigning and the production and distribution of educational and information and material.

## Empirical Findings and Analysis

### Macro-level Analysis: Outreach across Rwandan Society

In order to analyze the ICTR's outreach activities' impact on reconciliation across the country on a macro-level, a theory-driven over-time comparison of the above presented empirical data will be employed. The data refers to Rwanda's population's level of knowledge, perception towards the ICTR as well as attitudes regarding the Tribunal's contribution to reconciliation.

#### *a. General Awareness and Understanding*

According to theory, outreach activities are supposed to result in greater awareness and understanding among the population with regards to the Tribunal's work. However, the secondary survey data reveal that despite the gradual development of outreach activities over the years, the general population does not seem to be significantly more aware of or more informed about the Tribunal. While in 2002, empirical findings show that a cumulated 87.2 percent of the population can be categorized as 'not well informed' (Weinstein et al. 2004) this trend certainly holds for 2006 and 2013 as well. Although technically aware about the Tribunal's existence, the overall level of knowledge and understanding - and in particular the quality and depth of information - as of 2006 and 2013 is still considered to be quite low throughout society.

Also, the plain data from 2006, indicating that 99 percent of the survey population knows about the existence of the ICTR (CCM 2006), should be understood and analyzed with caution. Certainly, knowing about the

existence does not imply that respondents are necessarily informed about the mandate, work and recent proceedings of the Tribunal. As the empirical data from 2006 demonstrate, the majority of the population claimed to have 'no idea' about the ICTR's mandate or primary objective. This is in line with CCM's assessment of the population's knowledge level, which found that "the majority of Rwandans have no sufficient information on the ICTR" (*ibid.*). Consequentially, it becomes evident that awareness of the existence of the ICTR does not necessarily equate knowledge about the Tribunal's work and proceedings (Balthazard 2012). In fact, as the findings from 2006 indicate, people throughout Rwanda may possess high levels of awareness, but lack factual knowledge and understanding about the Tribunal's work and proceedings (CCM 2006). Likewise, primary findings from the field show that there is a consensus among respondents that as of 2013, people in Rwanda predominantly are not very well informed about the Tribunal, its mandate or specific work and proceedings. Although technically aware about the existence and basic objective of the ICTR, it appears that the overall population in 2013 possesses only limited understanding and knowledge about the Tribunal's actual work and progress.

Comparing these findings, it becomes apparent that all available data - from 2002, 2006 and 2013 - lead to the coinciding conclusion that increased information about the Tribunal through outreach activities did not necessarily result in greater awareness and higher levels of knowledge among Rwanda's overall population, as opposed to the theory. The theoretical assumption that an increase in information about the Tribunal through outreach activities is expected to result in greater awareness and more understanding among the population can therefore not be supported by empirical research in the case of the ICTR.

b. *The Population's Overall Attitudes and Perceptions towards the ICTR*

Referring to the theoretical arguments explored above, outreach activities by criminal tribunals furthermore aim at positively influencing the population's attitudes towards the ICTR, and creating positive perceptions over time. To assess the theoretical argument that outreach activities are expected to positively change the population's perception towards the Tribunal, the analysis will compare attitudes and perceptions regarding the ICTR among the population over subsequent years.

According to the empirical data, in 2002, 47.3 percent of respondents seemed to have a neutral attitude towards the ICTR (Weinstein et al. 2004). In comparison, in 2006 the majority of respondents appeared to possess quite negative attitudes towards the ICTR (CCM 2006). For example, 27.5 percent of respondents in 2006 stated that the ICTR's work entails no positive aspects at all, thereby indicating to have a negative perception of the Tribunal. Moreover, an overwhelming majority of 85.5 percent critically attested the ICTR's proceedings to be lengthy and costly (*ibid.*). In combination, those findings allow us to conclude that in 2006, "the majority of Rwandans seem to show a pessimistic perception of the ICTR" (*ibid.*). This negative perception among Rwanda's overall population holds for 2013 too, as supported by the general consensus among interview respondents. According to a cross-selection of informants from various backgrounds, Rwandans largely seem to be critical to the ICTR, and possess negative attitudes (Interview, Kigali, 17 June 2013).

Consequentially, it can be argued that outreach activities by the ICTR over the years did not result in positively changed attitudes throughout society. Therefore, the theoretical assumption that outreach positively influences perceptions cannot be empirically supported on a macro-level either. Rather, and in contrast to the theoretical assumption, it appears that despite outreach efforts, overall attitudes towards the ICTR changed from being neutral in 2002 to being negative in 2006 and 2013.

### *c. Attitudes towards the ICTR's Contribution to Reconciliation*

Moreover, the theoretical argument suggests that increased understanding and more positive perceptions are expected to result in a more positive attitude towards the ICTR's perceived contribution to reconciliation. Although the macro-level analysis cannot support the first two causal steps, it will nevertheless be tested whether outreach did have any impact on perceptions towards the Tribunals' role in promoting reconciliation. Referring to the theory, we should see an increase in positive perceptions towards the ICTR's expected contribution to reconciliation among the population over the years.

The empirical findings, however, show that perceptions towards the ICTR's promotion of reconciliation did not positively change over time. According

to the survey data, in 2002, 21.2 percent of respondents believed that the ICTR either significantly or very significantly contributed to reconciliation (Weinstein et al. 2004). On the other hand, in 2006, a cumulative 19.3 percent of respondents - a figure slightly lower than the results from 2002 - claim that the ICTR's contribution to reconciliation in Rwanda is either 'big' or 'very big' (CCM 2006: 29). It can therefore be argued that an increase in outreach activities by the ICTR between 2002 and 2006 did not result in a positively changed perception towards the ICTR's role in promoting post-conflict reconciliation. Rather, the proportion of the population which seems to value the ICTR's contribution to reconciliation in 2002 and 2006 is only about one fifth, and therefore a minority. Likewise, in-depth interviews generally seem to identify that in 2013, only a minority of Rwandans perceives the ICTR's impact on reconciliation to be meaningful or significant. According to one Rwandese researcher, "only quite a few people throughout the country really believe or acknowledge the role of the ICTR in promoting reconciliation [...]" (Interview, Kigali, 21 June 2013).

Consequentially, the observation that outreach activities by the ICTR did not result in higher proportions of the population believing that the ICTR contributes to reconciliation still holds and can be supported through most recent data from 2013. Therefore, the causal assumption that outreach would result in positive attitudes and greater appreciation of the Tribunal's role in promoting reconciliation can likewise not be supported.

#### d. *Assessing the Impact of ICTR Outreach Activities on a Macro-Level*

In summary, based upon empirical findings and analytical conclusions regarding the macro-level impact of outreach activities on the national level, this study argues that ICTR outreach activities in Rwanda did not have their theorized effect. In fact, outreach activities by the ICTR neither resulted in more understanding, nor in positively changed overall perceptions towards the Tribunal. Rather, over the years and despite evolving outreach efforts, the population's perception regarding the ICTR deteriorated, and transformed from neutral to largely negative attitudes. Beyond that, outreach activities did not result in greater proportions of the population acknowledging the ICTR's theorized contribution to reconciliation.

Therefore, theoretical expectations regarding the societal influence on outreach activities by international criminal tribunals cannot be supported in the case of the ICTR. The respective analytical findings and conclusions regarding the impact of ICTR outreach activities on macro-level may best be illustrated via the following tabular overview:

*Table 1: Macro-Level Impact of ICTR Outreach Activities*

	2002	2006	2013
<b>Outreach</b>	<i>Early Phase</i>	<i>Mid-Phase</i>	<i>End-Phase</i>
<b>Level of Knowledge</b>	<i>Low</i>	<i>Low</i>	<i>Low</i>
<b>Overall Attitude / Perception</b>	<i>Neutral</i>	<i>Negative</i>	<i>Negative</i>
<b>Perception: ICTR - Reconciliation</b>	<i>Negative (21.2 percent)</i>	<i>Negative (19.3 percent)</i>	<i>Negative</i>

## Micro-Level Analysis: Community-based Outreach Activities

In order to analyze the impact of the ICTR’s outreach program on a micro-level among actual participants of such activities, the following analysis will compare empirical findings from 2013 between groups of outreach participants and selected control groups, who did not participate in any such activities. To recall, all other characteristics of the respondents within the two samples are as equal as possible, to hold constant and control for any intervening factors and directly measure the impact of outreach.

### *a. Awareness and Understanding about the ICTR*

According to the theoretical argument, it is expected that participants of outreach activities possess greater levels of knowledge and have a more substantial understanding of the ICTR, compared to respondents who did not benefit from outreach. In brief, it would be assumed that an increase in information through outreach activities should lead to greater levels of knowledge among outreach participants.

The research findings seem to support this theoretical assumption: 100 percent of respondents from the sample of outreach participants indicate

knowing about the ICTR, compared to 81.5 percent of respondents from the control group's sample. This may not necessarily be surprising, given that the first sample quite recently, at most six months prior to the data collection, participated in outreach activities and can thus be expected to at least know about the existence of the Tribunal. More interesting, however, is the fact that from the sample of outreach participants, a not insignificant number of 22.2 percent of respondents indicate that they did not know about the Tribunal and its work prior to having participated in the outreach activities. This specific finding indicates that outreach activities have in fact contributed to (slightly) increasing the awareness of and understanding about the court.

This argument can furthermore be supported when looking at the groups' respective quality and depth of information about the Tribunal. In fact, whereas control group respondents seem to be informed about the ICTR's existence and its basic mandate, outreach participants generally possess more detailed in-depth knowledge about the tribunal's work and proceedings. Despite having heard about the Tribunal, or generally being aware of it, this research finds that the control group respondents' information was often rather limited or basic, and partially incorrect. For example, a sixteen year old female student from southern Rwanda, who did not benefit from outreach said: "I think it [the ICTR] is for the East African countries to try crimes of people that are in other countries" (FGD, Butare 14 June 2013). On the other hand, however, respondents who previously participated in outreach activities were able to provide more profound and exceeding information, not only about the ICTR's mandate but also about its general work. For example, respondents demonstrated awareness about the fact why the ICTR is located outside Rwandan territory, and why it does not employ Rwandese judges. This information is part of the content of the educational and informational activities the participants have previously been subjected to. It might therefore be concluded that the outreach program has had some effect in increasing participants' understanding. However, despite this comparably greater level of knowledge, outreach participants were nevertheless not well informed about the most recent proceedings, judgments and happenings at the court. Similarly, the following response by a student who participated in outreach activities by the ICTR demonstrates the effect of outreach on facilitating understanding and increasing knowledge regarding the ICTR:

„Before the outreach activity, I had a negative understanding of the court. This year, two people were let free by the ICTR and people in Rwanda were not happy about that. But after the movie I know the reality of the decision and know why it is like this“ (*ibid.*).

Consequentially, the analysis supports the respective theoretical assumption that outreach increases levels of knowledge regarding the Tribunal, by showing that outreach activities have contributed to a greater and more substantial understanding among outreach participants, in comparison to selected control group respondents.

b. *Attitudes and Perceptions towards the ICTR*

Regarding overall attitudes towards the ICTR, the attested greater understanding among outreach participants is theoretically expected to result in more positive attitudes towards the ICTR among the first sample of outreach participants, in comparison to respondents who did not benefit from outreach. A more substantial understanding, the theoretical idea suggests, is expected to eventually counter misconceptions and possible inaccurate information about the Tribunal, create greater confidence in its work, thereby enhancing its relevance for the people and hence creating positive perceptions.

However, the research findings reveal that there does not seem to be any significant difference regarding the attitude towards the ICTR between outreach participants and control respondents. According to the data, both groups are in majority characterized by a positive perception of the Tribunal's work. Although the research identifies some negative attitudes as well as criticism towards the ICTR among both groups, the majority of respondents in both samples seem to hold positive and favorable views with regards to the Tribunal. In fact, when asked to elaborate on their opinion about the court, respondents from both samples always listed more positive attributes compared to negative ones. Consequentially, as previously stated, the perception across all respondents can be identified as rather positive, without any significant differences between outreach participants or control respondents.

Therefore, comparing attitudes among both samples show that outreach participants are not characterized by a more positive attitude towards the Tribunal in comparison to control respondents. This implies that outreach did not contribute to further increasing positive perceptions of the ICTR or its relevance among outreach participants, thereby opposing the theory. Despite, as depicted above, being slightly more knowledgeable about the ICTR, outreach participants are not characterized by more positive perceptions, and hence, no positive correlation between increased understanding and more positive attitudes can be established. The respective theoretical assumption - that an increased understanding due to outreach increases positive perceptions regarding the justice mechanism - can therefore not be supported on the micro-level in the case of the ICTR.

*c. Attitudes towards the ICTR's Contribution to Reconciliation*

Although greater understanding due to outreach did not result in more positive perceptions among outreach participants, as demonstrated above, the following section will analyze whether nevertheless, outreach did have an impact on positively shaping attitudes towards the ICTR's contribution to reconciliation. This seems justified given the fact that, as established above, both the target group and the control group respondents were generally characterized by relatively favorable attitudes towards the ICTR, despite there being any significant increase among outreach participants. According to the theoretical baseline assumption, participants of outreach activities are expected to have more positive attitudes with regards to the Tribunal's role in promoting reconciliation, compared to respondents who did not participate in outreach.

Comparing the empirical findings, however, shows that there is no substantial difference between the groups with regards to their perception regarding the ICTR's contribution to reconciliation. Therefore, the respective theoretical assumption does not seem to hold in the case of the ICTR. Namely, 81.5 percent of respondents of outreach participants compared to an almost identical 83.3 percent of control group respondents attest that the ICTR is either necessary for or plays an important role in promoting reconciliation in Rwanda. Interestingly, instead of outreach participants thinking more positively about the Tribunal's contribution to reconciliation, as the theory suggests, empirical evidence demonstrates the opposite:

According to the data, respondents who did not participate in outreach have a slightly more positive perception towards the Tribunal's role in promoting reconciliation, although only insignificantly higher, thereby contradicting the theorized impact of outreach activities.

Consequentially, similarly to the more general perception, outreach activities did not result in more positive perceptions towards the ICTR's expected contribution to reconciliation among its participants. The argument that outreach activities would increase the perception regarding the ICTR's contribution to reconciliation can therefore not be supported by empirical research in the case of Rwanda, either.

*d. Assessing the Impact of ICTR Outreach Activities on a Micro-Level among Community-based Participants*

In summary, a comparison of groups of outreach participants as well as selected control groups demonstrates that, on a micro-level, outreach activities did in fact result in a greater level of knowledge and awareness about the ICTR and its mandate. This advanced understanding, however, cannot be positively correlated with more positive attitudes towards the Tribunal, and as such does not result in a more positive perception of the ICTR's expected contribution to reconciliation. Once again, the analytical findings can best be summarized and visualized via the following tabular overview:

*Table 2: Micro-Level Impact of ICTR Outreach Activities*

	<b>Outreach Groups (2013)</b>	<b>Control Groups (2013)</b>
<b>Outreach</b>	Yes	No
<b>Level of Knowledge</b>	Higher	Lower
<b>Overall Attitude / Perception</b>	Positive	Positive
<b>Perception: ICTR - Reconciliation</b>	High (81.5 percent)	High (83.3 percent)

## Methodological Considerations regarding the Analytical Findings

Interestingly, combining the two analytical approaches of assessing the impact of outreach activities on a macro-level as well as on a micro-level shows some discrepancies in the findings: According to the micro-level findings, it appears that generally, an overwhelming majority of respondents seems to have a quite positive attitude towards the ICTR, no matter if outreach participant or not. The macro-level data, however, show that on a national level, the results are more variant and diverse, and that more Rwandans seem to have a negative and critical attitude towards the ICTR, rather than a positive one. Similarly, with respects to overall perceptions regarding the ICTR's contribution to reconciliation, it seems that the majority of respondents of focus group discussions values the ICTR's role in promoting reconciliation, whereas the findings for the national level show the opposite: According to the findings from 2002, 2006, and 2013, only a minority of Rwandans seems to think that the ICTR contributed to reconciliation.

These partially contradictory findings may in part be explained through the qualitative approach of the focus group discussion data collection technique. Per definition, the results from these qualitative data cannot be generalized to the population at large and therefore, this research's respondents do not represent the overall consensus or perception of all Rwandans. More importantly, whereas the survey populations are characterized by a more diverse and representative composition, covering various backgrounds and professions of respondents, the sample population of the focus group discussions exclusively includes secondary school students. Since students, however, are currently the primary targets of outreach activities, this sample composition was necessary and inevitable, although bearing some challenges of generalizability. The unavoidable consequence for micro-level study is that the findings from the focus group discussions cannot be generalized beyond this fraction of the population.

Nevertheless, despite those discrepancies of data, both the macro- as well as micro-level assessment of the impact of outreach arrive at the conclusion that increased outreach activities did not have the

hypothesized positive impact. The apparent discrepancies between the findings therefore do not seem to influence the analytical results.

## Discussion

The lack of impact of outreach activities by the ICTR, both on a macro- as well as on a micro-level, may in part be explained by a variety of factors, which will briefly be discussed in the following section.

### Potential Explanations for the Lack of Impact of ICTR Outreach Activities

#### a. *Outreach: Too little, too late*

First of all, it appears that outreach activities by the ICTR were initiated too late, with too little resources to have any meaningful impact. In fact, the ICTR's informational activities have only been launched in 2000, six years following the Tribunal's initial establishment. Prior to the outreach program, Rwandans' main source of information about the Tribunal's proceedings were national - partially government agenda-driven - media, and primarily the reporting of Radio Rwanda, which, according to various sources, was mainly negative towards the Tribunal (Peskin 2005). It is consequentially not surprising that the prevailing discourse and the overarching attitude towards the ICTR throughout society reflects and absorbs this negative opinion-making, and is mainly negative, too (CCM 2006).

Directly related to this claim is the argument that outreach never appeared to be a priority for the ICTR - even following the launch of the respective program - and that thus, outreach was initiated with too little resources. Peskin's previous findings as well as primary observations from 2013 both confirm that in fact, the Tribunal's outreach unit in Kigali is severely under-resourced, both in terms of staff and funding (Peskin 2005). For example, as in-depth interviews and discussions with ICTR staff on the ground show, the *Umusanzu* Centre in Kigali is staffed with four personnel

only, tasked to provide information about the Tribunal and reach out to a rurally-concentrated population of more than eleven million people. The argument that there has been too little outreach can furthermore be backed up by factual numbers: For example, between January and June 2013, the ICTR outreach program covered seven secondary schools with an average of 100 students per school, whereas in 2012, the program managed to address an audience of 8.200 students. For a population of more than eleven million people, where an estimated 42.7 percent is under the age of fifteen, this is arguably not enough to have any meaningful impact on a national level throughout society.

#### b. *Wrongly Targeted Outreach Activities*

Another argument for why the ICTR outreach program may not have had any meaningful impact refers to the primary targets of such outreach activities. Previously, Lambourne, claimed that the Information Centre, the ICTR's outreach focal point, "is 'attractive only to a tiny part of the urban elite and offers little to the majority of Rwandans who are illiterate and living in rural areas'" (Lambourne 2013: 241).

The ICTR, in contrast, claims to have addressed this problem by having opened ten provincial centers across Rwanda since 2008. According to Tribunal staff, those local centers allow people throughout the whole country to use various educational services provided by the Tribunal, and to obtain information about the ICTR. My observation from the field of three such centers in the north and the south of the country, however, seem to prove otherwise: The centers visited in Musanze and Gisenyi (northern Rwanda) and Butare / Huye (southern Rwanda) were all locked and inaccessible for the general public upon my respective visit. Similar arguments apply for the primary audience of the ICTR's current activities, which are mainly targeted at secondary school students. In 2013, for example, the majority of participants in those information and educational visits were students aged 12 to 18 (ICTR 2012). While the ICTR argues that targeting children and youth is fundamentally important in developing and building a culture of mutual respect, peaceful co-existence and reconciliation, those students have not been directly affected by the genocidal violence themselves (*ibid.*). Therefore, while informing and educating the younger generation about the genocide and judicial responses, such as the ICTR, is of utmost importance, only

targeting youth implies the challenge of leaving out substantial parts of the population, which have been directly affected by the violence and therefore might have a different relationship to the ICTR. Consequentially, it may come as no surprise that over the years, outreach activities cannot be considered as having had any meaningful impact on a national level, if primarily targeted at a certain - generally *well-educated elite - minority audience* (Lambourne 2013).

### c. Design and Content of Outreach Activities

Moreover, when attempting to determine the lack of impact of outreach activities on a micro-level, possible explanations refer to the design and content of such outreach activities. To recall, although the analysis above shows that outreach participants are more aware and knowledgeable about the ICTR in comparison to non-participants, nevertheless, the level of knowledge of outreach participants does not qualify to be categorized as high, or advanced. Rather, despite being comparably more aware and knowledgeable, beneficiaries of outreach still lack information and understanding about most recent developments in Arusha.

In June 2013, I had the opportunity to observe an actual outreach activity organized for a group of approximately 80 students in an institute for higher education in northern Rwanda. My observation reveal that the content of such lectures and presentations is generally quite basic, and may therefore not be expected to have any significant impact in greatly increasing awareness and understanding and especially in positively changing the perception. In fact, the information provided during the presentations primarily refer to the Tribunal's basic mandate and background, while not going into much depth regarding, for example, recent judgments and proceedings. The documentary movie, which is being shown as the centerpiece of most of the community-level outreach activities, was in fact produced in 2008, and therefore does not include most recent information which could be of relevance for the audience. The subsequent discussion, which usually follows the documentary, also failed to address the more recent happenings at the Tribunal in Arusha, and focused mainly on background information.

Moreover, according to multiple respondents, the content of such

community-based outreach activities, in order to have a greater impact, should be targeted more towards the audience. Furthermore, another potential explanation for the lack of impact might be its quite 'westernized' way of providing information. Various informants from academia or civil society organizations frequently argued that the ICTR might have been more successful in providing information and shaping perceptions, if their educational activities would have been designed in a less formal and standardized lecture format, and more culturally-grounded. For example, a local NGO activist explained that the ICTR outreach activities could be expected to be more successful if its information were to be delivered in a more attractive manner, for example through traditional dances and songs, local drama performances or radio soap opera shows. Various representatives from the Rwandan justice sector explained that, for example, sensitization for the traditional gacaca courts has been carried out in such a more culturally-bound way, and was largely successful in mobilizing and informing people about the purpose, role and importance of this particular transitional justice mechanism.

#### *d. Two-way Communication and Contextual Factors*

Generally, instead of purely providing information in a one-directional communicative approach, outreach - whether in the case of the ICTR, or for on-going activities by the ICC - seem to carry a greater potential for enhancing understanding and transforming attitudes and perceptions when carried out in a participatory, engaging way. Based upon these findings, this paper recommends for outreach activities to be designed as two-way communication channels, to allow direct engagement and interaction by local communities.

Moreover, contextual factors need to be taken into consideration when evaluating the effectiveness of outreach activities by the ICTR. In fact, the lack of impact by the ICTR's outreach program can be explained and must be considered as being caused by a multitude of different, inter-related and partially contextual components. Clearly, structural factors, such as the location of the ICTR in Arusha, the nature of judicial trials and the lengthy, costly and inaccessible processes are all contextual elements which influence local populations' perceptions regarding a mechanism like the ICTR, and which have detrimental effects on communities' perceptions. Countering and addressing these structural

factors is inherently complicated, and in many ways even impossible. When evaluating the impact of outreach activities, such considerations require being included in any analysis.

## Conclusion

Although there have been some previous scholarly attempts at evaluating the impact of outreach activities by international criminal tribunals, this study constitutes the only analytical in-depth case study of the ICTR, drawing upon novel primary findings from the field. This paper therefore constitutes a valuable empirical contribution to the overall understanding regarding the impact of outreach activities by international criminal tribunals, with direct relevance for on-going programs by the ICC.

Taking the International Criminal Tribunal for Rwanda (ICTR) as an in-depth case study, this paper demonstrates that outreach activities in the case of Rwanda cannot be considered to have fulfilled their theorized expectations. The findings show that that outreach activities by the ICTR did not contribute to increased awareness and more positive perceptions on a macro-level throughout society. This study further demonstrates that outreach in Rwanda did not have its theorized effect on a micro-level. Findings from this study show that although outreach activities resulted in greater awareness they did not positively influence the perception nor the attitude towards the ICTR's contribution to reconciliation. By highlighting a lack of impact of outreach by the ICTR, this research furthermore contributes to the relevant research field by demonstrating that over time, the population's knowledge about the Tribunal is still rather limited, and perceptions throughout society remain mostly negative and critical. Outreach activities by the ICTR did not have its theorized impact on reconciliation due to a variety of reasons. *Inter alia*, this study finds that outreach by the Rwanda Tribunal has been initiated too late, with too little resources and funding, and that activities are partially wrongly targeted. Based upon the respective analytical findings and arguments, this paper provides certain policy-recommendations aimed at increasing the impact of outreach activities. In brief, this paper suggests that criminal

tribunals would be well advised to initiate outreach as early as possible, and to allocate sufficient resources - both staff and funding - to implement such activities. Moreover, outreach activities should not purely inform but rather actively engage the affected population.

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