

**ENDING INTERNATIONAL HUMANITARIAN LAW VIOLATIONS
IN INTERNAL ARMED CONFLICT: A CASE STUDY OF THE
RWANDA GENOCIDE 1994**

BY

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ABSTRACT

This study examines the prospects of ending international humanitarian law violations in internal armed conflict. It surveys the Rwanda genocide 1994 in order to establish whether or not, IHL was observed during the genocide. The study establishes that all parties to the conflict flouted IHL. The study examines the application of IHL by the International Criminal Tribunal for Rwanda and observes that it has been able to make several advancements in the development of IHL, specifically in being the first tribunal to prosecute individuals for the crime of genocide and rape as a crime in international law.

The study establishes that the protective provisions of IHL were not invoked during the genocide and nor did the provisions help to alleviate the atrocities suffered by the Tutsi people during the genocide. The study also establishes that there is a need to establish individual criminal responsibility for IHL violations at the international level. Mechanisms must be devised to be able to arrest all individuals and to avoid giving amnesty to individuals accused of IHL violations. Impunity should be avoided as it encourages others to commit crimes in future knowing that they can get amnesty.

Based on these, the study makes the following conclusions. Firstly, that there is need to disseminate IHL provisions as widely as possible. All states parties to the Geneva Conventions of August 1949 and the Additional Protocols of 1977 should undertake their responsibilities to disseminate IHL to all persons who may get involved in conflict. Second, there is a need to supplement international criminal tribunals with other methods of peaceful settlement of disputes, including methods like mediation; conciliation, inquiry, good offices, negotiations and launching of internationally

supported peace processes alongside other available diplomatic methods of conflict settlement.

Finally, in future it will be important to look beyond the legal framework '*outside the box*' to find solutions to conflicts. This will involve a pluralist approach with a multiplicity of disciplines and methods of conflict management. It must be understood that IHL provides for the settlement of conflicts whereby the underlying issues in a conflict are not addressed, the future must endeavour to utilise conflict management methods that led to resolution of the conflicts.