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Public Narratives + Reparations in Rwanda: On the Potential of Film as Promoter of International Human Rights + Reconciliation

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PROLOGUE

OVERVIEW

¶1 Principally, film has the potential to be a useful and appropriate tool of reparations.

¶2 The foundational tenets for reparations can be found within the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Principle on Reparations).[1] Reparations "[redress] gross violations of international human rights law or serious violations of international humanitarian law."[2] Lisa Magarrell echoes the Principles on Reparations when she notes that "reparations focus most directly and explicitly on the victims' situations, as [reparations seek] to provide some repair for rights that have been trampled, for harms suffered, for indignities endured."[3] Scholars and practitioners have identified a broad spectrum of tools that may serve as reparations within transitional justice initiatives. Reparations can range from "the purely symbolic to measures that are mostly material in nature."[4]

¶3 This essay relies upon theories on norms[5] and on perceptions[6] to identify how film can help to transform destructive public narratives[7] into constructive ones. Films can enable this transformation by addressing the injuries of victims from a public fracture or tragedy through the successful (re)integration of international human rights-based norms

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[1] The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, G.A. Res. 147, ¶¶ 19-23, U.N. Doc. A/RES/60/147 (Mar. 21, 2006) (providing five categories of Reparations for Harm Suffered: 1) Restitution, 2) Compensation, 3) Rehabilitation, 4) Satisfaction, and 5) Guarantee of Non-Repetition), *available at* http://daccessdds.un.org/doc/UNDOC/GEN/N05/496/42/PDF/N0549642.pdf?OpenElement [hereinafter Principles on Reparations].

[2] *Id*. ¶ 15.

[3] Lisa Magarrell, Head of Reparations Unit, International Center for Transitional Justice, *Reparations in Theory and Practice*, http://www.ictj.org/static/Reparations/0710.Reparations.pdf.

[4] *Id.* at 2.

[5] Rosa Ehrenreich Brooks, *The New Imperialism: Violence, Norms, and the "Rule of Law"*, 101 MICH. L. REV. 2275 (2003).

[6] John Denvir, *The Slotting Function: How Movies Influence Political Decisions*, 28 VT. L. REV. 799 (2004).

[7] Far from a term of art, "public narratives" are considered within this essay to simply be narratives that are shared within public spheres of communication and/or that have come to be broadly identified within a society.

and/or perceptions into the society's public narratives.[8] Films that successfully integrate into their fictional narrative international human rights-based norms and/or perceptions may be useful and appropriate as a tool for providing reparations. To illustrate this argument, this essay poses Rwanda as a case study and engages with two non-documentary, narrative films created about the 1994 Rwandan genocide: HOTEL RWANDA (2004)[9] and SOMETIMES IN APRIL (2005).[10]

¶4 In **Part I**, this essay recognizes that rule of law is a public narrative and identifies how norms and perceptions affect public narratives, including rule of law. Within this section, the essay explains how film can be a useful choice for influencing public narratives. Choices of content(s), character(s), and message(s), however, affect the strength of this influence.

¶5 In **Part II**, this essay provides a brief overview of international human rights. Based upon an understanding of international human rights and of the Principles on Reparations, the essay identifies examples of content, character, and message that would enable a film to serve as a reparations tool.

¶6 In **Part III**, this essay provides a brief background narrative of the 1994 Rwandan genocide and identifies how content, character, and message were used to produce destructive public narratives in the past. Specifically, the content element involves an identification of a system of justice. The character element involves an identification of those to be considered as citizens, as group members, and as individual persons. The message element involves an articulation of the desired relationship within the targeted system of justice between and among citizens, group members, and individual persons, the government, and, if any, individuals and groups considered outside these distinctions.

¶7 In **Part IV**, this essay examines the films HOTEL RWANDA and SOMETIMES IN APRIL. Within this section, the essay identifies how well each film integrates the proposed elements of content, character, and message from Section III into its narrative. Specifically, each film's assessment involves the following questions: 1) How well does the film provide an understanding of the relationships between national and international justice systems (Content); 2) How well does the film provide identification and recognition of victims as citizens, as group members, and as individual persons? (Character); and 3) How well does the film promote the healthy development of trust and solidarity between and among the various subsets of Rwanda's society and government? (Message). Ultimately this essay finds that, while each film should be commended for its commitment to positively address the Rwandan genocide, only SOMETIMES IN APRIL would likely be deemed as a useful and appropriate tool of reparations.

I. THEORETICAL ARGUMENT – ON THE USEFULNESS OF NORMS AND PERCEPTIONS:

Rule of law is a public narrative. Norms and perceptions influence public narratives like rule of law. Content, character, and message are elements that affect the amount of influence norms and perceptions have on public narratives. Because film as a form of

[8] *See generally* Magarrell, *supra* note 3.
[9] HOTEL RWANDA (United Artists 2004).
[10] SOMETIMES IN APRIL (CINEFACTO 2005).

media relies upon content, character, and message to influence norms and perceptions, film can affect public narratives. Film, therefore, may be useful as a tool of reparations.

A. Two Theories: Influencing Public Narratives with Norms and with Perceptions

> ***No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning.*** For every constitution there is an epic, for each decalogue a scripture. Once understood in the context of the narratives that give it meaning, law becomes not merely a system of rules to be observed, but a world in which we live.
> ***In this normative world, law and narrative are inseparably related***.[11]

¶8 Narratives and the law intersect daily. Legal professors illustrate principles through narrative examples. Trial attorneys lead witnesses through narrative testimony. Corporate attorneys for investors translate statistical data into narrative projections of company viability. Attorneys compile witness reports of international human rights abuses into narrative histories.

¶9 While each example of the intersection of narrative and the law may involve a distinct function of the law, each example shares one key element of similarity: rule of law. Within the concept of rule of law are three distinct aspects: formal, procedural, and substantive.[12] Considered substantively, rule of law is a public narrative that locates complicated sets of legal rights, obligations, and remedies beneath one umbrella concept.[13]

¶10 While this essay does not seek to provide a definitive understanding of rule of law, as there are contestable definitions for the concept,[14] a working characterization for rule of law is necessary in order to understand the role of norms and perceptions. For the sake of providing such a working characterization, rule of law shall here be considered as a culture established within a society whereby business interests, private property, human rights and security are all secured by broad respect of the law, rather than by violence, by

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[11] Robert M. Cover, *Nomos & Narrative*, 97 HARV. L. REV. 4, 4-5 (1983) (citations omitted; emphasis added).

[12] Brooks, *supra* note 5, at 2283-84 ("Decisionmakers and commentators tend to conflate formal and procedural aspects of the rule of law (such as structurally independent courts, "modernized" legislation, etc.) with a more substantive conception (such as respect for individual and minority rights, a commitment to nonviolent means of resolving disputes, substantive due process, and so on). Most decisionmakers recognize in theory that the rule of law has important normative, substantive, and formal dimensions. Yet, in practice, rule-of-law promotion efforts continue to focus on establishing the formal dimensions of the rule of law, assuming with little evidence that this will lead reliably and predictably to the emergence of a robust societal commitment to the more substantive aspects of the rule of law." [footnotes omitted]).

[13] *Id.*

[14] Law can be seen as a mechanism for establishing moral meaning or as a mechanism for regulating and assigning meaning to violence. *Id.* at 2322. John C. Reitz suggests an alternative understanding of rule of law:

> The core of the ideal . . . is that the exercise of all power, public or private, be subject to limitation by law. . . The culture which institutes the rule of law to limit both private and public power consists of a combination of beliefs that law should limit the exercise of power backed up by sufficient behavior to make it reasonable to think that law in fact does exercise such a restraining function. In this sense, it has been said that the essence of rule of law is the belief that "law matters and should matter.

John C. Reitz, *Export of the Rule of Law*, 13 TRANSNAT'L L. & CONTEMP. PROBS. 429, 435-36 (2004).

force, or by alternative means. By rule of law, this essay means the intangible decision-making process through which individuals determine whether to operate within or outside of the law. This culture (or decision-making process) is communicated through and embodied within public narratives that describe how individuals are to behave (norms) and how they are to understand the behavior of others (perceptions).

¶11 This essay engages with two compatible theories to identify ways in which rule of law and other public narratives might be influenced. These theories address norms and perceptions. Norms describe behavior; perceptions describe interpretations of behavior. Both theories seek to understand how decisions are made within society. The norm-based theory relies heavily on the conceptual framework developed by Rosa Ehrenreich Brooks in "*The New Imperialism: Violence, Norms, and the 'Rule of Law*.'"[15] The perceptions-based theory relies heavily upon the analysis provided by John Denvir in "*The Slotting Function: How Movies Influence Political Decisions*."[16] Brooks' use of norms is comparable to Denvir's use of slotting in assessing whether individuals will accord rule of law as the better mechanism for solving societal problems. Both theories are useful in understanding the importance of rule of law and of public narratives more generally.

B. Rule of Law as a Public Narrative

¶12 Brooks explicitly identifies the critical role that rule of law plays in public narratives, such as respecting, protecting, and fulfilling international human rights.[17] In particular, rule of law plays a significant role in enforcement considerations where non-State parties wield a considerable amount of power and can adversely affect safety, security, and related international human rights concerns.[18] Consequently, norm creation plays a significant role in the establishment of rule of law cultures. Brooks argues that rule of law's substantive mechanisms involve the creation of norms that, once adopted by the people of a country, will continually promote and reinforce respect for rule of law. Much of Brooks' argument addresses the creation of rule of law norms in societies in which these norms did not previously exist. It is insufficient for States to simply pronounce that a particular law exists without accounting for whether sufficient norms exist to sustain this law.

¶13 Brooks' argument provides that rule of law is culture-specific.[19] Invariably, the creation (or revision) of rule of law requires the engagement in norm creation (or revision) for a specific culture.[20] Norm creation injects a substantive consideration akin

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[15] *See generally* Brooks, *supra* note 5.
[16] *See generally* Denvir, *supra* note 6.
[17] Brooks, *supra* note 5, at 2276 ("Human-rights advocates want the rule of law since due process and judicial checks on executive power are regarded as essential prerequisites to the protection of substantive human rights.").
[18] The role of State and non-State parties is discussed *infra* in Part II.
[19] Brooks, *supra* note 5, at 2285-86 ("For the most part, the U.S. human-rights and foreign-policy communities have applied an identical template to societies all over the world, taking little account of their differences or the template's failures in other places…. This model simply does not work." (footnotes omitted)).
[20] *Id.* at 2285 ("The rule of law is not something that exists 'beyond culture' and that can be somehow added to an existing culture by the simple expedient of creating formal structures and rewriting constitutions and statutes. In its substantive sense, the rule of law is a culture . . .).

to this essay's concern with public narratives. *How is a society to consider and respond to the law? What norms are to govern the actions of and relationship between a society and its laws? How do these norms create a rule of law public narrative?* Brooks argues that greater understanding of a society's norms will help to better promote rule of law within that society.[21] A better understanding of norms can then be used to more effectively and efficiently institute rule of law reforms.[22]

¶14 Brooks outlines three areas for further examination of the role of norm creation in establishing rule of law in societies.[23] This essay will consider elements of the second area of questions: "How can. . . norms be created effectively in societies where they are not widespread to begin with?… At what stage is norm creation better accomplished through education, the media, civil society, and means other than 'law'?"[24]

¶15 As a mode of mass media communication, feature films can help to establish norms that promote a rule of law culture within wide segments of a society, such as post-genocide Rwanda's population. With the increasing visibility and accessibility of film in all parts of the world, feature films can successfully imbed rule of law norms within the content of the film's stories and convey the film's characters, messages, settings, and other artistic elements to help the creation of new public narratives. Films may have a particularly significant effect in regions of the world with low literacy rates, such as Rwanda.[25] In such places, alternative, non-literacy-based means of disseminating information to mass populations may prove useful.

¶16 Brooks seems to give credence to the idea that feature films may be useful to promote rule of law culture. Brooks notes that "Hollywood marketing experts and

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[21] *Id.* at 2285-86 ("Recent U.S. and international interventions to promote the rule of law (interventions through military force and through massive aid infusions designed to alter fundamental aspects of societies) have been disappointing in large part because their architects are unwilling to grapple with complex issues of norm creation and the relationship between 'law' and 'norms.' We have failed to define or justify our goals and we have failed to even ask, much less search for the answers, to some very basic questions about how and when societies change, what role (if any) law can play in such cultural change, whether law has any necessary correlation with order and violence, and how and when outsiders (or insiders, for that matter) can promote norm change in particular directions.") (footnotes omitted)).

[22] *Id.*

[23] **1. Choosing and Justifying Norms**
First, what norms should we be trying to create, and how can we justify them? In other words, what precisely are the norms that underlie a substantive commitment to the rule of law, and that can thus enable formal law to be an effective mechanism for further cultural change and adaptation? What norms are conducive to less violent and more equitable societies? And how do we justify trying to "interfere" in other societies to create these norms?
2. Effective Norm Change
Second, how can these norms be created effectively in societies where they are not widespread to begin with? Can we make any cross-cultural generalizations? At what stage is norm creation better accomplished through education, the media, civil society, and means other than "law"? When does focusing on political elites pay off, and when do bottom-up methods work best?
3. Constraints
Third, does a commitment to the norms underlying a substantive conception of the rule of law place limits on the methods the U.S. and the international community should use to create new norms in transitional societies? In other words, does the answer to question one place ethical or legal limits on the ways we can answer question two?
Id. at 2323-24.

[24] *Id.* at 2324.

[25] Rwanda, CIA, The World Factbook, https://www.cia.gov/library/publications/the-world-factbook/print/rw.html (stating that 29.6% of Rwandans fifteen and older are illiterate).

advertising agency executives also may know a surprising amount about norm creation."[26] In principle, other scholars appear to agree, providing that:

> "In order to say that a country has a culture which strongly supports the rule of law, these attitudes and behaviors have to be widespread in the mass culture, especially if we are dealing with a democracy in which the masses have reason to believe that what they think matters."[27]

The idea that Hollywood may be fertile source for influencing rule of law is addressed directly by John Denvir in "*The Slotting Function: How Movies Influence Political Decisions*."[28]

C. Content, Character, and Message: Determining the Level of Influence of Public Narratives

¶17 Denvir's theory asserts that films play a role in public and personal perceptions of the law.[29] According to Denvir's "Slotting Theory:"

> Movies not only entertain, they instruct. Films influence our interpretation of a new event's significance and suggest our appropriate responses. In other words, films help to create the "slots" into which we mentally place new events, each slot calling for a different response.[30]

As an introduction to his theory, Denvir examines President Clinton's and President G.W. Bush's differing interpretations of the two World Trade Center attacks. While President Clinton interpreted the first attack as a "horrendous crime,"[31] President Bush "immediately interpreted the [second] attack as an act of war."[32] The implications for the differing interpretations guided the Presidents respective responses.

¶18 Although he did not rely upon these terms, Denvir examines throughout his analysis the ways in which the elements of content, character, and message affects perceptions. The content element refers to the topic of discussion—the "what." The content of the above comparison was terrorism. The character element refers to the relevant citizens, individuals, and/or groups to this topic—the "who." The characters of the comparison were U.S. Presidents. The message element refers to the desired relationship to be made by audiences between the content and the characters. The

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[26] Brooks, *supra* note 5, at 2326.
[27] Reitz, *supra* note 14, at 436.
[28] Denvir, *supra* note 6, at799-800.
[29] *Id.*
[30] *Id.* at 799.
[31] *Id.* at799-800 (stating after the conviction of the four Muslim extremists involved in the attack, that "I think the signal should go out across the world that anyone who seeks to come to this country to practice terrorism will have the full weight of law enforcement authorities against them, and we will do our best to crack the cases and to bring them to justice, just as they have today." *quoted in* Janet Cawley, 4 Guilty in Trade Center Blast, CHI. TRIB., March 5, 1994, at 1A).
[32] *Id.* ("He later told reporter Bob Woodward that his first reaction was that '[t]hey had declared war on us, and I made up my mind at that moment that we were going to war.'" *quoted in* BOB WOODWARD, BUSH AT WAR 10 (2002)).

message of President Clinton's response was to establish that the president prosecutes crimes of terrorism, whereas President Bush's response was to establish that the president fights wars initiated in response to acts of terrorism.

¶19 One of Denvir's central analytic examples revolves around how the film In THE MAN WHO SHOT LIBERTY VALANCE[33] represents the law (content) via facially representative, personified characters.[34] Given the dramatic personifications of character within the film, the outcome of the plot signals the message to be obtained.

¶20 THE MAN WHO SHOT LIBERTY VALANCE provides personifications of the law through surrogate characters Link Appleyard, town marshal, and Ransom Stoddard, a young attorney. Appleyard, Stoddard, and, through personification, the law are seen as weak and unable to deal with the dynamic and challenging circumstances of the film's story. This weakness stands in stark to contrast to both the villain Liberty Valence and the hero and ranch owner Tom Doniphon. Valence represents *dishonorable*, lawless violence, while Doniphon represents *honorable*, lawless violence.[35]

¶21 Ultimately, Doniphon must rescue the law and the town from the powerful villain by acting with extra-legal violence.[36] The film presents a consistent inability to succeed by of the characters Appleyard and Stoddard who are personified proxies for the law. The "law" must be saved by extra-legal means, personified by Doniphon. This representation suggests that an anti-rule-of-law argument that the law is not always capable of resolving conflict. Denvir posits that:

> "Just as there are 'law' movies like TO KILL A MOCKINGBIRD[37] that suggest that the disciplined logic of law provides the best template for dealing with social conflict, there are also 'lawless' films [like THE MAN WHO SHOT LIBERTY VALANCE [38] and DIRTY HARRY[39]] that imply that law is incapable of handling certain problems and, therefore, suggest violence is society's necessary recourse." (Footnotes omitted.)[40]

¶22 This need to see justice in action (through fictional narratives) reflects a broader notion called open justice to see justice done in real life: "It is not merely of some importance but is of fundamental importance, that justice should not only be done, but should manifestly and undoubtedly be seen to be done."[41] While this aphorism is not well known in the US, the concept of open justice was referred to indirectly by a Justice

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[33] Denvir, *supra* note 6, at 800. The film is reportedly a favorite among professors who rely upon film for their courses.

[34] *Id.* ("The film revolves around the differing fates of five characters who meet in the mythical town of Shinbone during that golden age before civilization (mostly the railroad) turned the desert into a garden. Each of the five characters incarnates a value.").

[35] *Id.* at 800-801.

[36] *Id.*

[37] TO KILL A MOCKINGBIRD (Brentwood Productions 1962).

[38] THE MAN WHO SHOT LIBERTY VALANCE (John Ford Productions 1962).

[39] DIRTY HARRY (The Malpaso Co. 1971).

[40] Denvir, *supra* note 6, at 799-800.

[41] Hon. J.J. Spigelman, Chief Justice of New South Wales, *The Principle of Open Justice: A Comparative Perspective*, MEDIA LAW RESOURCE CENTRE CONFERENCE, Sept. 20, 2005, http://www.lawlink.nsw.gov.au/lawlink/Supreme_Court/ll_sc.nsf/pages/SCO_spigelman200905 (citing *Ex parte* McCarthy, (1923) 1 K.B. 256 (judgment by Lord Chief Justice Hewart)).

Frankfurter concurrence[42] and directly by a Justice Kennedy concurrence.[43] This conception is also reflected in John William Corrington's "Logos, Lex, and Law:"

> "[A] social order is not at last sustained by its legal and political institutions and their mechanical processes laying claim to fairness, justice, and equality–but by the way in which those institutions and their claims are perceived by the human beings who both compose them and are governed by them. It is not enough that justice be done. Justice must be seen to be done."[44]

¶23 Like Brooks' theory, Denvir's theory identifies ways in which extra-legal, substantive mechanisms can complement and support formal and procedural rule of law mechanisms. Moreover, neither theory relies upon one particular social context. Neither theory supports a one-size-fits-all approach. Rather, each theory requires culture-specific adaptation in order to succeed. A rule of law tool or film may be very successful in one society and unsuccessful in another. The specifics of culture do matter. While the specific content, character, and message that a person may perceive does change within different cultures, the fact that a person perceives these elements does not. Thus, it seems reasonable to apply Denvir's "slotting theory," like Brooks' norm theory, to non-domestic regions of the law. This essay argues that slotting may be able to support the idea that films can help promote international human rights.

¶24 Considered in the context of Denvir's theory, Brooks' notion of norms within rule of law cultures corresponds strongly with the slot in which individuals perceive elements of the national narrative. It is, therefore, critical to understand how these rule of law cultures are created. A significant amount of scholarship already addresses formal and/or procedural elements often required to establish and sustain rule-of-law-based societies. Such often required elements include the establishment of independent judiciaries and the enactment of legislation respectful of human rights. However, advocates for the full respect, protection, and fulfillment of human rights through creation of rule of law culture limit themselves by only addressing governing international human rights conventions,

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[42] *See* Joint Anti-Fascist Refugee Committee v. Magrath, Attorney General, 341 U.S. 172 (1950) at 170-2 (footnote reference quotation from R. v Justices of Bodmin) ("The heart of the matter is that democracy implies respect for the elementary rights of men, however suspect or unworthy; a democratic government must therefore practice fairness; and fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights…. Secrecy is not congenial to truth-seeking and self-righteousness gives too slender an assurance of rightness. No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it. Nor has a better way been found for generating the feeling, so important to a popular government, that justice has been done."); *Ex parte* McEwan (1947) 1 KB 321 at 325.

[43] *See* Liteky v. United States, 510 U.S. 540, 565 (1994) (Kennedy concurrence) ("In matters of ethics, appearance and reality often converge as one. *See* Offutt v. United Stat*es,* 348 U.S. 11 (1954) ('[J]ustice must satisfy the appearance of justice'); *Ex parte* McCarthy*,* [1924] 1 K.B. 256, 259 (1923) ('[J]ustice should not only be done, but should manifestly and undoubtedly be seen to be done'). I do not see how the appearance of fairness and neutrality can obtain if the bare possibility of a fair hearing is all that the law requires. *Cf.* Marshall v. Jerrico, Inc., 446 U.S. 238, 242, (1980) (noting the importance of 'preserv[ing] both the appearance and reality of fairness,' which '"generat[es] the feeling, so important to a popular government, that justice has been done,"') (quoting Joint Anti- Fascist Refugee Comm. v. McGrath*,* 341 U.S. 123, 172 (1951) (Frankfurter, J., concurring)).").

[44] John William Corrington, *Logos, Lex, and Law*, 26 LEGAL STUD. F. 709, 711 (2002), *available at* http://tarlton.law.utexas.edu/lpop/etext/lsf/corr26-2logos.htm.

agreements, and treaties. Such limitations of current instruments and norms to enforce international human rights were clear in the abject failure of humanity in Rwanda.[45] More is indeed needed. More tools and more perspective would likely be useful.

¶25 While changes in the law may invariably prove necessary, the threshold issue is whether the "hearts and minds"[46] of the Rwandan people can be changed in order to more easily reform and enforce the law, address reconciliation efforts, and effectively provide a sense of remediation, amongst themselves and with the government, for victims, survivors, and others. A path to achieve this result in a comprehensive manner should include a conscious readjustment of norms and perceptions within broad reconstructions of public narratives. Specifically, considerations of content, character, and message should be consciously addressed in order for norms and perceptions to have a stronger influence on public narratives.

¶26 Film may be a useful tool in helping to provide this assistance to reparation efforts as film naturally incorporates each of the three elements into its own narratives. So long as the film (or other narrative) addresses norms and/or perceptions, and includes appropriate elements of content, character, and message, the narrative will likely be deemed useful as a reparations tool.

¶27 This usefulness alone, however necessary it may be, remains insufficient to qualify a public narrative to become a tool of reparations. The public narrative also needs to be appropriate as a form of reparations for the target nation, culture and people with which the reparations will be shared. Invariably, the appropriateness of the content, character, and message will be addressed through principles of international human rights.

II. International Human Rights and Reparations – on the appropriateness of the Selection of Content, Character, and Message:

¶28 International human rights-based content, character, and message would enable films to serve as reparations tools.

> Reparations are essential to any transitional justice initiative. This is in part because, out of all the dimensions of transitional justice, reparations focus most directly and explicitly on the victims' situation, as it seeks to provide some repair for rights that have been trampled, for harms suffered, for indignities endured. Crucially, care should be taken that reparations are not framed as a hand-out. Rather, a reparations program should uphold the status of victims as bearers of rights, and convey the sense that it is on this basis that they are owed reparations. Moreover, reparations should serve as a vehicle for acknowledging past violations and state

[45] As of the start of the genocide, Rwanda was signatory to a number of relevant international treaties, including Convention on the Prevention and Punishment of the Crime of Genocide. *See* International Committee of the Red Cross, International Humanitarian Law - Treaties & Documents: Rwanda, http://www.icrc.org/ihl.nsf/Pays?ReadForm&c=RW.

[46] Quote derives from use by President Lyndon Baines Johnson between January 16, 1964 and August 19, 1968 with reference winning the popular support of the Vietnamese people in the Vietnam War; quote is used frequently by George W. Bush and his administration with regards to purportedly seeking the support of the Iraqi people and other indigenous peoples in the current global "War on Terror."

> responsibility for harms as well as a public commitment to respond to their enduring impact. Often public acknowledgement is indicated by victims as the most important element of the reparations they seek. It is also what is most frequently absent.[47]

A. International Human Rights

¶29 In looking to film as a potential promoter of international human rights, this essay seeks to articulate the means by which film may accomplish this task. To understand this in context, it seems prudent to provide a very brief primer on international human rights law. Within this section, the essay will identify key components of international law and reparations. From these key components will then arise an understanding of how elements of content, character, and message that are international-human-rights-based can help strengthen the perceptions and norms integrated within a rule of law public narrative.

¶30 Chief among international human rights instruments is what is known collectively as the International Bill of Rights.[48] The International Bill of Rights serves as a foundation of protections for all individuals and groups while establishing standards and obligations for all State parties. The International Bill of Rights is comprised of the following documents: the Universal Declaration of Human Rights (adopted in 1948);[49] the International Covenant on Civil and Political Rights (adopted in 1966);[50] and the International Covenant on Economic, Social and Cultural Rights (adopted in 1966).[51] Though not commonly considered a part of the International Bill of Rights, the UN Charter (adopted in 1945)[52] is also acknowledged as having foundational quality among international human rights instruments on par with the International Bill of Rights instruments.

¶31 Within these international instruments, one finds a broad and necessary swath of fundamental protections to be guaranteed by States for the benefit of individuals and groups around the world. International human rights tend to be secured by State parties. Generally, "[a]ll human rights impose three types of obligations on states: the obligations to respect, protect, and fulfill. The obligation to respect rights requires that states not interfere with individuals' existing entitlements. The obligations to protect and fulfill, in contrast, require the state to take positive and progressive steps to provide for the enjoyment of rights."[53]

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[47] Magarrell, *supra* note 3.
[48] Human Rights Web, *A Summary of United Nations Agreements on Human Rights,* http://www.hrweb.org/legal/undocs.html.
[49] Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc A/810 (1948), *available at* www.unhchr.ch/udhr/lang/eng.pdf [hereinafter Universal Declaration].
[50] International Covenant on Civil and Political Rights, Dec. 16, 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966) (entered into force March 23, 1976), *available at* http://www.hrweb.org/legal/cpr.html.
[51] International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966) (entered into force January 3, 1976), *available at* http://www.hrweb.org/legal/escr.html.
[52] Charter of the United Nations, June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153 (entered into force Oct. 24, 1945), *available at* www.unhchr.ch/pdf/UNcharter.pdf.
[53] *See* David Marcus, *The Normative Development of Socioeconomic Rights through Supranational Adjudication*, 42 STAN. J. INT'L L. 53 (2006).

¶32 While the principle party under the Westphalian paradigm of international law is the State,[54] the International Bill of Rights and other instruments provide a progressive scope of global objectives to promote, protect, and sustain economic, social and cultural rights as well as civil and political rights that are applicable to all individuals and groups across the world. In particular, the Universal Declaration of Human Rights proclaims a standard "for all peoples and all nations," to be respected by "every individual and every organ of [a State's] society."[55]

B. Content: International & Rwandan Systems of Justice

¶33 The major content element involved with understanding post-genocide Rwanda consists of an identification of how the International Criminal Tribunal for Rwanda (ICTR) and the Gacaca court systems function. Of additional importance is an understanding of how the two systems relates to one another. In the years following the Rwandan genocide, parallel international and national systems of criminal prosecution were established. The UN established the ICTR, an international criminal court designed to prosecute high-level genocide crimes.[56] The ICTR was to be hosted in Arusha, Tanzania. Rwanda established the "Gacaca" national courts, a system of courts held in communities throughout Rwanda whose purpose was to address mid- to lower-level genocide-related crimes.[57]

¶34 The U.N. provided the ICTR, which began its work in 1995, with a mandate for the "prosecution of persons responsible for the genocide and other serious violations of international humanitarian law committed in the territory of Rwanda between 1 January 1994 and 31 December 1994. It may also deal with the prosecution of Rwandan citizens responsible for genocide and other such violations of international law committed in the territory of neighboring States during the same period."[58] Along with helping in the process of national reconciliation, the ICTR had objectives of bringing the architects of the genocide to justice and of contributing to preventing such atrocities from occurring again. In the ten years following the end of the genocide, the ICTR had incarcerated 56 high-ranking officials and leaders of the former regime and had only convicted ten thus far, even though the ICTR annual budget for 2002 was in excess of $175 million USD.[59]

¶35 The entire Rwandan "Gacaca" national court system, on the other hand, had an annual budget hovering around $2.2 million USD.[60] The Gacaca courts have the primary focus of promoting reconciliation and healing by providing a platform for victims to

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[54] Jan Arno Hessbruegge, *Human Rights Violations Arising From Conduct of Non-State Actors*, 11 BUFF. HUM. RTS. REV. 21 (2005) ("[T]he 1648 Peace of Westphalia – an order which designated the state to be the primary source of power in international politics and law.").
[55] Universal Declaration, *supra* note 49.
[56] Statute of the International Tribunal for Rwanda, adopted by S.C. Res. 955, U.N. SCOR, 49th Sess., 3453d mtg. at 3, U.N. Doc. S/RES/955 (1994), 33 I.L.M. 1598, 1600 (1994), *available at* http://69.94.11.53/ENGLISH/basicdocs/statute/2007.pdf [hereinafter Rwanda Statute]; *see* Eugenia Zorbas, *Reconciliation in Post-Genocide Rwanda*, 1 AFR. J. LEGAL STUD. 29, 33-4 (2004).
[57] Organic Law n° 16/2004 (June 19, 2004) (Rwanda) ("The Organic Law on the Organisation of Prosecutions for the Crime of Genocide or Crimes against Humanity committed between October, 1990 and December 31, 1994") [hereinafter Gacaca Authorization Law].
[58] S.C. Res. 1503, Annex 1, ¶ 1, U.N. Doc. S/RES/1503 (Aug. 28, 2003), *available at* http://69.94.11.53/ENGLISH/Resolutions/s-res-1503e.pdf. *See also* Rwanda Statute, *supra* note 56, art. 1.
[59] Zorbas, *supra* note 56, at footnote 16.
[60] *Id.*

express themselves, encouraging acceptance of responsibility and apologies by perpetrators, and facilitating dialogue and assembly of victims and perpetrators.[61] In fact, at the end of the genocide, only ten Rwandan lawyers were estimated to be left in the country alive.[62] By early 2004, more than 5,500 persons charged with crimes related to the genocide had already been tried.[63] All of this was done as Rwandan court workers, judges, and attorneys worked in Court buildings that had been pillaged and severely damaged. They worked with little to no equipment, received low to no pay, and had little to no training or trial experience. Furthermore, all of this was done within a legal system fraught with systemic inadequacies, delays, and irregularities.[64]

C. Character, Victims, & Reparations

¶36 An understanding of the goals of reparations reveals that the victim is to be emphasized within rule of law public narratives. Reparations place the needs of victims at the forefront.[65] This emphasis on adopting a "victim-oriented perspective"[66] strongly suggests that the character elements should prominently feature the victim.

¶37 A few definitions: victims, as defined by the Principles on Reparations, include persons who individually or collectively have suffered mental or emotional suffering, physical harm, economic loss, or substantial impairment of their fundamental rights.[67] These harms must be caused by acts or omissions that constitute either gross violations of international human rights law, or serious violations of international humanitarian law.[68] Notably, a person can be considered a victim regardless of whether the perpetrator is "identified, apprehended, prosecuted or convicted and regardless of the familial relationship between perpetrator and victim."[69]

¶38 A precise and generally agreed upon understanding of reparations is a bit more difficult to find. This occurs, in part, because of the wide-ranging ways in which reparations can be interpreted.[70] Within this essay, the meaning of reparations will follow

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[61] *Id.* at 36.
[62] *Id.* ("Elites, unless aligned with the genocidal regime, were among the first victims.").
[63] *Id.* at 35.
[64] Zorbas, *supra* note 56, at 36.
[65] *See e.g.* Principles on Reparations, *supra* note 1, at Preamble.

> …*Recognizing* that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms the international legal principles of accountability, justice and the rule of law,
> *Convinced* that, in adopting a victim-oriented perspective, the international community affirms its human solidarity with victims of violations of international law, including violations of international human rights law and international humanitarian law, as well as with humanity at large, in accordance with the following Basic Principles and Guidelines,
> *Adopts* the following Basic Principles and Guidelines….

[66] *Id.*
[67] *Id.* ¶ 8.
[68] *Id.*
[69] *Id.* ¶ 9.
[70] Reparations can fall on a continuum from "the purely symbolic to measures that are mostly material in nature." Magarrell, *supra* note 3, at 2. *Id.* at 3-4, 5-7 (noting reparations may include administrative programs and may address collective groups or individuals within a society). *Id.* at 2 (quoting reparations "measures may range from a statement of apology or the naming of a street in honor of a victim through to locating the remains of loved ones; creating dignified burial sites; establishing rehabilitation and community centers; releasing pools of credit or directly funding targeted community reparations projects;

the outlined use-based distinction provided by Pablo de Greiff in *The Role of Reparations in Transitions to Democracy*.[71] Although de Greiff provides a more narrow understanding of reparations through an identification of the concepts of restitution, compensation, rehabilitation, and satisfaction and guarantees of non-repetition, the scope of the term reparations in international law remains very broad.[72] De Greiff provides that mechanisms within each these concepts may be used to respond to human rights violations and would count as reparatory measures under international law.[73]

¶39 This essay's consideration of film as reparations potentially implicates most directly the concepts of satisfaction and of guarantees of non-repetition. In relevant part, satisfaction includes:

- Effective measures aimed at the cessation of continuing violations;
- Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- Public apology, including acknowledgment of the facts and acceptance of responsibility; and
- Commemorations and tributes to the victims.[74]

¶40 In relevant part, guarantees of non-repetition that could also contribute to prevention includes:

- Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;
- Protecting persons in the legal, medical and health-care professions, the media and other related professions, and human rights defenders;

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or paying compensation or pensions."). The use of one type of reparation does not by itself preclude the joint use of another in combination. Oftentimes, in fact, reparation programs and policies utilizing both symbolic and material reparations are established to provide for a comprehensive set of needs of various sets and subsets of victims in a society.

[71] The first sphere of reparations comes in international law, and the second comes in the design of massive reparations programs. As this essay seeks to address the question of whether film may serve as a reparations tool, not how film may be coordinated with other tools to form a reparations program, this essay will only consider the first designation of reparations. *See* PABLO DE GREIFF, THE ROLE OF REPARATIONS IN TRANSITIONS TO DEMOCRACY, JUSTICE AND THE WORLD ECONOMY: ACHIEVING GLOBAL JUSTICE SEMINAR SERIES, CARNEGIE COUNCIL ON ETHICS & INTERNATIONAL AFFAIRS 1-2 (2004), http://www.cceia.org/media/4980_Greiff_Reparations_and_Democracy.pdf.

[72] Principles of Reparations, *supra* note 1, at 7-8, ¶¶ 19-23. Though not dealt with within this essay, the first three concepts include: "*Restitution* should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. . . *Compensation* should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case. . . *Rehabilitation* should include medical and psychological care as well as legal and social services." *Id.* ¶¶ 19-21.

[73] DE GREIFF, *supra* note 71, at 2. De Greiff explicitly notes that the passive construction of this definition allows for violations by non-State agents and for assistance to non-victims.

[74] Principles of Reparations, *supra* note 1, at 8, ¶ 22 (maintaining original identification from source).

- Providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces;
- Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises; and
- Promoting mechanisms for preventing and monitoring social conflicts and their resolution.[75]

¶41 De Greiff provides the basis for three values for which reparations should promote. First, the benefits should provide some degree of recognition to victims. This recognition should not just be simply in virtue of the fact that the intended recipients are victims. Instead, the recognition should also be in virtue of the fact that they are citizens, members of a group, and individual persons. Second, the benefits of reparations should promote the development of civil trust, especially trust between victims and the institutions under which they live. Third, the benefits of reparations should promote social solidarity.[76]

¶42 De Greiff argues that these values are important because the values would foster civil trust by increasing legitimacy in government and social institutions, provide for contextualism by allowing the reparations to be sensitive to the specific needs of this society's victims, and allow a nation's people to recognize that the determination of justice and reparations is a political question. Thereby, the political problem of finances would be addressed in a direct, open, and transparent manner.[77] Additionally, while recognizing group identities, de Greiff's notion of reparations emphasizes the need to go beyond group identities. This requirement exists because, "if part of the idea is to raise and reinvigorate the notion of citizenship, the program has to have an individual component."[78]

¶43 The way in which a State and a society respects, protects, and fulfills international human rights regarding reparations, reconciliation and otherwise are informed by the ways that the societal norms and perceptions reinforce these rights. When destructive norms are promulgated throughout a society, it becomes more likely that a public fracture in the national narrative may (re)occur. These public fractures can be violent, resulting in tragic loss of life and resources, as evidenced by the Rwandan genocide. Generally speaking, victims of international human rights and humanitarian violations may look to receive reparations under international law.[79] This essay argues that, if films address international-human-rights-related norms and perceptions and, thereby influence public narratives through the use of content, character, and message, then films may be useful as a reparations tool.

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[75] *Id.* ¶ 23 (maintaining original identification from source).
[76] DE GREIFF, *supra* note 71, at 6.
[77] *Id.* at 6-7.
[78] *Id.* at 15.
[79] Principles on Reparations, *supra* note 1, ¶ 3.

D. Message: Examples from Ghana

¶44 An example of media as reparations can be found in Ghana's National Reconciliation Commission (NRC).[80] In a report by Nahla Valji on the NRC's work, the section on media begins with the assertion that the "role of the media in any national reconciliation project is of central importance."[81] Much like in Rwanda, as discussed more fully later in the essay, the Ghanaian media played a conspicuous role in the society's public fracture and tragedy.[82] In providing reparations, the media can serve to "educate and inform the public, provide a link between the process and the people it is intended to impact, and offer a [mental] space for citizens to share their views, concerns and criticisms."[83]

¶45 As suggested for Ghana's reparations process, the media may play an invaluable role in a reparations process for Rwanda. Regardless of how well a reparations-producing entity achieves its purpose, "without the media to accurately the process to the people, the process will fail."[84] Film, as a form of media, has the potential to play a role in the reparations process. The central tenet of this essay is to assert that films can and do impact the political decisions of a society.

¶46 Considered broadly, films and other forms of media may affect norms and perceptions in a range of ways. Films that deal with relevant legal topics and garner international success may influence the perceived legality of related legal mechanisms.[85] Principally, the public nature of film may supplement judicial or other legal measures to help provide a societal sense of accountability (i.e. in the minds of victims), which can aid in the process of reconciliation.[86] Moreover, "[m]onuments, memorials and museums, as 'institutional embodiments of collective memory', should. . . be thought of as part of the reconciliation process. Cultural products of various kinds, films, novels, national holidays, are also part of this exercise in collective memory."[87] Support for film as a tool to influence norms and perceptions can be found in diplomacy as well:

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[80] Nahla Valji, *Ghana's National Reconciliation Commission: A Comparative Assessment*, INT'L CENTER FOR TRANSITIONAL JUST. 1, 45 (2006), http://www.ictj.org/static/Africa/Subsahara/GhanaCommission.pdf.
[81] *Id.*
[82] *Id.* ("The NRC Final Report highlights the less than glorious past of the Ghanaian media, in which some elements of the press were used as the personal mouthpieces of successive regimes and where anti-democratic attitudes and vilification of the slowness of due process and governance under constitutional democracies contributed to national support for subsequent coups.").
[83] *Id.*
[84] *Id.* at 45-6.
[85] *See* Karen E. Woody, *Diamonds on the Souls of Her Shoes*, 22 CONN. J. INT'L. L. 335, 355 (2007).
[86] *See* Jane E. Stromseth, *Pursuing Accountability for Atrocities after Conflict*, 38 GEO. J. INT'L L. 251, 251-52 (2007) ("Radio Rwanda reports from the tribunal in Arusha, Tanzania, and a number of organizations, including the European Commission and some NGOs, support outreach efforts that include distributing documents and showing documentary films about the ICTR in the Rwandan countryside."). *See also id.* at 277, n.72 ("The U.S.-based Internews media organization, for example, has produced documentary films about ICTR and domestic war crimes trials, which are then shown in rural communities, sometimes accompanied by Rwandan ICTR outreach officers.) *Id.* ("[U]rging the ICTR to establish partnerships with Rwandan civil society leaders and academics, some of whom have tried to secure ICTR's commitment, thus far unsuccessfully, 'to hold post-trial seminars in Rwanda with ICTR officials to discuss the significance of recent trials,' which could be a foundation for further Rwandan-initiated outreach" (quoting Victor Peskin, *Courting Rwanda: The Promises and Pitfalls of the ICTR's Outreach Program,* 3J. INT'L CRIM. JUST. 950, 960 (2005))).
[87] Zorbas, *supra* note 56, at 39.

> United States foreign policy could. . . devote substantially more resources to exposing populations in human-rights deprived countries to Western culture in the form of film, radio, television and popular literature, which could indirectly promote the ideas of choice, new values, alternative social roles (especially for women) and the desirability of human rights.[88]

¶47 Films dealing with ongoing occurrences may have tangible effect on the occurrences continuance, either through the prevention of a future war crime[89] or the cessation of ongoing war crimes.[90] For example, the production and release of films have prompted legal reform in Ghana. Ghana previously legally allowed the practice of sending children away from home for a religious ritual that placed the children in significant harm's way**.** A film called *The Slave Girls of Ghana* effectively raised awareness in Ghana and worldwide. The film blamed and shamed the Ghanaian government into outlawing the practice. The film's authors states that "[f]ollowing the broadcast of our film, and another expose produced shortly after ours by ABC's 60 Minutes programme in the USA, the Ghanaian government did finally bow to international pressure and passed a law in September 1998 making it illegal to send a child away from home for a religious ritual."[91]

¶48 Despite the potential impact of films, there are very real limitations on the ability of films and other tools as a mechanism of reparations. De Greiff notes:

> A purist understanding of reparations is part of a conception of the possibilities of transitional justice measures, including reconciliation, which is actually quite modest. . . . Reparations can make a modest contribution to people's sense of justice. From [this] standpoint, what reparations represent is a materialization of a commitment to do things differently in the future—but they do this modestly.[92]

¶49 Addressing the impact of *The Slave Girls of Ghana*, the film's author acknowledges that the resultant adoption of Ghanaian law was not the final step. The film's author notes that "as the Ghanaian Ambassador to the UN was quick to point out, passing a law is relatively easy, the real challenge is to implement [the prohibition]."[93]

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[88] Phillip R. Trimble, *Human Rights & Foreign Policy*, 46 ST. LOUIS U. L.J. 465, 468 (2002).

[89] Paul J. Dombeck, Comment, *Imperative to Conscience: The Impact of Communications Media on the Practice of Genocide and other War Crimes*, 1 CHI.-KENT J. INT'L & COMP. L. 1, 9 (2001) ("One clearly identifiable instance of the media actually preventing an atrocity occurred in South Korea, in which the media, by helping to create the conditions ripe for the overthrow of the ruling military dictatorship of the country in 1988, almost certainly prevented severe repression of, if not the massacre of, student political demonstrators." (citing ARYEH NEIER, WAR CRIMES 86-87 (Times Books 1998)).

[90] Dombeck, *supra* note 89, at 12 ("Worldwide media attention is credited with bringing attention to the 1991 Serbian attacks on Bosnian and Croatian cities, following their declaration of independence from Yugoslavia, prompting then Secretary of State, Warren Christopher, to declare: '[T]he international community will not accept the laying siege of cities and the continued bombardment of civilians, [or] the denial of humanitarian assistance to people in need . . . .'" As a result of this pressure, NATO conducted air strikes, in 1995, which proved to be a significant inducement to the creation of the Dayton Peace Accords.) (Citations omitted).

[91] Brian S. Woods, *The Slave Girls of Ghana*, 17 N.Y.L. SCH. J. HUM. RTS. 875, 880 (2001).

[92] DE GREIFF, *supra* note 71, at 9.

[93] Woods, *supra* note 91.

Though a useful tool, this essay recognizes that films may serve as but one component of a larger strategy. While understanding how films may work in conjunction with other tools is outside the scope of this essay, the key purpose of this essay is to assert that films can in fact make a tangible difference.

¶50 In moving forward, this essay seeks to recognize the potential positive impact that fictional films may have on reparations in Rwanda. To accomplish this, the essay will turn to several contemporary films made about the Rwandan genocide. Before doing so, however, it may prove helpful to establish a bit of context with regards to Rwandan media and arts before looking at past international human rights violations in Rwanda.

III. PAST EFFORTS BY THE MEDIA IN RWANDA – ON THE PRODUCTION OF DESTRUCTIVE PUBLIC NARRATIVES THROUGH THE SELECTION OF CONTENT, CHARACTER, AND MESSAGE:

¶51 Rwandan history has shown that media has been able to use content, character, and message to produce destructive public narratives. Specifically, Rwandan media produced by Hutu Power advocates promoted a public narrative that helped to create the conditions of possibility that lead to genocide.

A. Background on Media & Arts in Rwanda

¶52 Of note is the characteristic of Rwandan culture that accords respect for authority. One may argue that this high level of respect for authority helped to sustain a public narrative of hate that compelled neighbors to kill neighbors when directed by leaders both in person and via the media. However, as noted by Brooks when speaking of Nazi Germany under Adolph Hitler, a broad respect for government authority per se does not necessarily lead to a more peaceful and secure society.[94] Nor would such respect for government authority alone necessarily lead to effective enforcement of international human rights. The lingering effects of past and continuing unhealthy involvement by other State parties continued to wreak havoc of Rwandan society. Additional factors were likely at work to produce the conditions of possibility that enabled the genocide.

¶53 Someone once said that "words are like loaded guns: there are killing words and saving words." This understanding can be expanded to assert that media and art can be used for destructive or constructive means. Through the period leading up to the Genocide, the media and arts played an integral and conspicuous role in communicating the narrative of hate and coordinating the actions of those complicit in the mass killings.[95] Regarding the Rwandan genocide, such works of media and art have included documentaries, lectures, interviews, poetry, novels, essays, and scholarly articles and book-length works, as well as theater productions.

¶54 *Kangura* Newspaper serves as a major Rwandan media outlet that promoted a destructive public narrative in pre-genocide Rwanda. Kangura, which means "wake it up," was created in direct, government-initiated response to a private-Tutsi-supporting media organ called *Kanguka*, which means "wake up."[96] Kanguka produced independent

[94] Brooks, *supra* note 5.
[95] *See* THE MEDIA AND THE RWANDA GENOCIDE (Allan Thompson ed., Pluto Press/Fountain Publishers 2007).
[96] *Id.*

news that often criticized Hutu Power regime of propaganda and hate. Playing off the name of the oppositional, independent publication so as to confuse readers and disrupt publication attempts, *Kangura* succeeded in supplanting *Kanguka* and disseminating the Hutu Power's anti-Tutsi, propagandistic message.

¶55 The "10 Hutu Commandments" proved to be the most notable publications by *Kangura*.[97] The 10 Hutu Commandments asserted that "[e]very Hutu must know that the Tutsi woman, wherever she may be, is working for the Tutsi ethnic cause."[98] Hutu were commanded to "know that all Tutsis are dishonest in business. Their only goal is ethnic superiority." Hutu who associated with Tutsi women or who conducted business with Tutsi were considered traitors.[99] The 10 Hutu Commandments announced legal restrictions on Tutsis, including prohibitions from joining the army and from attaining "strategic" positions, such as political, government administrative, and economic positions.[100] The Hutu Commandments admonished that the "Hutu must stop taking pity on the Tutsi."[101] Hutu were to "stand united, in solidarity…with the fate of their Hutu brothers."[102] Lastly, Hutu were commanded to "constantly counter Tutsi propaganda…. Every Hutu must spread the word wherever he goes. Any Hutu who persecutes his brother Hutu for spreading and teaching this ideology is a traitor."[103]

¶56 Hutu Power advocates established several other mechanisms in support of the Hutu Commandment's directive to "spread the word." *Kangura* published throughout its issues demeaning and hate-filled anti-Tutsi cartoons.[104] Also primary among the media-based mechanisms for disseminating a narrative of hate is "Hutu Radio": Radio-Télévision Libre des Milles Collines (RTLM). Hutu Radio sought to spread the message of Hutu power, and thereby influence the norms of the people, through encoded language. In one speech by former President Juvenal Habyarimana, the then-Rwandan-President pushed Rwandans to either "work" or leave the country.[105] Working became a euphemism for killing. In no uncertain, Habyarimana called for Hutus to either kill Tutsis or leave as traitors. Other forms of arts implicated in assisting the preparation and perpetuation of the Rwandan genocide include music, through artists like Simon Bikindi, and fashion, through the broad use of uniform or similar cloth patterns worn in promotion of the local, roving and rag-tag militias known as the Interhamwe.

¶57 Noting how destructive narratives produced by Rwandan mass media amplified the preparation and perpetuation of the Rwandan genocide, how substantial of a role can films play in rebuilding and reconciliation efforts for the Rwandan people? Given the glaring misdeeds by mass media and art forms in Rwanda's past, the influence of media and art forms on Rwandan society seems clear. Media and arts performed a destructive service in Rwandan society. It seems intuitive that media and arts can have just as powerful of a positive effect in Rwanda's current and future society. Significant scholarship supports the notion that media and other arts (including film) can have

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[97] 10 Hutu Commandment (*See* Appendix 1 *infra*) [hereinafter Commandment].
[98] *Id.* at 1.
[99] *Id.* at 1, 4.
[100] *Id.* at 5-6.
[101] *Id.* at 8.
[102] Commandment, *supra* note 97, at 9.
[103] *Id.* at 9-10.
[104] THE MEDIA AND THE RWANDA GENOCIDE, *supra* note 95.
[105] *Id.*

profound impact on mass audiences. Anthony Chase notes the following in *International Law on Film*:

> [I]t can be argued that popular perceptions of law play at least some role in the actual definition of law and legal rules themselves. . . Popular constructions of legal reality tell us something (but not everything about the nature of that reality while, at the same time, those popular perceptions are constituent elements in the social process by which any legal culture becomes recognizable to its own participants. . . While popular cultures and their ideologies [may] rarely seem decisive in the development of social history, they nevertheless make their own special contribution, which we ought to allow some room within our theories of society and social development - at least as long as we wish to get the big picture.[106]

Extra-legal elements in society like the media and arts can go beyond merely conveying information; they can help shape how a society understands the information and guide that society towards constructive or destructive norms and perceptions.

¶58 In summary, while no set of conditions can be said to ensure with absolute certainty the occurrence of a particular outcome, norms and perceptions within a society can help form the conditions of possibility that make a particular outcome more or less likely to occur. Rule-of-law-based norms and perceptions can help to ensure the likelihood that, within a given society, business interests, private property, human rights and security are all secured by broad respect of the law, rather than by violence, by force, or by other means. These norms and perceptions are, in effect, merely ideas that act as triggering agents, as slots, and as living frameworks within which a society's citizens operate. These norms and perceptions help direct the course of the society towards constructive or destructive outcomes.

¶59 Film is one mechanism that can be used to help construct or destroy elements of a society. In the context of Rwanda, film may be a useful and appropriate mechanism for providing reparations. Relinquishing authority over the affect of norms and perceptions on public narratives as being outside the scope of law and policy cedes too much influence to those who recognize this reality and would seek to create destructive public narratives. This essay maintains that international human rights advocates in Rwanda and elsewhere need all available resources that are useful and appropriate in order to achieve the continually arduous tasks of rehabilitation and rebuilding that remain in Rwanda.

IV. CONTEMPORARY FILMS ON RWANDA – ON THE PRODUCTION OF CONSTRUCTIVE PUBLIC NARRATIVES THROUGH THE SELECTION OF CONTENT, CHARACTER, AND MESSAGE:

¶60 Hotel Rwanda and Sometimes in April have the potential to help transform destructive public narratives into constructive ones. Ultimately, Sometimes in April

[106] Anthony Chase, *International Law on Film*, 24 LEGAL STUD. F. 559, 559-60 (2000), *available at* http://tarlton.law.utexas.edu/lpop/etext/lsf/chase24.htm.

more successfully integrates international human rights-based content, characters, and messages into its narrative, and, therefore, would be more likely to be deemed as a useful and appropriate reparations tool.

¶61 This essay will now compare how successfully two major feature films on the Rwandan genocide serve as reparatory tools. Each film will not be evaluated based on "historical accuracy," but, rather, on how well each film communicates certain international human rights-based norms and perceptions to Rwandan audiences. In determining how successfully each film acts as a reparatory tool and communicates international human rights-based norms and perceptions to its intended audience, this essay will limit its consideration of the respective films to three questions: 1) How well does the film provides an understanding of the relationships between national and international justice systems (Content); 2) How well does the film provides identification and recognition of victims as citizens, as group members, and as individual persons? (Character); and 3) How well does the film promote the healthy development of trust and solidarity between and among the various subsets of Rwanda's society and government? (Message).

A. Hotel Rwanda[107]

¶62 Premise: "A Story that Had to Be Told: In 1994, as his country descends into madness, five-star-hotel manager Paul Rusesabagina sets out to save his family. But when he sees that the world will not intervene in the massacre of minority Tutsis, he finds the courage to open his hotel, [the Hôtel des Mille Collines,] to more than 1,200 refugees. Now, with a rabid militia at the gates, he must use his well-honed grace, flattery and cunning to protect his guests from certain death, while the rest of the world closed its eyes."[108]

¶63 With a clear target on Western audiences, HOTEL RWANDA was, by far, the more commercially successful of the two selected films, garnering three Academy Award nominations.[109] The film centers on Don Cheadle's strong performance as lead character and hero-figure Paul Rusesabagina.[110] In fact, the film never strays too far away from the hero story. Despite Rusesabagina's worthy story, the overwhelming emphasis on the character's heroism may serve to distort the scale of tragedy and inhibit the reparative value of the film.

¶64 Regarding the element of content, HOTEL RWANDA maintains a relatively narrow view, focusing mostly on Rusesabagina's activities at the hotel. This narrow focus precludes the film from bringing in substantial information about the existence of and relationships between national and international justice systems. The character of Colonel Oliver, the head UN soldier played by Nick Nolte, which acted as Lieutenant-General Roméo Alain Dallaire's surrogate, provides limited view and insight into international legal mechanisms. Even while tossing back as much scotch as he could get his hands on, Oliver provides somber and sobering reminders of how the Western powers left U.N. soldiers stationed in Rwanda hamstrung and inert. While reflective of reality,

[107] HOTEL RWANDA, *supra* note 9.
[108] *Id.* (back cover product description).
[109] HOTEL RWANDA, IMDB, Internet Movie Database, *available at* www.imdb.com.
[110] HOTEL RWANDA, *supra* note 9 (back cover product description).

Oliver's character is given no more nuance than gruff solemnity. The glimpses into the international system provided by Oliver only go so far as references to the under-manned, mandate-constrained U.N. mission. Oliver or others gave no mention of either the ICTR or the Gacaca trials, as the chronology of the film ends before the genocide does.[111]

¶65 HOTEL RWANDA also falls alarmingly short with regards to providing recognition to victims as citizens and individual persons, falling prey to de Grieff's warning about over-emphasizing groups.[112] Far from being a criticism unique to the inadequate depiction of victims, this insufficiency and one-dimensionality extends to all characters beyond the lead character of Paul Rusesabagina. There are several action scenes that dramatically feature machete-and weapon-wielding (presumably Hutu) militia members that torment defenseless, cowering (presumably Tutsi) soon-to-be-victims. The film, however, appears unable to transform these characters from stock icons into individuals with actual lives, real needs and human emotions. Unfortunately, the film relegates such figures to extras, to stand-ins, or to numbers of the dead— ironically not much more than what actual genocide architects may have considered them to be. In maintaining such a tight frame around Rusesabagina's story, the film provides woefully incomplete characters of perpetrators, victims, survivors, or non-Rwandan ex-patriots and aid workers, allowing stock ciphers to stand in their stead.[113]

¶66 For example, the choice to cast Sophie Okonedo as Tatiana Rusesabagina and wife of Paul Rusesabagina could have allowed for insight from a Rwandan woman (and a strong visible statement from an African female actor). However, this element also fell far short of full characterization. Since the character is relegated to few opportunities for on-screen development, audiences are left to imagine the character of Tatiana by themselves. In short, HOTEL RWANDA fails to give characters outside of Paul Rusesabagina life and agency and instead leaves them as mere dehumanized, one-dimensional characters in a Hollywood hero play.[114]

¶67 Additionally, the process by which HOTEL RWANDA was made failed to capitalize on further opportunities to provide recognition for victims and others as citizens and persons, individually and as part of groups.[115] For instance, Rwanda has adopted English and French along with Kinyarwanda as the nation's three official languages. While many Rwandans know all three languages, Rwandans are more likely to know either Kinyarwandan or French. Accordingly, it seems a bit out of place that not one main or supporting character speaks a word of Kinyarwanda or French even when alone on screen or only among Rwandans.[116]

¶68 This feeling of linguistic alienation could be further exacerbated in Rwandans who recognize that, absent a few street shots, the film was not even filmed in Rwanda.[117] In fact, HOTEL RWANDA was filmed mostly in South Africa with non-Rwandan actors playing lead and supporting roles.[118] Producing a feature film involves a tremendous amount of community effort. Had HOTEL RWANDA filmed the movie on location in

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[111] HOTEL RWANDA, *supra* note 9 (movie analysis by essay author).
[112] DE GREIFF, *supra* note 71, at 15.
[113] HOTEL RWANDA, *supra* note 9 (movie analysis by essay author).
[114] *Id.*
[115] *Id.*
[116] *Id.*
[117] HOTEL RWANDA, IMDB, *supra* note 109.
[118] *Id.*

Rwanda, the process itself might have involved more Rwandans in on-screen and off-screen positions, providing a cathartic experience as well as opportunities for informal input and financial compensation for these individuals with the production process. Although outside the immediate scope of this essay, by filming HOTEL RWANDA in Rwanda, the filmmakers could have provided limited opportunities for additional exposure to the intangible benefits involved in creating a public narrative through a film. Moreover, paid participants could have received tangible financial benefit.

¶69 The film provided little actionable information about rule of law cultures, international systems of justice, or healthy, post-genocidal societies. Indeed, many actions within the series of heroic acts revel in the success of duplicity over sincerity as savior of Rwandan community, as Paul played hero to thousands under his watch by any means necessary. Though it may sound craven and callous, by "rewarding" the hero's extra-legal efforts with success and hero-status, the film echoed THE MAN WHO SHOT LIBERTY VALANCE's message of the inadequacy of the law. While not denying the potential truth in that statement, particularly given the undeniable failure of the law to prevent the Rwandan genocide and protects its victims, the featuring of such a message would not make for a useful or appropriate tool of reparations. Without providing additional insight into the international and national post-justice systems and without providing recognition to victims or others as citizens and person, HOTEL RWANDA faces an uphill battle in promoting the development of civil trust and social solidarity between all subsets of Rwandan society.

¶70 Moreover, HOTEL RWANDA may appear for Rwandans to be a film made by the West for the West to help appease Western guilt at having provided inadequate assistance during the actual events of the Genocide. Taken further, there is the real prospect that the re-enactment of a horror on the scale of genocide for the entertainment of those who did nothing to stop the actual occurrence could produce further negative effects within Rwandan survivors. "The line between bearing witness and producing entertainment, between genuine outrage and self-righteous apathy can be initially difficult to discern."[119] This blurred line can be particularly impactful if Western audiences were to view the re-enactment of genocide provided by the film with much of the same disinterest, inactivity and/or apathy as the original occurrence and treat the film as a mere spectacle to turn off when deemed to be too disturbing.

¶71 Even in light of the inadequacies of the film, HOTEL RWANDA does have many stellar qualities that should not go unnoticed. In appealing to a primarily Western audience, HOTEL RWANDA succeeded in the precise place that untold Rwandans, aid workers, diplomats, and journalists had failed during the time of the Genocide: HOTEL RWANDA woke up the West and got throngs of people to pay attention to the gross atrocities that had happened in Rwanda. HOTEL RWANDA raised awareness about Rwanda and the genocide. Moreover, Don Cheadle's stirring performance raised an African figure up to the cinematic throne of Hollywood to be honored and revered for courage, character and fortitude.

¶72 Despite HOTEL RWANDA's larger commercial and critical success, SOMETIMES IN APRIL is a far more promising tool for integrating international human rights-based norms and perception into a Rwandan rule of law culture.

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[119] David M. Smolin, *The Future of Genocide: A Spectacle for the New Millennium?* 23 FORDHAM INT'L L.J. 460, 460 (1999).

B. Sometimes in April[120]

¶73 Premise: "Sometimes in April is an epic story of courage in the face of daunting odds, as well as an exposé of the West's inaction as nearly a million Rwandans were being killed. The plot focuses on two brothers embroiled on opposing sides in the 1994 conflict between the Hutu majority (who had ruled Rwanda since 1959) and the Tutsi minority who had received favored treatment when the country was ruled by Belgium. The protagonists (both Hutus) are reluctant soldier Augustin Muganza (Idris Elba), married to a Tutsi and father to three, and his brother Honoré (Oris Erhuero), a popular public figure espousing Hutu propaganda from a powerful pulpit: Radio RTLM in Rwanda."[121]

¶74 SOMETIMES IN APRIL takes a markedly different approach to telling the story of the Rwandan genocide than HOTEL RWANDA did. First, SOMETIMES IN APRIL is, on its face, a fictional narrative. Second, rather than one central character, the story revolves around two Hutu brothers who take divergent paths preceding and during the genocide.[122] Third, the film develops its major and secondary characters into whole persons and explores multiple perspectives and storylines. Consequently, SOMETIMES IN APRIL does a remarkably better job than HOTEL RWANDA of acting as a reparatory tool by communicating international human rights-based norms and perceptions to a Rwandan audience.

¶75 The message of SOMETIMES IN APRIL is clearly supportive of the principles of reparations. The film reveals a desire to promote civil trust and social solidarity with the opening of the film, before the first live scene even begins. During the opening credit sequence, a brief, written textual history is scrolled over a slowly magnifying map of Africa until Rwanda emerges center screen.[123] This history establishes that all Rwandans, Hutu and Tutsi alike, are a unified people who were disrupted by foreign manipulation. The history specifically articulates the nefarious role of Belgian colonialists in "installing a rigid. . . system of racial classification and exploitation."[124] With this opening credit sequence, the film begins to reconfigure the previously destructive national narrative before one word is even spoken.

¶76 This reconfiguration is continued within the opening monologue and montage sequence. The screen features moving images of colonial eugenic-like testing that are historical in appearance. Re-enactments of colonial greetings to tribal Rwandans flash beneath a somber verbal recounting of the conquest of Rwanda by German and Belgian forces. The gruff-voiced speaker recounts somberly: "It was never about civilization, never about tribe or race. It was always about greed, arrogance, and power. And when we finally grasped the horror, it was too late."[125] The speaker gives voice to the frustrations of Rwandans who seek to create a new public narrative for Rwanda. The declaration of this new public narrative serves as a reparatory mechanism that promotes

120 SOMETIMES IN APRIL, *supra* note 10.
121 "Sometimes in April," Synopsis, HBO Films (2005), *available at* http://www.hbo.com/films/sometimesinapril/synopsis/index.html
122 SOMETIMES IN APRIL, *supra* note 10 (movie analysis by essay author).
123 *Id.*
124 *Id.*
125 *Id.*

civil trust and social solidarity by directly dispelling destructive elements of the old public narrative and reconfiguring them into a constructive new public narrative.

¶77 The first scene established the framing mechanism through which the film reveals the narrative's content: a man, whom we come to know as an older Augustin Muganza, leads a classroom of teenagers in a discussion of the Genocide. The scenes opens with the children watching footage of former U.S. President Bill Clinton at the Kigali International Airport in Rwanda as he delivers official apologies to the people of Rwanda for American and Western inaction. Through this mechanism, the film begins with direct discussions about the meaning of the Genocide and ways of moving towards reconciliation.[126] Though potentially seen by some audiences as heavy-handed, the effort to directly address the central issues to be engaged by the post-genocide Rwandan society may be valued by those seeking to see and share this new narrative with Rwandan audiences. Given the low literacy rates in Rwanda,[127] creating a public forum through a staged movie scene may provide additional avenues to create and sustain public conversations about important issues. Additionally, the recognition of a positive, post-genocide Rwanda, in which Rwandan children who would have been formerly considered separately as Hutus and Tutsis sit in the same classroom gives a physical presence to and provides real faces for the same social solidarity to which the film's rhetoric speaks. The selection of content blends seamlessly into the selection of character.

¶78 Though outside the scope of this essay's principle argument, the off-screen experiences of the child actors who performed the opening scene would also likely work towards the integration of this new narrative into Rwandan society. The child actors were able to make physical for the camera the norms and perception to be integrated into the new narrative. While HOTEL RWANDA also included scenes shared by those who in times past would have been considered Hutu and Tutsi, the tone and message of those scenes speaks messages of anger, hatred, and death. Conversely, the opening scene of SOMETIMES IN APRIL speaks of the core messages of progress and civil trust.

¶79 Moreover, SOMETIMES IN APRIL capitalized on several measures to include Rwandans in the filmmaking process that HOTEL RWANDA did not. SOMETIMES IN APRIL was mostly filmed in Rwanda (save the scenes appropriately filmed in Arusha, Tanzania, in France, and in Washington, D.C., USA).[128] Additionally, the film used both English and Kinyarwandan languages throughout the film.[129] In making these choices, the filmmakers were able to include Rwandans in the process of production and to utilize multiple Rwandan languages. The filmmakers thereby made the film than a product to be watched. SOMETIMES IN APRIL became a cathartic experience that expelled the old narrative and a foundational memory for this new narrative for many individuals and communities involved in the production.

¶80 With regards to the element of character, the two brothers, Augustin and Honoré Muganza, played by Idris Elba and Oris Erhuero respectively, exhibit much fuller character profiles and engage in true character development over the course of the film. Augustin is married to Jeanne, a Tutsi woman, while Honoré goes to work for Radio

[126] *Id.*
[127] Rwanda, CIA, *supra* note 25.
[128] SOMETIMES IN APRIL, IMDB, Internet Movie Database, *available at* www.imdb.com.
[129] SOMETIMES IN APRIL, *supra* note 10 (movie analysis by essay author).

Rwanda and, ultimately, for the Hutu militia.[130] While the film ultimately maintains a clear stance on the arguably irredeemable choices that Honoré makes, the film allows him to make those choices in full voice. This allowance provides fruitful dialogue between Honoré and his brother Augustin.

¶81 With regards to the introduction of international human rights-based content, SOMETIMES IN APRIL tracks various characters through both parts of the post-genocide justice system. Scenes throughout the film are set to take place in the ICTR in Arusha. Honoré awaits charges of complicity in the genocide for his participation at the radio station, his knowledge, and/or other activities during and preceding the genocide. In establishing Honoré's case, the film provides an overarching view of how international human rights instruments coexist and fit together. Accordingly, SOMETIMES IN APRIL films the appropriate scenes at a staged trial in actual ICTR courts in Arusha.[131] Such an image of the actual ICTR courts can be profoundly positive for those who have lost faith in justice, because it shows a functioning international legal justice system in which accused genocidaires suffer from the ramifications of their actions. Moreover, this faith in justice is brought home with comparative explanations of and a closing scene involving the Gacaca Courts. The film explains coexistence of two court systems to accommodate for all the trials necessary.[132]

¶82 In fact, in the final scene, a Gacaca trial is simulated. Three prisoners, accused of having killed 120 school girls by arson within their school house (featured earlier in the film), are shown standing before a bursting throng of silent community members. The prisoners are dressed in pink prison outfits (the known standard in Rwanda for those accused of and imprisoned for crime).[133]

¶83 A female character, a survivor of the fire for which the three prisoners stand accused, is shown in a cross-cut scene gathering her strength and rediscovering her faith in God. "Lead us not into temptation, and deliver us from evil," she quotes.[134]

¶84 A judge paces before a crowd seated on bare grass. The judge pleads in Kinyarwandan for someone to speak to the crimes charged against the accused. "Who recognizes them?" the judge asks. No movement from the crowd. Suddenly, the woman, no longer a girl, appears courageously. She stands in front of the crowd, before the accused and the judge and speaks in her native Kinyarwandan language.

¶85 "Who recognizes them?" the judge had asked.

¶86 She speaks: "I do. My name is Martine Carmanze. I was there. I'm a survivor."[135]

¶87 In one stroke, the film provides voice to a voiceless onscreen victim. During this visual introduction of the Gacaca courts, the most likely court-type that Rwandans would witness, SOMETIMES IN APRIL makes the message clear. There is a new day in Rwanda. Perpetrators will stand accused either in national courts or internationally. Rwandans should trust the systems of justice and participate when able. And no longer a mere victim, Martine personifies the rise of Genocide victim from object to subject, from second-class Tutsi to full-fledged Rwandan, citizen and individual person.

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[130] *Id.*
[131] *id.*
[132] *Id.*
[133] *Id.*
[134] SOMETIMES IN APRIL, *supra* note 10.
[135] *Id.* (movie analysis by essay author).

V. CONCLUSIONS: FILMS MAY BE USEFUL AND APPROPRIATE TOOLS OF REPARATIONS

A. Towards New Norms, Perceptions, and National Narratives

¶88 The word is creation power. As proven by far too many successful campaigns of atrocity throughout history, the ideas presented by the words we use or fail to use can prove destructive. Words translated into public narratives can plant seeds of life and hope, or can uproot positive progress and ingrain division, fear, and hate. The narratives we tell, that we ignore and fail to tell, or that we accept and fail to contest can prove the difference between life and death. When we fail to address the particulars of content, character, and message, we may create narratives that work against our intentions.

¶89 This essay did not seek to address questions of whether filmmakers have a duty to produce constructive public narratives. Rather, this essay sought to articulate why and how film might be a useful and appropriate tool of reparations. The essay also sought to offer guidance on how to identify films that may be useful and appropriate as a reparations tool for influencing public narratives like rule of law. Specifically, this essay sought to compare two contemporary films on the Rwandan genocide as a practical exercise, relying upon theories on norms and perceptions. The essay identified how elements of content, character, and message can make a public narrative stronger and what these elements would look like in actual films and public narratives.

¶90 Though financially and critically the more successful of the two films, HOTEL RWANDA dealt far too much with attempts to relive one admittedly noble man's resistance by chronically how the events unfolded without allowing an exploration of all those other elements around and before him. The film sought to inject a hero in a national narrative that is, for over 800,000 and their families and survivors, not about the heroes.

¶91 Though notable in short term effect, especially for awakening the awareness of Western audiences, HOTEL RWANDA's somewhat short-sighted examination of the Rwandan genocide is inadequate, inappropriate, and ill-advised for respectfully addressing complicated and multiple realities of daily lives and experiences from those who must live through the ramifications of these narratives around the world. Consequently, HOTEL RWANDA would likely not be used as a reparations tool.

¶92 Though fictional in its specifics and format, SOMETIMES IN APRIL puts faces on the dead and gives names the survivors. "Who recognizes them?" was the call. "I do. My name is Martine Carmanze."[136] The film gives characters names and histories lives. SOMETIMES IN APRIL situates these lives within both Rwanda's national historical and contemporary institutions for political, social, and legal remediation. Moreover, the film exposes its audiences to the complementary international framework of institutions that seek to implement and assure international human rights.

¶93 The integration of appropriate character and content elements helps to ensure that the film's message of unity and reconciliation are absorbed by the film's audiences. The incorporation of this message into collective conscience of the Rwandan people will be invaluable to the creation and continuance of a rule of law culture within Rwandan society that promotes, protects, and sustains international human rights.

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[136] *Id.*

¶94 Films that promote rule of law cultures through the thoughtful, international human rights-based influence of content, character, and message on the norms and perception of the film's audiences helps to fuel the curiosities of our better angels and serves the mission of international human rights. Films that push forward in this manner show that art can have reparatory value for survivors and others in post-conflict societies. Although HOTEL RWANDA was far more successful in raising awareness of the Rwandan genocide, SOMETIMES IN APRIL achieves a far more laudable and long-term international human rights-based goal by furthering efforts to produce new public narratives for the Rwandan people that promote, protect, and sustain international human rights. For these reasons, SOMETIMES IN APRIL would be a useful and appropriate tool of reparations in Rwanda.

APPENDIX I

The 'Hutu Ten Commandments'

as published in *Kangura*, No. 6
(December 1990)

1. Every Hutu must know that the Tutsi woman, wherever she may be, is working for the Tutsi ethnic cause. In consequence, any Hutu is a traitor who:
   - Acquires a Tutsi wife;
   - Acquires a Tutsi concubine;
   - Acquires a Tutsi secretary or protégée.
2. Every Hutu must know that our Hutu daughters are more worthy and more conscientious as women, as wives and as mothers. Aren't they lovely, excellent secretaries, and more honest!
3. Hutu women, be vigilant and make sure that your husbands, brothers and sons see reason.
4. All Hutus must know that all Tutsis are dishonest in business. Their only goal is ethnic superiority. We have learned this by experience from experience. In consequence, any Hutu is a traitor who:
   - Forms a business alliance with a Tutsi
   - Invests his own funds or public funds in a Tutsi enterprise
   - Borrows money from or loans money to a Tutsi
   - Grants favors to Tutsis (import licenses, bank loans, land for construction, public markets. . .)
5. Strategic positions such as politics, administration, economics, the military and security must be restricted to the Hutu.
6. A Hutu majority must prevail throughout the educational system (pupils, scholars, teachers).
7. The Rwandan Army must be exclusively Hutu. The war of October 1990 has taught us that. No soldier may marry a Tutsi woman.
8. Hutu must stop taking pity on the Tutsi.
9. Hutu wherever they be must stand united, in solidarity, and concerned with the fate of their Hutu brothers. Hutu within and without Rwanda must constantly search for friends and allies to the Hutu Cause, beginning with their Bantu brothers.
   Hutu must constantly counter Tutsi propaganda.
   Hutu must stand firm and vigilant against their common enemy: the Tutsi.
10. The Social Revolution of 1959, the Referendum of 1961 and the Hutu Ideology must be taught to Hutu of every age. Every Hutu must spread the word wherever he

goes. Any Hutu who persecutes his brother Hutu for spreading and teaching this ideology is a traitor.