

The effect of Human security law on physical security

Effect: Negative (While the Gacaca courts documented increased insecurity for survivors, the ICC prosecutions also revealed resistance, witness intimidation, and a decline in public support. However, it helped curb electoral violence and reshape political alliances)

Confidence in study findings: Low

Short Summary

The effects of human security law interventions such as Gacaca courts and the International Criminal Court (ICC) revealed unintended consequences on physical security. Brounéus (2008) evaluated Rwanda's Gacaca courts and revealed that rather than fostering reconciliation, testifying often led to increased threats, retraumatization, and physical insecurity for survivors. Block (2015) analyzes the ICC intervention in Kenya following post-election violence, finding that while the ICC prosecutions helped reduce electoral violence and reshape political alliances, they also encountered opposition, threats to witnesses, and decreased public confidence. Together, these studies highlight the complexities of legal interventions in transitional justice.

Long summary

The intervention

The intervention studied across the two studies provides information on how community-led courts and ICC's intervention affect the people, the country and the geographical region at large. Block(2015) looks at the prosecution of Kenyatta and Ruto/Sang by the ICCs for crimes against humanity. Brouness(2008) examines the psychological effects of testifying in Rwanda's Gacaca courts, which were established as community-led tribunals for post-genocide reconciliation. The study also aimed to check if truth-telling aids reconciliation and healing.

How is the intervention expected to work

Interventions in justice and reconciliation are expected to promote accountability, healing, and social cohesion. However, without proper support systems, they can retraumatize victims and deepen divisions. Effective approaches must balance justice with emotional and community healing, ensuring that legal processes foster unity rather than exacerbate tensions and societal fractures.

Brouness(2008) found that survivors giving testimony in the Gacaca courts faced significant challenges due to the lack of psychological support, which heightened their vulnerability to re-traumatization. Additionally, ongoing ethnic and community tensions often undermined reconciliation efforts, making it difficult for survivors to feel safe or supported. The presence of perpetrators and their families in the hearings further contributed to a hostile environment, increasing fear and social isolation.

Block (2015) examined the ICC's intervention in Kenya, which aimed to promote accountability by prosecuting high-ranking officials accused of crimes against humanity following post-election violence. It also sought to strengthen legal institutions by demonstrating the importance of impartial justice and deterring future political violence.

The evidence base

There are two qualitative studies assessing the effect of human security law on physical security in the Sub-Saharan Africa region. These studies are by **Block NM**. *The ICC and the Situation in Kenya: Impact and Analysis of the Kenyatta and Ruto/Sang Trials (Doctoral dissertation)*; and **Brounéus K**. *Truth-telling as a talking cure? Insecurity and retraumatization in the Rwandan Gacaca courts. Security dialogue. 2008 Mar;39(1):55-76*. All references are from that study.

The evidence

- 1) Survivors of the Gacaca process faced direct threats, vandalism, and social exclusion after testifying, undermining their security and well-being (Brounéus, 2008, p. 66-70).
- 2) The ICC intervention helped reduce electoral violence but was met with political backlash, declining public trust, and allegations of witness intimidation, limiting its long-term impact (Block, 2015, p. 55-58).
- 3) Both interventions revealed gaps in survivor protection and the challenges of implementing justice in politically sensitive environments.

Confidence assessment

Overall confidence: Low Confidence Qualitative Studies (Established small n approach is not used/Unclear, no analysis based on an explicit theory of change or theoretical framework, no triangulation done, in one study source of bias mentioned but not addressed whereas in second study it was not discussed)