

## The Justice and Reconciliation Process in Rwanda

During the 1994 genocide in Rwanda, up to one million people perished and as many as 250,000 women were raped. The killings shocked the international community and left the country's population traumatized and its infrastructure decimated. Since then, Rwanda has embarked on an ambitious justice and reconciliation process with the ultimate aim of all Rwandans once again living side by side in peace.

### Justice after the Genocide

In the years following the genocide, more than 120,000 people were awaiting trial for their participation in the killings. The judicial system for dealing with those alleged to have participated in the genocide can be divided into three levels:

**1) The International Criminal Tribunal for Rwanda (ICTR)** was established by the United Nations Security Council on 8 November 1994, with the first trial starting in January 1997. The Tribunal has a mandate to prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in Rwanda between January and December 1994. The ICTR's mandate has been extended by the Security Council until December 2012.

The Tribunal has issued several landmark judgments, including:

- The conviction of the Prime Minister during the genocide, Jean Kambanda, to life in prison. This trial was the first instance of an accused person acknowledging his guilt for the crime of genocide before an international criminal tribunal. It was also the first time that a head of government was convicted for the crime of genocide.
- The judgment of a former Mayor, Jean-Paul Akayesu, was the first in which an international tribunal was called upon to interpret the definition of genocide as defined in the Convention for the Prevention and Punishment of the Crime of Genocide (1948). The Akayesu judgment also held that rape and sexual assault constitute acts of genocide insofar as they were committed with the intent to destroy, in whole or in part, a targeted group. It found that, in the case of Rwanda, sexual assault formed an integral part of the process of destroying the Tutsi ethnic group and that the rape was systematic and had been perpetrated against Tutsi women only, manifesting the specific intent required for those acts to constitute genocide.
- The Tribunal's "*Media Case*" in 2003 was the first judgment since the conviction of Julius Streicher at Nuremberg after World War II in which the role of the media was examined in the context of international criminal justice.

**2) The National Court System of Rwanda** prosecutes those accused of planning the genocide or of committing serious atrocities including rape. By 2000, the national courts were still dealing with more than 120,000 suspects awaiting trial and by mid-2006 the national courts had tried approximately 10,000 genocide suspects<sup>1</sup>.

In 2007, the Rwandan government abolished the death penalty, which had last been carried out in 1998 when 22 people convicted of genocide-related crimes were executed. This development

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<sup>1</sup> "Transitional Justice and DDR in Post-Genocide Rwanda" by Lars Waldorf, International Center for Transitional Justice, [www.ictj.org/en/research/projects/ddr/country-cases/2382.html](http://www.ictj.org/en/research/projects/ddr/country-cases/2382.html)

removed a major obstacle to the transfer of genocide cases from the ICTR to the national courts, as the ICTR draws to a close.

**3) The Gacaca tribunal system** To address the fact that there were thousands of accused still awaiting trial in the national court system and to bring about justice and reconciliation at the grassroots level, the Rwandan government reestablished the traditional community court system called "Gacaca" (pronounced GA-CHA-CHA), which became fully operational in 2005.

Communities at the local level elect judges to hear the trials of genocide suspects accused of all crimes except planning of genocide. The courts give lower sentences if the person is repentant and seeks reconciliation with the community. Often, confessing prisoners return home without further penalty or receive community service orders. By May 2009, more than one million cases had been judged in more than 12,000 courts throughout the country.

The first Chief Prosecutor at the ICTR, Richard Goldstone, acknowledges that Gacaca is not a fair system by international standards but argues that in the case of the Rwanda genocide, where there were as many perpetrators as victims, the Gacaca system has served a useful purpose.

Furthermore, the Gacaca trials serve to promote reconciliation by providing a means for victims to learn the truth about the death of their family members and relatives as well as giving perpetrators the opportunity to confess their crimes, show remorse and ask for forgiveness in front of their community.

The Gacaca courts are officially scheduled to close in 2010, once the last case has been heard.

### **Unity and Reconciliation in Rwanda**

The reconciliation process in Rwanda focuses on reconstructing the Rwandan identity – balancing justice, truth and the future peace and security situation of the country. Different measures have been taken by the Rwandan government towards achieving the goal of perpetrators and victims living side by side in peace. For example, the Constitution now states that all Rwandans share equal rights. Laws fighting discrimination and divisive genocide ideology have been passed.

Primary responsibility for reconciliation efforts in Rwanda rests with the **National Unity and Reconciliation Commission (NURC)**. The main activities of the NURC in the area of reconciliation are as follows:

- **Ingando:** A programme of peace education in solidarity camps. From 1999 to 2009, more than 90,000 Rwandans participated in these education programmes, which aim to clarify Rwandan history, understand the origins of the division amongst the population, promote patriotism and fight genocide ideology.
- **Itorero ry'Igihugu:** Established in 2007, the Itorero programme's objective is to promote Rwandan values and cultivate leaders who strive for the development of the community. From 2007 to 2009, 115,228 participants took part in the Itorero program.
- **Seminars:** Training of grassroots leaders, political party leaders, youth and women in trauma counseling, conflict mitigation and resolution, and early warning systems.
- **National summits:** Since 2000, several national summits have been organized on topics related to justice, good governance, human rights, national security and national history.
- **Research:** The NURC has published a number of studies investigating the causes of conflicts in Rwanda and how to mitigate and resolve them.