



BACKGROUND NOTE

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, leaving 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 detained and accused of bearing criminal responsibility for their participation in the killings. To deal with such an overwhelming number of perpetrators, a judicial response was pursued on three levels: the International Criminal Tribunal for Rwanda, the national court system, and the Gacaca courts.

The International Criminal Tribunal for Rwanda

The International Criminal Tribunal for Rwanda (ICTR) was established by the United Nations Security Council on 8 November 1994. The Tribunal has a mandate to prosecute persons bearing great responsibility for genocide and other serious violations of international humanitarian law committed in Rwanda between 1 January and 31 December 1994.

The first trial started in January 1997, and by December 2012, the Tribunal had completed the trial phase of its mandate. Of the 92 persons indicted for genocide, crimes against humanity and war crimes, 49 were found guilty and convicted, 2 cases were withdrawn, 10 were referred to national jurisdictions (2 to France, and 8 to Rwanda), 2 accused died before completion of their cases, and 14 of the accused were acquitted. Nine accused are still at large. As of March 2014, the cases against 12 accused remain on appeal.

The ICTR is expected to conclude its work by the end of 2014. After that, the so-called Mechanism for International Criminal Tribunals (MICT), set up by the Security Council in December 2010, will take over and finish the remaining tasks of the ICTR – and of the International Criminal Tribunal for the former Yugoslavia (ICTY). The ICTR branch of the Mechanism began to function on 1 July 2012.

The Tribunal has issued several landmark judgments, including:

- In the first judgment by an international court on genocide, a former mayor, **Jean-Paul Akayesu**, was convicted in 1998 of nine counts of genocide and crimes against humanity. The judgment was also the first to conclude that rape and sexual assault constituted acts of genocide insofar as they were committed with the intent to destroy, in whole or in part, a targeted group.
- The conviction of the prime minister during the genocide, **Jean Kambanda**, to life in prison in 1998 was the first time a head of government was convicted for the crime of genocide.
- The Tribunal's "**Media Case**" in 2003 was the first judgment since the conviction of Julius Streicher at Nuremberg after World War II to examine the role of the media in the context of international criminal justice.

The national court system

Rwanda's national courts prosecute those accused of planning the genocide or of committing serious atrocities, including rape. By mid-2006, the national courts had tried approximately 10,000 genocide suspects. 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 removed a major obstacle to the transfer of genocide cases from the ICTR to the national courts, as the ICTR draws to a close.

The Gacaca court 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 in 2005 re-established the traditional community court system called "Gacaca" (pronounced GA-CHA-CHA).

In the Gacaca system, communities at the local level elected judges to hear the trials of genocide suspects accused of all crimes except *planning* of genocide. The courts gave lower sentences if the person was repentant and sought reconciliation with the community. Often, confessing prisoners returned home without further penalty or received community service orders. More than 12,000 community-based courts tried more than 1.2 million cases throughout the country.

The Gacaca trials also served to promote reconciliation by providing a means for victims to learn the truth about the death of their family members and relatives. They also gave perpetrators the opportunity to confess their crimes, show remorse and ask for forgiveness in front of their community. The Gacaca courts officially closed on 4 May 2012.

Unity and Reconciliation in Rwanda

The reconciliation process in Rwanda focuses on reconstructing the Rwandan identity, as well as balancing justice, truth, peace and security. The Constitution now states that all Rwandans share equal rights. Laws have been passed to fight discrimination and divisive genocide ideology.

Primary responsibility for reconciliation efforts in Rwanda rests with the **National Unity and Reconciliation Commission**, established in 1999. It makes use of the following approaches:

- **Ingando:** A programme of peace education. From 1999 to 2009, more than 90,000 Rwandans participated in these programmes, which aim to clarify Rwandan history and the origins of division amongst the population, promote patriotism and fight genocide ideology.
- **Itorero:** Established in 2007, the Itorero programme is a leadership academy 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 National Unity and Reconciliation Commission has published a number of studies investigating the causes of conflicts in Rwanda and how to mitigate and resolve them.

For more information, see: www.unictr.org, www.unmict.org or www.un.org/preventgenocide/rwanda