



## 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, its infrastructure decimated, and sending shock waves through the international community. 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 of Rwanda, 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 2011, the Tribunal had completed the trial work of 80 of the 92 accused. Nine accused were still at large. The ICTR's main body, the court of first instance, is due to complete its work by the end of June 2012. Appeals are to be completed by 2014.

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 specifically held 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 judges 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 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 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 re-established the traditional community court system called "Gacaca" (pronounced GA-CHA-CHA), which became fully operational in 2005.

In the Gacaca system, 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. Since 2005, more than 12,000 community-based courts have tried 1.2 million cases throughout the country.

The Gacaca trials also serve to promote reconciliation by providing a means for victims to learn the truth about the death of their family members and relatives. They also give perpetrators the opportunity to confess their crimes, show remorse and ask for forgiveness in front of their community. The Gacaca courts are scheduled to close 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 and peace and security in 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. And 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**. Its main activities 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 programmes, which aim to clarify Rwandan history and the origins of 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 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, please see: [www.unictr.org](http://www.unictr.org) and [www.un.org/preventgenocide/rwanda](http://www.un.org/preventgenocide/rwanda)