

Transitional Justice in Post-Genocide Rwanda: A week long Study

Together Against Impunity in the Great Lakes Region (TAI/GLR) – Rwanda, is planning to organize a one week long (15th – 21th July, 2012) study tour on Transitional Justice mechanisms adopted in Rwanda after the 1994 genocide.

This study tour is uniquely important for a number of reasons, but at least three of them are crucial. First, the nature of the 1994 genocide is unique; the genocide that happened in Rwanda was the result of a long process of preparation and took place in the presence of the international community (UN soldiers, international Media and NGOs). It is believed to have been the speediest genocide, involving massive participation of men and women of all ages and professions. Its unimaginable cruelty in terms of weapons used and torture, with extreme inhumane behaviour where for instance parents killed their children. A second reason that makes this study tour important pertains to the impact of the genocide. When the genocide was over, on a population of less than seven million persons about 800,000 innocent people had been killed in a period of just 100 days, about five million persons had been displaced, some living in IDP camps; the majority had fled in fear of reprisal to the neighbouring countries. All sectors in the country were destroyed. The third reason that makes post-genocide Rwanda unique regards the approaches adopted to deal with the challenges following the genocide. With the aim of dealing with unconventional challenges, unconventional approaches were adopted, mainly based on Rwandan traditional customs, to facilitate national reconciliation, promote peace, fight impunity, and entrench a culture of rule of law and human rights. These mechanisms of interest to study include but are not limited to:

- Gacaca Courts, a quasi-judicial system that was put in place to prosecute cases of genocide, where Judges are men and women of integrity elected from their communities, while the members of the community serve as prosecutors, lawyers and witnesses;
- INGANDO (Solidarity camps), aimed at civic education where history and nationalism is taught;
- ABAKANGURAMBAGA (reconciliation volunteers), volunteers who intercede in conflict resolution and mobilize communities for amicable solutions;
- UBUSABANE (Inter-communities exchange or gatherings), which include sports activities, cultural and community celebrations, and reintegration of perpetrators back to their communities;
- ITORERO (traditional Rwandan schools), where self reliance, nationalism and moral values of integrity and taboos are taught.

On top of this, the Government has developed poverty reduction projects aimed at creating economic interdependence and social cohesion like UBUDEHE, where members of communities work together on different income generating projects, and the GIRA INKA program, one cow per poor family, where a poor family is given a cow and is obliged to give the first born-calf to another poor family.

After seventeen years some success stories can be mentioned. Two presidential elections in which President Paul Kagame has been the winner have been held, as well as parliamentary

elections. The country is the least corrupt in the region and the most secure; registered significant economic growth; public institutions were rebuilt and reformed with a highly praised public service delivery. A number of refugees have been repatriated and former combatants either reintegrated into the present Rwanda Defence Force or demobilized and successfully reintegrated into civilian population. Survivors, victims and perpetrators of the genocide continue to live side by side. Universal 9 years basic education and public health insurance scheme is working. Diseases like malaria and AIDS, maternal death and infant mortality rates have significantly reduced. Over a million cases of individuals suspected of crimes related to genocide have been tried within Rwanda.

However, these achievements and many more visible improvements have been criticized by international NGOs – like Human Rights Watch and Amnesty International – and International Media as being achieved at the cost of other fundamental rights, like freedom of expression and political association. The government has vehemently denied such allegations. It retorts that critics are biased, whereas some seem just ignorant of the problems which are inherent to genocide and its aftermath and blame them for failure to suggest any better workable alternatives to handle such a complex situation.

In addition to national mechanisms, Rwanda has benefited from International Criminal Justice and prosecution of alleged *génocidaires* by other states on the basis of Universal Jurisdiction, but these mechanisms have also been under fierce criticism from within Rwanda and outside.

This project aims at clarifying the extremely complex nature of re-building a society after genocide, and comprises of two components: literature study and a study tour. Studying a post-genocide situation through existing contradictory scholarly writings and media outlets is not enough. To better understand the present situation in Rwanda one should also listen to people involved in the process, and experience what is happening on the ground.

As a first step participants choose a particular topic that can be considered a core issue with regard to the genocide and its aftermath in Rwanda. Political freedom for instance is one of those topics. Participants can make a literature study on political freedom, its general meaning in different parts of the world, in post-conflict states in general, in Rwanda in particular; then study all the comments that Rwanda faces with regard to political freedom for instance by national and international NGOs and the response to this criticism in Rwanda. Other examples of topical issues are reconciliation, justice, the criminalisation of hate speech, gacaca as semi-traditional justice mechanism, nation building.

Based upon this literature study participants formulate questions to be answered during the study tour. As a result, participants enter Rwanda not so much with a pre-determined opinion but with a series of questions which reflect the complexity of the issues at stake. Questions such as: how to establish a multi-party system? How to assess the importance of non-violent elections in a post-conflict society? What is reconciliation and how to achieve it? What does nation building imply and what is the role of leadership? How does the crime of genocidal ideology in Rwanda compare to similar crimes in other parts of the world?

The study tour shall involve different stakeholders in Rwanda which will include but not be limited to visiting genocide memorial sites, the Unity and Reconciliation Commission, an Ex-combatant demobilization and reintegration Solidarity Camp, the National Commission for the fight Against Genocide, the Ministry of Justice, the National Prosecution Authority and the Supreme Court, survivors and victims of genocide and their organisations, perpetrators of genocide who confessed and are currently doing community service work, the Ministry of Defence and the National Police, and interact with University communities and members of the civil society.

Other Conflict affected areas

In addition to the Rwandan Experience, participants will also have an opportunity to discuss about other African Post-Conflict initiatives. To mention a few; a regional roundtable session will focus on Uganda (the Lord’s Resistance Army stricken Northern Ugandan), The Post-election violence in Kenya and Ivory Coast and the Southern Sudan Experience. In all these areas there are ICC investigations undergoing parallel to possible national initiatives.

Participants and the cost/fee of the programme

This study is open to about 25 participants; students, professionals, researchers and academicians who are interested in learning about transitional justice in a post genocide society. Added to this group will be a small group of students of Rwandan universities from various disciplines. The main language of conference will be in English, but French speaking participants with a reasonable knowledge of English are also very welcome. Each participant is supposed to pay **900 Euros**.

Practical organization Plan of the study

Apart from specific presentations on proposed core themes pertaining to transitional justice as part of international (criminal) justice, roundtable discussions shall consider specific research topics proposed by participants. Each day shall be a mixture of a theoretical presentation on the theme of the day and on field study, interaction/discussion with Rwandan university communities, in particular students, relevant officials, civil society (local and International) and interaction with local communities

Tentative Programme

15th July 2012	
Arrival of Participants	Participants will be hosted at Hotel Le Printemps in Kigali: http://www.leprintempshotel.com/
Afternoon session	
The Participants shall visit Nyamata and Ntarama Churches. These small churches in Bugesera District where thousands of people were killed were turned into genocide memorial sites. It is about 30 minutes drive from the Capital, Kigali, to these locations.	

16th July 2012	
Morning Session	
Participants shall visit INGANDO; solidarity camps housing convicts who confessed for their role in the genocide doing community service (TIG).	
Afternoon session	
Visit the Gisozi National Genocide Memorial Site.	
Evening session	
Presentation on documentation and preservation of memory	
Speakers:	<ul style="list-style-type: none"> ✓ The Executive Secretary of the National Commission for the Fight against Genocide (CNLG) ✓ The Director of the genocide memorial sites.

17th July 2012	
Morning Session	
Reconciliation	
Themes:	<ul style="list-style-type: none"> ✓ The positive role of Gacaca and its flaws/challenges. ✓ The role of National Unity and Reconciliation Commission ✓ The role of Religious groups/faith based communities. ✓ The role of civil society; presentation by the Institute of Research and Dialogue for Peace.
Afternoon session	
International Justice and Universal Jurisdiction	
Speakers:	<ul style="list-style-type: none"> ✓ International Criminal Tribunal for Rwanda (ICTR). ✓ The Minister of Justice, Rwanda Ministry of Justice. ✓ Dr Emmanuel Ugirashebuta, The Dean of the Faculty of Law, National University of Rwanda
Evening session	
Screening of a film (to be determined) and possibly discussion with the producer.	

18th July 2012	
Morning session	
Participants shall travel to Murambi Genocide Memorial site in the Southern Province. It is a distance of about three hours drive and in the afternoon with a possibility of visiting poverty eradication projects in the Southern Province.	
Afternoon session	
Themes:	Governance and Rule of Law. Freedom of expression and political association versus prevention of hate speech.
Location:	The National University of Rwanda in Huye Town - Butare, southern province.
Evening	
return to Kigali	

19th July 2012	
Morning Session	

Roundtable discussion on other post conflict areas	
Speakers:	<ul style="list-style-type: none"> ✓ Roelof Haveman – Southern Sudan and Ivory Coast Experience ✓ Justice Elizabeth Nahmya – The High Court of Uganda, The War crimes chamber. ✓ The East Africa Law Society Kenya – The Kenyan Experience.
Afternoon Session	
Multi-sectorial Intervention in reform and reconstruction of Rwanda	
Themes:	<ul style="list-style-type: none"> ✓ The role of the Army (Rwanda Defence Force - RDF) ✓ The role of Donor Community – The Royal Netherlands Embassy, Kigali – Rwanda ✓ Policing a post conflict society : National Police of Rwanda (RNP) ✓ Investigation and Prosecution of genocide and conflict related cases; National Public Prosecution Authority (NPPA).
Evening session	
Screening of a documentary/film.	

20th July 2012	
Morning and afternoon session	
Visit solidarity camps for the Ex-Combatants near Musanze/Ruhengeri in the north west of the country, combined with a discussion with the Administration of the Demobilization programme and ex-combatants.	
Evening	
Cocktail/dinner and closing remarks.	

21st July 2012	
Departure of participants – for those willing to stay longer will do it on their own, Together Against Impunity will provide advice when asked.	

For the report and the experience of participants in the July 2011 programme see details on <http://www.against-impunity.org/spip.php?article2>
<http://againstimpunity.org/spip.php?article2>

Location and address:

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NB: Applicants should send a letter of motivation explaining their interest in the course together with a Curriculum vitae to Mr. Alphonse Muleefu; taigr@yahoo.com not later than 20th May 2012, other important dates (deadlines) shall be subsequently provided to successful applicants whose positions shall be confirmed upon the payment of the course fees (900 Euros).