



Grassroots justice in Rwanda

The conviction of former Liberian president, Charles Taylor, by the Special Court for Sierra Leone has once again put the spotlight on the efficacy and objectives of international criminal tribunals. On the other side of the continent, in Rwanda, a radically different – and equally controversial – judicial process will conclude in June 2012. In *How Rwanda judged its genocide*, the latest publication in Africa Research Institute’s *Counterpoints* series, Dr Phil Clark scrutinises the *gacaca* community courts set up to prosecute crimes committed during the 1994 genocide.

The *gacaca* community courts have been the centrepiece of Rwanda’s justice and reconciliation process. In 2001, approximately 120,000 genocide suspects were detained in jails across Rwanda at a cost of US\$20m a year. More than 10,000 people had died in detention since 1994. There were hardly any judges and lawyers left in the country after the genocide, and the judicial infrastructure was in ruins. Few countries have had to tackle the aftermath of a conflict in which hundreds of thousands were killed or injured by hundreds of thousands of their fellow citizens with such limited legal and financial resources.

The aims of *gacaca* were to prosecute every individual genocide suspect, regardless of seniority or social standing, and to begin the reconstruction and reconciliation of Rwandan society. Crucially, the process was designed to involve the people who experienced the genocide first-hand at every stage. Formally trained judges and lawyers were excluded from any official involvement. In 2002, *gacaca* was launched by the Rwandan government as “justice without lawyers”. More than 250,000 lay judges were elected by their communities in about 11,000 jurisdictions. As *gacaca* identified new suspects still at large, the number of people prosecuted swelled to 400,000.

Most international observers have fiercely opposed the use of *gacaca* courts for trying genocide crimes in Rwanda, claiming that they were ill-equipped to handle such complex cases fairly. This *Counterpoint* argues that such criticism reflects legal rigidity in the face of the unprecedented challenges confronting post-genocide Rwanda – and a limited understanding of the multiple aims of *gacaca*. The perspective stems from a narrow conception of justice based on the experiences of the Nuremberg and Toyko trials after World War II and subsequent tribunals – including the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Court (ICC).

As many as one million cases have been heard by *gacaca* courts in a decade, at a cost of US\$40m, compared with the US\$1 billion spent on 69 trials at the ICTR. *Gacaca* has inevitably been imperfect. Its shortcomings have included cases of corruption, bribery of judges and intimidation of witnesses. Some survivors have also been retraumatised. But the process was also highly innovative and delivered significant benefits. A vast genocide

caseload was cleared. Popular participation during *gacaca* hearings was conducive to truth-telling and truth-hearing. As court proceedings were shaped by local communities, vigorous political exchange often ensued. Phil Clark asserts that other societies confronting the aftermath can learn much from the achievements of *gacaca* – as well as its flaws and pitfalls.

“There are serious questions we must ask about the appropriate responses to mass conflict”, said Phil Clark at the launch of *How Rwanda judged its genocide* at Africa Research Institute in London. “Critiques of *gacaca* have been vociferous since day one. But critics have ignored one of its greatest assets, namely that Rwandans have been able to talk about the genocide, and its impact, on their own terms, in a language that is familiar to them”.

Notes to editors:

Africa Research Institute is a non-partisan think-tank based in London. Our mission is to draw attention to ideas that have worked in Africa, and to identify new ideas where needed. *How Rwanda judged its genocide* can be downloaded from the Africa Research Institute website: