

**GREAT LAKES POLICY FORUM
MEETING REPORT
January 9, 2003**

At this month's forum, we heard from Alison des Forges, Human Rights Watch Senior Researcher for the Great Lakes region; Peter Uvin, Tufts University Director of the Institute for Human Security; Olivier Kamitatu, Secretary General of the Mouvement pour la Liberation du Congo (MLC); and Anne Edgerton, Advocate, Refugees International. The forum focused on the current system of justice in Rwanda, specifically the *gacaca* method of justice, as well as the present state of the peace process in the Democratic Republic of Congo (DRC).

In the wake of a January 1, 2003 presidential announcement of a plan to release approximately 40,000 Rwandan prisoners accused of genocide, the question of whether there will ever be justice for the acts of genocide lingers large. How will the victims and others react to those released back into society? How will the government control the return of the detainees into their communities? Can justice ever be achieved after the trauma of genocide?

The *gacaca* method of justice in Rwanda is a traditional method of informal, community, locally based justice. The present central government in Rwanda is now attempting to try accused perpetrators of genocide using *gacaca*. *Gacaca*, in its traditional form, is a local, open forum for people to speak out; the premise of *gacaca* is that it is good for people to speak out and that people will want to do so in order to provide information about the accused. *Gacaca* seems as if it would make sense in a place like Rwanda, which has a history of strong and widely varied local level politics. However, Rwanda also has an extremely centralized, top-down hierarchical government. Kigali has a strong desire to continue its hold on power, while at the same time it has a desire for progress in the country (which is not quite as strong). This odd duality of localization and centralization can hinder the justice process.

The *gacaca* process of bringing justice to accused genocidaires has not thus far been achieving justice. Of the more than 8,000 cases of genocide to be "solved" by this process, none has yet reached the final trial stage of the eight-stage *gacaca* process. In theory, *gacaca* is a community based, localized justice system but in actuality it currently operates as a state-directed system that presently is not an open forum. There is a lack of popular engagement in the process because of the dominant role the government plays in the proceedings. For example, the same eight rules of *gacaca* are applied and read at the beginning of every session throughout the country; the central government is always represented at proceedings and someone from the central government often speaks before or after the proceeding; the group judges (popularly elected) make decisions based upon files of the accused supported by state prosecutors. It is not surprising that the system is heavily influenced by the state, as the Rwandan government is traditionally centralized and authoritarian.

There are a variety of other obstacles to justice for Rwanda's genocidaires. While the current *gacaca* proceedings are influenced by a centralized governmental system, local dynamics in Rwanda also delay the search for justice. For in Rwanda, as much as the central government is top down and hierarchical, so is local civil society. At the local level, land and power are controlled by an elite few. Local power dynamics have an enormous influence on the *gacaca* hearings. There are many examples of false accusations and hypocritical accounts given because someone in the community has something against the accused. Therefore it seems impossible to create an open forum and deliver objective justice in local situations. Other methods of achieving justice have proven to be just as problematic. The International Criminal Tribunal has not, to date, prosecuted a single RDF member accused of genocide. The International Tribunal hearings take place in courts where there are rarely any other Rwandans present. The Rwandan government has made it extremely difficult for citizens to leave the country to serve as witnesses at prosecutions. (The UN has just recently tried to put an end this obstruction of justice). Military courts within Rwanda are not currently trying any of those accused of genocide. Thus there is an understandable sense of one-sided justice on the part of the victims.

Even with these obstacles, it is important to remember that ordinary Rwandans do in fact have agency and choices when it comes to justice, however limited. They did not make the rules of the *gacaca* proceedings, but they do have voices with which to speak. It is not a perfect forum for justice, but it is nevertheless a forum. In order to achieve even an attempt at justice, citizens must be willing to speak openly and truthfully even in a system that is currently one-sided. As the search for justice continues, international actors must remember that Rwanda is still stunningly poor in financial and human resources. Therefore as international players work for justice to become real, they must also keep in mind the need for strengthening the capacities of the ordinary Rwandan citizen.

In the Democratic Republic of Congo (DRC), there is currently and a great disconnect between the situation of ordinary citizens "on the ground" and that being discussed in the political realm, specifically in the Inter-Congolese Dialogue (ICD) between leaders of the various military groups in the DRC. The situation on the ground continues to deteriorate even as new agreements are signed (and subsequently broken). As the situation on the ground worsens, the international community must acknowledge and recognize that the current state of the DRC is not what it should be. There are gross military abuses and human rights violations by all groups involved. Conditions in the eastern part of the country are unbelievably bleak. The international response known as MONUC, which has been described as both a nightmare and a miracle, is currently inadequate in addressing the true needs of the situation. The mission was originally deployed to monitor a cease-fire that has never been a reality, and lacks the funding, human resources, and arguably the mandate, to deal with the reality of the situation. MONUC is now focusing a great deal of its attention on a program known as DDR (Disarmament, Demobilization, and Repatriation). DDR will help facilitate the return of Rwandan combatants to their native country. This process is key to peace in the DRC; however, as MONUC is already underfunded, should resources for humanitarian activities be pulled for DDR? The decision to make DDR the primary focus of MONUC seems premature

until the fighting on the ground stops. MONUC has tolerated an unacceptable level of violence, and its troops have been deployed along the cease-fire line that has become irrelevant while the fighting has moved to the east.

The situation in the DRC is not solely one for the international community to attempt to improve. There are three main issues right now with which the competing Congolese military groups must deal: the withdrawal of foreign troops from the DRC; the intensification of the war in the east; and the Inter-Congolese Dialogue (ICD) and efforts to reach a power-sharing agreement. All groups involved in the 1999 Lusaka ceasefire agreement have continued to struggle for control of parts of the. Their most recent agreement, the December 17th Pretoria Accord, calls for yet another cease-fire and power sharing arrangement among the groups. However, at present, the agreement exists on paper only, and has yet to be put into practice. The signatories continue to fight for power and to accuse one another of not being committed to peace. The situation gets increasingly complicated as military groups continue to fight even as they meet together for peace talks, and situation on the ground continues to deteriorate. Many feel that the international community should consider sanctions against those who are not upholding the Pretoria agreement, pressure all groups to continue negotiations toward peace, and help finance and build a new army. Reunification of the national army is an important aspect of power sharing and unification. Other key components of a push to a more stable DRC are military groups transitioning into viable, national political parties, and ultimately, the DRC government holding elections after the two-year transition government so that the corrupt leaders will have to face the people. Again, the military groups are attempting to end the conflicts at the negotiating table but at the same time are unwilling to share power and hold to the terms of their ceasefire agreements.