

On March 22, 2007, the Great Lakes Policy Forum convened to discuss the current situation in Rwanda, in an event titled "Rwanda Revisited: Balancing Justice, Peace & Stability" The speakers included Ms. Alison Des Forges; Human Rights Watch, Ms. Constance Morrill; Independent Consultant, and Mr. Matthew Levinger; US Holocaust Museum, who moderated the forum.

The main issue in the Rwandan post genocide context is one of reconciliation- known as *gacaca*- while balancing peace, justice, and stability. Complicating the issue of reconciliation is that this genocide took place in a context of war, with the rebel RPF eventually defeating government forces that were perpetrators of the genocide. Aside from the acts of genocide that are being prosecuted, there were also war crimes from the RPF that need to be addressed for true reconciliation. By the RPF not addressing their war crimes once they gained power, they have created a serious human rights dilemma and given political ammunition to opposition parties.

As the definition of guilt has slowly widened in the reconciliation process, the number of accused has increased from 10,000 to 800,000, nearly ten percent of the population. This far cry from reconciliation has seen cases where people who were forced so set up barriers to find Tutsis but did not arrest any Tutsis or participate in violence have been accused of committing acts of genocide.

Between 2001 and 2005 in a series of interviews, it was found that many minors remained in Rwandan jails in spite of the general amnesty in 2003 granted to all youths in prison on genocide charges. This amnesty was granted to minors who confessed, but this was not communicated clearly, leading to the current situation. In many cases, directors of the prisons did not know of their presence, and overall the Rwandan penal system is not capable of housing all the people accused of genocide as a result of *gacaca*, let alone distinguishing between minors and adults. Many of the youth in these prisons spoke of the slow process of the tribunals and legal process once a charge is brought against you and the necessity of bribing for justice. There were other cases of youths being cleared of guilt by their accusers and still languishing in jail due to procedural hang-ups, such as judges or lawyers not showing up or the lack of legal recourse to retract false witness statements.

Another issue is the lack of sufficient legal training in the *gacaca* system. Gacaca judges usually have no more than three weeks of formal training. The judges are the ones who record transcripts of the court proceedings, and they are often done in a hasty manner, as many individuals are speaking at once. When clerks are available to record gacaca proceedings, they often lack literacy skills. Many of these homegrown courts were originally meant to deal with less serious crimes, but the open forum provided led to an enormous increase of accusations, which the authorities did not foresee. This has given many the license to make accusations of genocide, where disputes over land, business, or marriage turn into genocide accusations. Subsequently, the prison population has increased by 50% in the last ten months, with a total prison population of 90,000- the highest level since the genocide. The government has vowed to conclude all *gacaca* cases by 2007 even though nearly 750,000 cases remain, making it very likely that a political solution at the highest of levels in the Rwandan government, in spite of the grass roots *gacaca*, will have to solve the issue of post-genocide reconciliation in Rwanda.