Gacaca: Origin et Philosophy

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are struggling to achieve peace, democratic governance and socio-economic development. Schematically, the situation can be described as follows:

Current Features of Transition in the GLR

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Source: Compilation of the author

The political management of transitions is the condition sine qua non for building sustainable peace, stability and development in societies exiting from violent conflicts. Unless such issues are adequately addressed, durable peace will remain uncertain in the GLR.

For Rwandans, Rwanda is more than just a geographic space. It is a principle, an ideal and a state of mind. At present Rwanda is made up of a legacy of common memories and of a present characterized by the duty to live together.

Gacaca, as a concept and an institution, is part of the traditional system of conflict resolution. Its specificity is to be community-based and participatory. Based on unity of Rwandans, Gacaca makes concrete the principle, shared by other peoples, according to which an individual has rights and responsibilities only as a member of his/her clan or his/her family.

According to the philosophy on which Gacaca is based, any offense tarnishes the image not only of the individual who committed it, but also the family to which he/she belongs. Gacaca is the space where offense can be mended. It is
steered by the elderly, heads of families or mediators representing the king. This traditional system of conflict resolution ensured cohesion of a pluralistic society based on unity and family and clan solidarity. It was the expression of the “rwandanness” translated in this ideal of restorative justice aimed at rebuilding lost dignity. It is the reason why Gacaca was chosen as means of rebuilding the social fabric which was torn apart by the 1994 genocide.

Division among Rwandans which peaked in the 1994 genocide started from the arrival of colonizers (1894). Since then three generations of Rwandans have so far been living in racial and ethnicist indoctrination. This long duration explains the presence of those who still believe in the untruths which characterize this discourse.

Race and ethnicity are not genetic or physical data that can be objectified. They are social constructions which allow identifying the actors through clichés and stereotypes. The Belgian colonization and the Roman Catholic Church have created racism by applying an ideology based on the imposition of a foreign nature on Rwandan institutions found on the spot. The Tutsi was identified as a Caucasian, the Hutu as a Bantu Negroid and the Twa as a pygmy. This racial hypothesis was strengthened by the theory of immigration: the Tutsi pastoralists found the Hutu farmers there who in turn found the Twa who are the first Rwanda occupants.

Even though Hutu, Tutsi and Twa identities had existed before the colonization, they were not primary or closed identities which are found in the colonial discourse. Reference identity was the clan and all Rwandans (Hutu, Tutsi, Twa) found themselves belonging to the 18 clans living in the country. They were identified as Hutu, Tutsi and Twa according to their socioeconomic position and with regard to the central power.

Belgians have created artificial divisions among Rwandans in reference to their own internal divisions (between the Flemish and the Walloon) to better dominate and exploit them according to the principle of divide and rule. Pre-existing relations between the Hutu, the Tutsi and the Twa have therefore been deeply modified by the colonial ideology and practice. By promoting the ideology which insists on differences and by creating racist institutions such as the Party for Hutu Emancipation (Parmehutu) or the Coalition for the Defense of the Republic (CDR), the 1st and 2nd Republic have extended and strengthened Eurocentric perceptions which tore apart social cohesion. The Tutsi were marginalized and discriminated, their rights defied with some complicity of the international community. It is the colonial legacy of division and bad governance which plunged the country into the disaster of the 1994 genocide.

The Rwandan genocide was an initiative of the State, based on a racist ideology against the Tutsi created by colonialism and extended by the “Hutu revolution” of 1959, in a war context between the government army and that of RPF. The genocide took a toll of about a million of human lives and 130,000 suspects were arrested.

The international community reacted by creating an International Criminal Tribunal for Rwanda (ICTR). But this solution was insuffi-
cient to deal with the big number of suspects. The organic law no 08/96 of 1996 filled in this gap by enforcing Gacaca Jurisdictions. This law established four categories on the basis of responsibilities: formal courts dealing with the first category of planners of the genocide, the other categories being within the competence of Gacaca jurisdictions.

Current Gacaca jurisdictions which deal with genocide issues is inspired by traditional models of restorative justice. Like the latter, Gacaca aims both at punishing and integrating the culprit, judged by his neighbours who are members of his/her community. The specificity of Gacaca is that it is grassroots-based and that it is centred on community members and managed by the latter. It constitutes the bridge between the ancient and the new Rwanda.

Gacaca is a strategy of conflict resolution whose results take time to be seen. This is due to the fact that changes resulting from popular approaches are quite slow. It is a sign of the revival of the Rwandan people from the aftermath of colonialism and genocide.

Gacaca has six stages: to disclose the truth on "historical wounds" and the role of various actors during the genocide (the victims, the survivors, the planners, the performers, the spectators), to dispense justice by establishing individual responsibilities not to fall into the usual trap of collective guilt, to fight against impunity institutionalized by the previous political systems, to appropriate collectively the tragedy of the genocide and not to leave it to the victims and the survivors, to reconcile through community mediation and to promote socioeconomic and political development.

Gacaca is a process of healing all Rwandans and rehabilitating the Rwandan Nation steered by 170,000 judges "Inyangamugayo" who, by the end of this process, will have acquired an unprecedented experience in resolving conflicts. This mass of actors elected by their respective communities on the basis of their integrity will strengthen democratization and good governance.

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Transitional Justice and Gacaca in Post-Genocide Rwanda: theory and practice,
by Alice Urusaro Karekezi

The aim of this communication is to present the state of knowledge on Gacaca. 10 years after the consultations held at the Village Urugwiro which are at the origin of the option for Gacaca and 5 years after the launching of the experimental phase, Gacaca has promoted practice and theoretical understanding of the transitional justice.

The option for Gacaca has been criticized with various actors: academicians, historians, jurists, sociologists, international and national associations of human rights, Bar members. For these observers, Gacaca was an inappropriate solution.

The debate concerned three proposals of models: labour division between international and national jurisdictions under the supervision of organizations for the defense of human rights, and truth and amnesty commissions. The fundamental debate behind these propos-