

**REPUBLIC OF RWANDA**



**OFFICE OF THE PRESIDENT  
OF THE REPUBLIC**

**REPORT ON THE REFLECTION MEETINGS HELD IN THE OFFICE  
OF THE PRESIDENT OF THE REPUBLIC FROM MAY 1998 TO  
MARCH 1999.**

**(DETAILED DOCUMENT)**

**Kigali, August 1999.**

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2. Report written by the Committee which finalized the functioning of GACACA JURISDICTIONS.
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## **GENERAL INTRODUCTION**

On 9<sup>th</sup> May 1998, His Excellency Pasteur BIZIMUNGU, President of the Republic of Rwanda, opened reflection meetings in the Office of the President of the Republic. Those meetings lasted almost one year, being held every week on Saturday, except when there was an important reason for the meeting not to be held.

### **Those meetings were attendend by**

- The Representatives of the authorized Political Parties in Rwanda;
- The National Assembly Bureau;
- The Supreme Court Bureau;
- Members of Government;
- The Chairmen of the National Assembly Commissions;
- The Prefects of Prefecture;
- The Army and Gendarmerie Representatives;
- Advisers from the Offices of the President and the Vice-President of the Republic;
- Advisers from the Office of the Prime Minister; - Special Guests;
- When the meeting started to examine problems regarding Justice, were also invited representatives of the Judicial Services, Lawyers, Prosecutors. representatives of the Civil and Military Intelligence, as well as representatives of the Banks.

### **Issues on the Agenda of the Meeting**

- The Unity of Rwandans;.

- Problems regarding Democracy;
- Problems regarding Justice;
- Economic problems;
- Problems regarding Security.

Also was always examined the role which Rwandans should play in those problems.

When the Head of State opened the meeting, he reminded of the bad moments which Rwanda went through and how the Government of Unity was set up when there were many crucial problems. He reminded that Government follows the Contract, the programme agreed upon by Political Parties from Byumba. This way of doing while people are looking for good ideas which are satisfactory for all, pushed the President of the Republic to convene such a reflection meeting, attended by Rwandans from many strata, in order to look together for a solution to the Country's major problems.

He explained how those problems were conceived, in five items as there were provided for on the agenda of the meeting

### **1°THE UNITY OF RWANDANS.**

His Excellency the President of the Republic described how the Unity of Rwandans, which they had before, was progressively destroyed, until they made them understand that there was no relationship between them; and that some have more rights than others, then they were involved in a discrimination policy, until some people fled the country, others being killed, all this being ended by the 1994 Genocide and Massacres.

He briefly described the main achievements

- Stopping the Genocide and Massacres;
- Refugees' repatriation and resettlement, and fighting the establishment of regions for Hutus and Tutsis (Hutuland & Tutsiland);
- Solving the refugees' problem;
- Fighting the culture of revenge (setting up a policy against revenge). It was the reason why it was established a Law punishing the crime of genocide and massacres.
- The policy of working together : discussion, raising public awareness, leaders from different levels, solidarity camps.....All these were serving as a good example from Higher Authorities.

His Excellency the President of the Republic said : even if all this has been done, you find that Rwandans are still very distrustful .

Reasons why things are still like this

- Opinion leaders, mostly the authorities and other intellectuals, are still bearing in mind discrimination opinions. Those who want where to express

themselves are still relying on that. This is really the consequence and the proof of opinions based on disagreement and discrimination.

- Fighting in the north of the Country, is based on the genocide and massacres: i.e. exterminating people with the ethnicity which is different from yours or who are not supporting that opinion.

The genocide and massacres themselves have no relationship with unity and reconciliation. The fact that there are such opinions in one part of the Country has bad consequences on the other parts of the Country.

- We still have property problems, mostly regarding illegally occupied houses, and-not being able to help survivors as we should do.
- We need good governance ! Some leaders from basic structures still have the spirit of discrimination, on top of which comes the fact that we still have old administrative structures. The result is that some of those leaders abuse their authority in collaboration with some soldiers.

In fact, there is not yet a big change in the lower structures' way of governing and even their names have remained the same. This makes leaders always consider themselves as the former ones.

- "Judicial" institutions are not well functioning. And what the Government of Unity has undertaken to have a Country governed by law, and which enforces human rights, must be based on those institutions' good functioning. •After the genocide and massacres had stopped, RPF-Inkotanyi undertook to work with Political Parties which had no weapons. But no talks were held to criticize each other in order for the Parties to show that they were clean. because among some of their members and even among their leaders, there were some who had publicly participated in the acts of genocide and massacres.

Those political parties' image did not change following the people's conception.

- To solve the problem of the unity and reconciliation of Rwandans, there must be PARTICIPATION from the population.

## **2° DEMOCRACY**

His Excellency the President of the Republic explained that what was achieved to fight for liberating the Country and defending people so that they return to their property, at home, was really the will to prepare for DEMOCRACY.

He reminded that all the time, in the Government's and National Assembly's way of working, they are looking for good and constructive ideas and about which there is a consensus from many people. And this is a step towards DEMOCRACY.

Because of the genocide and massacres and their consequences (trauma, loneliness, anxiety, flight and separation, insecurity especially in the north of the

Country where the genocide and massacres have really continued ), Rwandans did not have time and were not quiet to deal with their daily problems, and choose themselves people who can help them find solutions.

His Excellency the President of the Republic reminded that Democracy was characterized by three elements

- The fact that the people are aware of their problems, take strategies to find solutions to those problems, and make those problems really theirs (OWNERSHIP & PARTICIPATION);
- The fact that the people, while solving their problems, appoint structures which help them to solve those problems (PRESENTATION);
- This being completed by the fact that their representative has no power to oppress them by abusing his authority. And there should be instead a way of controlling or prosecuting him (CONTROL & ACCOUNTABILITY).

### **3° JUSTICE.**

His Excellency the President of the Republic reminded that Rwanda has major justice problems.

a) Those related to the genocide and massacres which took place in our Country:

- al. The genocide and massacres is the government's offence because it is government which taught the people the ideology used to get to those genocide and massacres. In addition, for them to become possible, government used means and powers it usually has (powers and machinery of the State) when implementing that bad ideology. on which are based the genocide and massacres; this means that you cannot punish the genocide and massacres as an ordinary offence. while everybody really believes in the principle that such an act is bad, is an offence.

As it is also an offence by government, those who perpetrated the genocide, who killed and even encouraged others to kill people. were not punished in the same way as those who were pushed to do it.

Government and religions institutions are usually showing the right way. When they fail to do it, as it was the case in Rwanda, the citizen is lost, loses his way, and actively participates in the bad action shown to him. Justice must consider this element.

- a2 . The genocide and massacres are a collective offence. No family, no village in Rwanda was not affected. It was a disastrous sinister. Nobody alone can find a solution to such a sinister in a tribunal corner to which all people do not have access.

- a3. But, on the other hand, the genocide and massacres have been the culprit's offence, because there is hatred between a citizen whose family member was killed by a neighbour and that neighbour. That citizen cannot logically think that it is government which is more responsible for what happened to him. Therefore, this proves that it would not be enough to punish such a crime at a high level.
- a4. Such an offence is a crime which destroys the Rwandese Society. because it is aimed at killing one part of nationals, of citizens. This shows that when you are punishing it you are also willing to rebuild that destroyed Rwandese Society, thereby doing such as that construction. that rehabilitation be possible. I classical justice, this is not the objective at all.

Usually, when you are punishing a crime, it is, because you want people to be afraid of committing it. But in this case, as I have just said, it is not enough :the bad ideology which has been favoured must be changed. The NATION must be newly built. It is the people who saw bad things which were done and nobody can get the truth without consulting them.

It is people who are to make it up with themselves. There are to understand that killing is not good. It is some of them who must repent and repair damages, and others must pardon, and it is all of them together who must rebuild Rwanda. It is the reason why they must a big role in justice, instead of justice being based on some of them, very few, who are carrying it out it as a profession.

When he explained those problems relating to the crime of genocide and massacres, His Excellency the President of the Republic gave concrete examples (illustrations) which help understand how big is the problem

- There are detainees whose number is about 135,000, however the number of those who committed crimes is much higher than the detainees'one;
- Making their case files has always been difficult;
- People do not remember how those detainees have been arrested (at that time, there were no officers of the public prosecution - OPJs-, IPJs as well as other people who could understand the arrest procedure and how to make case files,.....);
- There is the problem that people do not have any role in justice as it has been mentioned;
- There is another major problem which is the following : the genocide and massacres are a crime of higher importance. What would be the punishment which is adapted to such a crime?  
If not, what would be that punishment ?
- Although it is very difficult to find an appropriate punishment, forgetting about " it and covering such a tragedy, cannot be the

solution to the problem caused by the genocide and massacres as it was made clear.

- b) There is the problem that classical justice was been destroyed. Some of the magistrates and different employees in judicial institutions were killed and others fled the country. Different materials were spoiled and others pillaged.

There is the problem of how independence for justice is conceived; "independence" of justice does not mean that the judiciary must do anything it wants, that it has nothing to be accountable for.

His Excellency the President of the Republic also reminded that even though there were still major problems within judicial institutions, a step has also been made, and he quoted the following examples

- To rehabilitate judicial institutions;
- To establish a law punishing the crime of genocide and massacres according to their perpetrators' categories;
- To try people so that some have already been executed.

#### **4°. ECONOMY**

Regarding the Economy issue, His Excellency the President of the Republic specified that there were two categories of economy problems

##### a) Structural (structurels) problems

- People living on subsistence agriculture and livestock farming they are more than 90 %). Agriculture and livestock do not give much production;
- Many Rwandans are too poor (70%);
- There are no Rwandans who have done cottage industry studies ;
- Land locked country without a maritime port and raw materials.

- b) The genocide and massacres which took place also destroyed poor resources that existed.

Those who were persecuted at that time and then survived, or those who were Persecuting them, all have been very economically destabilized.

Private and public property has also been very destabilized.

But after such a tragedy was completed, many actions were carried out.

His Excellency the President of the Republic described the Country's past situation by using examples

- The rate showing how the price increase was in general (inflation) changed from 60% (1994-1995), and is now about 9% (1998), which means that the situation is good;
- The Rwanda franc has a stable value;
- The Country has a six months' capacity to provide imports which are needed while when Government had just been set up, the Country had only a one month's capacity;
- Government has a budget which is provided for at the beginning of the year.

But the country has not yet reached the appropriate level .

To find solution to the economic problem, we must to start from places in which many Rwandans are living, in rural areas, and then help them work together in order to have a concrete role (PARTICIPATION).

## **5° SECURITY**

Regarding security, His Excellency the President of the Republic demonstrated

- How there had been bad ideology, which was taught to the people, and which resulted in lack of security. If there had been problems resulting from small groups of criminals, it would have been easy to solve them.
- He also explained how before the refugees' mass repatriation from the camps around Rwanda, there was security inside the Country, but which was hampered by those who wanted to launch attacks from those camps. After the camps were destroyed and people returned back, there was no security within the Country because of infiltrators.

This had the following consequences:

- There were many innocent victims ;
- The security problem, as it was, could not be solved by the Army alone;
- The security problem is a matter which concerns all Rwandans. They must be made aware of it they must be made aware of it . The people are the basis for their fellows'security.  
They must play a concrete role in it (PARTICIPATION).

During the following periods, participants in the meeting discussed about all those problems and reached recommendations which are included in this REPORT.

To facilitate the meeting's working procedure, it was necessary to set up Committees in charge of finalizing some items or preparing this report itself.

The following Committees were set up

- The Committee in charge of finalizing issues regarding the Unity of Rwandans;
- The Committee in charge of finalizing matters regarding the new GACACA;
- The Writing Committee in charge of working out the REPORT for all the meetings which had been convened.

This SUMMARY REPORT contains the conclusions of the meeting according to the five items which were on the agenda. It is indicated for each item

- The problem presentation;
- Conclusions and recommendations.

The report also has appendices

- The report written by the Committee which finalized the problems of the Unity of Rwandans.
- The report written by the Committee which finalized the functioning of GACACA JURISDICTIONS.
- The document regarding National Economy strategies up to the year 2020.
- The names of the members of the Committees were set up.
- - The list of participants.

## **CHAPTER ONE: THE UNITY OF RWANDANS**

### **1.1. THE PROBLEM PRESENTATION**

1. Before the Europeans' arrival, Rwandans were understanding each other, the Country was characterized by unity. If we start by the existing documents, many of which were written by foreigners, and if we also start by the same Rwandese culture and what is told by our ancestors, we find that there was only one Rwanda. The war between Rwandese ethnies is not mentioned anywhere before the Europeans' arrival. When Europeans came, the seed of hatred and disagreement started being sown among Rwanda's children.

During the first period, Europeans started by getting Tutsis closer, favouring them, and also nobody could say that it was all Tutsis. They got closer few of them whom they could provide with education and governing posts.

During that time. Europeans ironically said that Tutsis were born to govern, were very intelligent and were even, in short, resembling Europeans. There were insinuating that Hutus were ignorant and could not govern, that the only thing they were capable of was to carry out physical work.

During the second period, again because of their own interests, when Europeans noticed that people had started fighting for independence in countries under their authority, including Rwanda, they found that it was better to change those who were collaborating with them and started saying that Tutsis were bad, all of them including the grassroots. They said that Tutsis had oppressed Hutus, that they wanted to enslave others, that they were foreigners who should be opposed.

It is that bad seed which continued to be sown among Rwandans, and which resulted in killings which regularly took place in Rwanda until the 1994 genocide and massacres.

2. However, you find that people are not considering the history of Rwanda in the same way, especially regarding the colonizers'behaviour and the seed of disagreement which they have sown among Rwandans. You find that people have agreed with the the way used by colonizers to make Rwandans be confronted with one another. Is it really true that there is no relationship between a Hutu and a Tutsi ? Has the unity of Rwandans existed ? And if it has not existed, what can be done for it to exist ?

The first step is to discuss about these problems, and examine what happened in history in order to know the TRUTH, and avoid to follow distorted history (misinformation/ fausses informations).

3. The colonizers'policy sew disagreement among Rwandans. It is that which became ethism, regionalism, destruction, setting fire, killing until there was the tragedy of genocide and massacres.
4. The 1994 genocide and massacres were aimed at exterminating whoever was called Tutsi, could it be a child, an adult, an old man, a disabled person, a patient and even a mad person. The 1994 genocide and massacres were also aimed at killing Hutus who were not supporting that policy of exterminating Tutsis.
5. More than one million Rwandans died of the 1994 genocide and massacres, and those who have not died are traumatized, could it be those who killed or those who were persecuted. That tragedy left us with a Country which it is difficult to rehabilitate, so that all Rwandans can understand again that they are sharing bad and good things, that they have something in common, that they are sharing unity.
6. Since the beginning of the 1994 genocide and massacres, many actions have been carried out, aimed.at helping Rwanda not to disappear and rehabilitating it so that it becomes a country of which all Rwandans are proud, which they like and for which they can sacrifice themselves, and which is respected by other countries.

It is within that context that

- Rwandans were led by the Society, RPF Inkotanyi when they started fighting against the genocide and massacres which they stopped in July 1994;
  - It was set up a Government of National Unity and a National Assembly regrouping different political parties, as well as Rwandans from all parts and ethnies of Rwanda, in order to enable all Rwandans to find themselves in those government institutions, so that those institutions can bring them together;
  - Government undertook to reestablish security everywhere in Rwanda. so that people who had been displaced by the genocide, the massacres and the war could return to their properties, and that each Rwandan feel himself the right to live where he wants and his security being ensured, so that there are not parts of Rwanda in which are living Hutus. Tutsis or Twas alone;
  - Many efforts have been displayed to enable all willing Rwandese refugees to return to Rwanda, so that any Rwandan cannot be deprived of the right to live in his country. There cannot be reconciliation and unity if people are not living together and while some are thinking that the fact of not living together in the country is caused by other Rwandans.
  - It has been created a National Army which brings together all Rwandans. Soldiers who were in the Army of the Government which perpetrated the genocide and massacres and those who wanted it have joined that National Army.
  - Government fought against the revenge acts by convincing Rwandans that maintaining such a culture would destroy our Country and would not enable us to reach security, peace and unity which we need in order to enable us to build and develop Rwanda. It is the reason why it was established a law punishing the crime of genocide and massacres and other crimes against humanity, which is aimed at eradicating the culture of impunity while repairing the Rwandese society;
  - Government and the National Assembly hastened to approach the people. either by joining them in their Communes, Sectors or Cells of residence or by organizing for them solidarity camps according to their categories. explaining to them how tragic events took place in Rwanda and how Rwandans can avoid them, as well as raising their awareness of good actions of ensuring themselves their own security, living peacefully together, collaborating for their development and loving their motherland.
7. Even if all these have been done, it proves that there is still a lot to be done in order to reach the unity of Rwandans. There is still a big gap between Hutus and Tutsis. They are, of course, living together in all parts of Rwanda

and meeting each other in different activities which they even peacefully carry out together without fighting. But there is still too much mistrust. Rwandans are not yet trusting each other as this should be.

#### 8. And why is the situation still like that?

- People should first understand the origin of the existing problems:
  - History must be clear, and bad events should be understood. People should read the same history, and have sufficient explanations;
  - The bad ideology of sectarianism which has been taught to Rwandans must be opposed, and replaced by constructive ideas. There are different books which have been supporting sectarianism since the colonial period;
  - There must be a program of concrete activities to fight mistrust between Rwandans, and build unity. We must do our best so that what was bringing Rwandans together be encouraged again and given its appropriate place.
- There are infiltrators' activities, which have been enough mentioned in the meeting and which are being carried out in all parts of the Country, as well as fightings in the north, in Gisenyi and Ruhengeri, which are based on that ideology of sectarianism maintaining that Rwanda belongs to the Hutu majority people and that Tutsis should not have any right there, because it is not their home-country. It is not only that, as it is also added that they should not have the right to live. It is the reason why some high authorities in the Government of Unity are supporting the infiltrators' activities, so that when infiltrators succeed an operation, like when they launched an attack on Bulinga in Gitarama, some were very happy of that and drank "champaign" while celebrating that event;
- There are still problems of property, (like houses and land properties), which has been occupied and has not been restored until now; there are also people whose houses have been destroyed and who still have nowhere to live, this becoming a handicap to unity and reconciliation;
- There is bad governance mostly within lower structures (Commune, Sector and Cell) whosd leaders are like dictators, and the fact that they are mistreating people is often based on ethnical problems. You also find that in some parts of the Country there has not been any change in governance so as to encourage people. Injustice which existed in the past is still existing in some places, but have only changed the innocent person and the unfair person;

- Judicial Institutions which are supposed to help Rwandans to reach a Government governed by the rule of law are also suffering from sectarianism which keeps going at the Rwandese society with corruption coming on top. And when justice is not made for the innocent person and that the unfair person cannot find an offender, unity desired by Rwandans is delayed;
  - After the genocide and massacres had stopped, the Society RPF/INKOTANYI brought in other political parties to help it build Rwanda working with them as they are. Those parties did not criticize each other in order to really abandon the bad. ideology of sectarianism which has characterized politics in Rwanda; that is why those political parties' image has not appreciably changed, and people are still sceptical about them, because they think that those political parties can incite them to killings again.
9. Leaders from different institutions, such as political parties, Government institutions, (Government, National Assembly, Justice) and others should examine together this problem of the unity of Rwandans and take appropriate strategies, because the unity of Rwandans is a foundation on which new Rwanda will be built. The way that foundation of the unity of Rwandans will be is the way Rwanda will be. If we do not build on a strong foundation, what we shall build on it, be it in politics, social relations, economy and development, will also not be strong, but likely to collapse.

## **I.2. WHAT THE MEETING SAID ABOUT IT**

10. Participants in the meeting discussed that problem on the following dates May 9,1998, May 23,1998, May 30,1998, June 6,1998, June 13,1998, June 27,1998, February 27,1999, March 6,1999 and March 13,1999.

**Note:** Ideas given during the meeting were not following each other as they are written in this report. Those who wrote the report tried to put them in order, so as to make them easy for those who will be reading them.

11. Discussions which were held on this item of unity can be classified in the following categories:
- What is the nationals'unity ? How to recognize it ?
  - Has there ever been the Unity of Rwandans in Rwanda ? How was it destroyed ?
  - What should be done to reestablish the Unity of Rwandans ?

**Note:** In this part on what the meeting said about the Unity of Rwandans. many things will be mainly written about those two first categories. Comments regarding what the meeting said should be in order to reestablish the Unity of Rwandans are mentioned in the third part which is also drawing conclusions and recommendations.

### 1.2.1. WHAT IS THE NATIONALS'UNITY? HOW TO RECOGNIZE IT?

12. Unity is a relationship which brings nationals together, so that they feel that they are moving together, sharing everything, sharing the Country, all having the same right on it (one not being in a position to chase the other from it) and feeling that anything disturbing one part of that Country is disturbing the whole Country, that nationals must fight against it together (national cohesion).
13. The nationals'unity is recognized through a lot of things. All can be available at the same time or not be available at all, but the fact that all of them are not available cannot result in a war.

The main elements which must be available for any Country's citizens to have unity are the following

- Citizens must understand that they all share that country, everybody feeling that the Country is his, and feeling and accepting that the Country is also for other citizens and that he has not more right on it and vice versa;
- Citizens must understand that they should defend their country all together, so that nobody else can disturb it. In the event that one part of it is disturbed, citizens from other parts of that Country should feel that it is necessary to go and help those from the disturbed part and protect the integrity of the whole Country.
- Citizens must have elements in common through which they all perceive themselves (National Symbols). In the past, those Symbols were the King and the Drum. Nowadays, we can quote Symbols such as:  
The National FlaQ, the National Anthem, the Seal, the Head of State, and so on.

Other examples of elements through which the nationals'unity is recognized and *which* help reinforcing that unity, and also which cannot make unity exist if they are not available are the following:

- Language: the fact that nationals are sharing the same language is something which creates and reinforces unity;
- Culture : when citizens have the same culture, this means that they have always been close to each other in their history, that they have things in common which should make them have the same culture and result in unity between them. Culture is also cement for unity.
- Religion : when nationals have the same religion in which they are believing, it helps them to build unity and to protect it so that it cannot be destroyed;

- Housing : when people living in a Country have the right to live wherever they want within their country, and that this right is accepted by each citizen, it is something through which unity is perceived and reinforced.

However, a country can have unity even if its citizens are not sharing the same, language, the, same culture and even the same religion. The main point for somebody to say that there is unity in a Country is that its citizens understand and accept that they are sharing that country, that nobody cannot be kept away from it, because they all have the same right and feel that they must build it and protect it together.

### **1.2.2. HAS THERE BEEN ANY UNITY IN RWANDA? AND IF THERE HAS EVER BEEN UNITY, HOW WAS IT DESTROYED ?**

14. Participants in the meeting had a look at the past, and examined whether in history of Rwanda there has ever been the unity of Rwandans. They also examined how that unity would have been destroyed. Participants in the meeting exchanged ideas on the Unity of Rwandans in three long periods of the history of Rwanda!

- Before the colonizers' arrival;
- During the period when Rwanda was under colonial rule;
- During the period when Rwanda had just got Independence.

After exchanging ideas on the problem of the Unity of Rwandans during those three periods, participants in the meeting set up a Commission made up of 13 persons with a lot of experience in history and politics, in order to finalize that problems of the Unity of [Rwandans.in](#) the history of Rwanda using their own knowledge and documents written about Rwanda.

15. During discussions which were held in those meetings, be it before the Commission examining the Unity in the history of Rwanda started its work or after the Commission had completed the work assigned to it and made the report (see Appendix I), the following was stated:

#### **1.2.2.1. UNITY BEFORE THE COLONIZERS'ARRIVAL IN RWANDA.**

16. Before colonizers arrived in Rwanda, Rwanda was a Country which had developed its governing structures, all its citizens feeling that they were together. that it was their Country which they were protecting together and expanding when it was necessary (sence of national identity).

When colonizers came, all Rwandans: those who were called Hutus, Tutsis and Twas, were feeling themselves as Rwandans, and Rwanda as their Country, shared by all of them, all having the same right on it and having to live in it together. All were feeling that they were "The King's People", the King being the stump, which brought them together (National symbol).

In anti-colonial Rwanda, there were always people who were called Tutsis, Hutus and Twas

People who were called Tutsis are those who were mainly living on cow breeding; a Tutsi who had no more cows, and who was then living on agriculture, was counted among Hutus.

People who were called Hutus are those who were mainly living on agriculture, a Hutu who had many cows and who was mainly living on cow breeding, was counted among Tutsis.

Twas were mainly living on pottery and hunting animals in the forest. Twas were kept away by other Rwandans. Some Twas were made Tutsi such as Busyete and others.

All Rwandans were living together and speaking the same language, they had the same culture and were loving each other.

The meeting found out that in the history of anti-colonial Rwanda, there had never been war between Hutus and Tutsis, or between Tutsis and Twas or between Twas and Hutus, as nowadays there are journalists who say that the war between Tutsis and Hutus has been existing for too many years. Wars which took place in Rwanda were aimed at fighting enemies or expanding its borders and such wars were carried out by all Rwandans together: Hutus, Tutsis and Twas.

This clearly demonstrated to us that before the colonizers' arrival, there was the unity of Rwandans in Rwanda like the one we find in other countries.

17. Participants in the meeting also found out that before the colonizers' arrival, there were also many other things which were characterizing and supporting the unity of Rwandans:

**a. The clan:**

All Rwandans: Hutus, Tutsis and Twas were sharing the 18 Rwandans' clans: Abasinga, Abasindi, Abazigaba, Abagesera, Ababanda, Abanyiginya, Abega, Abacyaba, Abungura, Abashambo, Abatsobe, Abakono, Abaha, Abashingo, Abanyakarama, Abasita, Abongera n'Abenengwe. Sharing the clan created brotherhood and unity, cooperation and defending one another. When an Umusinga traveller, be it Hutu, Tutsi or Twa, arrived among other Basinga, he was welcomed and felt at home. Before 1950, a Rwandan who was asked about his clan replied without hesitating that he was Umusinga or Umuzigaba, or Umutsobe,...he could not think that he was asked whether he was Hutu, Tutsi or Twa. This proves that before the colonizers' arrival, Rwandans had reached a stage where they were feeling that they were brothers who were sharing family ties.

**b. The language:**

Rwandans were sharing the same language, Kinyarwanda, be it Hutus, Tutsis or Twas. Speaking the same language is a cement

which had enabled to build the unity of Rwandans and which can even now help us again to build that unity.

**c. The culture:**

Rwandans were sharing cultures, rites crafts, arts, dances, songs, taboos, medicine for people and animals. These were also bringing them together and strengthening and the unity of Rwandans.

**d. The religion.:**

Rwandans were sharing religion. They were believing in one God. respecting ancestors, praying the dead and dancing for them, and were consulting sorcerers in the same way. Hutus, Tutsis and Twas were performing religious traditional rites together, some were the others' godfathers and they had relations like those between a child and his parent and even their children were like brothers and sisters. So, religion was bringing Rwandans together and helped to build unity.

**e. The King:**

The King was bringing all Rwandans together, all Rwandans were equal before the King and no Rwandan was kept away from the Royal Court. When the King was crowned, he was not a Tutsi any more, he was the king for the people, the father of the people. This shows that Rwandans were very advanced in government organization. The King was a crux for the unity of Rwandans.

**f. The government institutions' organization**

All Rwandans were brought together with government institutions which existed at that time without discrimination. There were chiefs of three categories

- **The Chief of Warrior** : who was responsible for warriors who were Rwandans who had been chosen from all ethnies and all regions according to their capacity and bravery so that they will be fighting for the Country.
- **The Chief of Pasture** : who was responsible for matters regarding pasture for cattles, and was dealing with reestablishing the rights for cattle breeders, be they Hutus, Tutsis or Twas.
- **The Chief of Land** who was responsible for matters regarding famers and their fields.

Hutus, Tutsis and Twas could all be Chiefs, even if most of Chiefs of Pasture were Tutsis and \_most of Chiefs of Land, Hutus. However, in the

north of the Country (Ubugoyi and Ubushiru), most of Chiefs, like 80%, were Hutus.

Each Rwandan had a forum on which to ask his questions, and there was less confrontation, and unity could not be disturbed. --

**g. Housing**

Hutus, Tutsis were allowed to live in any region, and it was the same for Twas. All Rwandans' housing was mixed, and this was resulting in helping one another and marrying one another without discrimination, so that the unity of Rwandans was reinforced.

**h. Living together**

Rwandans were living peacefully together getting married with one another. There is also something which Rwandans were doing and which shows that they were loving one another very much. Exchanging blood (drinking your friend's blood as a proof that nothing will separate you from him). And they were doing that without any discrimination. When Rwandans became very good friends, they could exchange blood without discrimination.

**18.** Before the colonizers' arrival, Rwanda had not yet harmonized the Country's government, and there were still some regions which were half intellectual (autonomy, decentralization). Those regions were shared by Rwandans. Their kinglets made offerings to the King of Rwanda, and if one region was attacked, others went to its aid.

**19.** In addition, as in the present situation and in countries which have unity such as the United States, France and others, the fact that we found out that the anti-colonial Rwanda had unity does not mean that there were no problems in Rwanda. There were poor people as in other countries, but you could find them in those 18 clans and this could not make some Rwandans feel that they were more Rwandan.

There were governed people and governing people, and most of governing people were Tutsis. The King was coming from one Tutsi family, because it had never happened that Hutus want Tutsis to die or Tutsis want Hutus to die so that either party lives in Rwanda alone.

**1.2.2.2. UNITY DURING THE COLONIAL PERIOD**

**20.** Participants in the meeting found out that colonizers started sowing the bad seed of sectarianism since their arrival in Rwanda, which gnawed little by little the unity of Rwandans until it was destroyed, when some Rwandans burnt the others' houses, killed others, and some were chased away. This fact of killing one's child results in mistrust which is still weighing on the unity of Rwandans.

21. The meeting found out that colonizers used the following means to destroy the unity of Rwandans

**a. Social inequality**

When colonizers arrived in Rwanda, they started splitting up Rwandans. They started writing and preaching that Tutsis were not African as others, that they must be coming from another place which is not Africa, that they had been at the origin of cultural behaviour and government organization development in Rwanda (civilization), that they were more superior than other Rwandans, that they were created to govern. They wrote and preached that Hutus were less intelligent, that they lacked confidence, that they could only be governed and carry out physical work.

Here, we can remind that colonizers arrived in Rwanda coming from Europe, during the time when many people were believing and preaching racial theories. We should say that this was one of the reasons for them to search for ethnies after their arrival in Rwanda and to make them socially unequal. They transformed into ethnies the elements which were characterizing the Rwandese society. The facts of being Hutu, Tutsi and Twa were transformed into ethnic and were given different explanations setting some Rwandans against others. Another reason which made them sow sectarianism among Rwandans was to make Rwandans weak so that it became easy for them to govern them. This had very bad consequences, the colonizers' strategies and objectives were based on Hutu, Tutsi and Twa ethnies as well as on inequality between those ethnies.

As colonizers were preaching about those ethnies and inequality between them. and even carrying out actions to reinforce such inequality (putting only one ethny in school and administration). Rwandans started to accept it little by little, some Tutsis, especially those from families with governing members, started feeling that they were different from Hutus and Twas and even superior to them (superiority complex). Hutus and Twas also started feeling that they were different and inferior to Tutsis (inferiority complex).

**b. Schools**

Upon their arrival in Rwanda, they started implementing that ideology of inequality between ethnies. They created schools for the Tutsi Chiefs' children alone. As it always happens everywhere, studies bring about inequality between people because those who have studied get new conception, new knowledge, which make that they can do some jobs which are

useful to them;and which cannot be done by those who have never been to school. In Rwanda, there was more confrontation because one part of Rwandans (Hutus and Twas)was kept away from those schools. Thus, they had no chance to do those jobs which you reached because you had been to school.

**c. Government**

Starting from their conception that Tutsis are intelligent and created to govern, and from the fact that they had only taught the Chiefs'children, Belgians cancelled Rwandese government which was made up of three Chiefs, and replaced it by one chief who had to be a Tutsi.

This government review which took place from 1926 to 193) 1, when Mr.Voisin was the Governor of Ruanda-Urundi and Mr.Mortehan. the Resident of Rwanda, had bad consequences on the history of government in Rwanda because it made that few government of Rwanda which was still in the hands of Rwandans be held by some Tutsis, Hutus and Twas being away from it.

**d. The King**

The King, who was the Mediator for all Rwandans and whom they liked as the Owner of Rwanda, the people' Father, was taken his authority and started to loose value, being obliged to accept what colonizers ordered him to do, and when he refused they either sent him away as a madman ( King Musinga), or died mysteriously (King Rudahigwa), or was put in jail (King Kigeli V). Weakening the King was weaking the stock of the unity of Rwandans.

**e. Religion:**

Before the colonizers' arrival, there was only one religion, which was shared by all Rwandans without discrimination. Colonizers replaced it by many religions. Good customs which were characterizing Rwandans and which were shown through "taboos" were suppressed as people say that "The Church has replaced taboos". Good customs and rites which were characterizing Rwandans lost their value. Rwandans who had been used to their single King were taught that there was another King, Jesus, who is governing all kings. All those disturbed the Rwandans' conception and behaviour, and had bad consequences on their unity.

**f. Hard labour:**

When colonizers arrived, they introduced hard labour aimed at their own interests.

Such hard labour was supervised by Tutsi Chiefs. That hard labour was very painful, and Rwandans were not getting any concrete profit from it, and even anyone who could not do it was punished in a way which made him contemptible and useless. A Chief who had not well supervised that hard labour was beaten by White People or dismissed from government; and people who could not perform that hard labour were in their turn beaten by the Chiefs. Because those who were supervising that hard labour and who were also giving those punishments were Tutsis, while those who were doing that hard labour and being punished were the majority and Hutus, (although Tutsis who were not on power were also performing that hard labour and being punished), Hutus endeavoured to reach power through that, creating a bad atmosphere between Hutus and Tutsis.

Forced labour consisted in the following:

1. **Hard labour:** Hard labour Woks was consisting in hard labour without remuneration, which was introduced by the colonizers' administration. It was like: making and maintaining roads, growing trees, building houses for administration and transporting building materials, digging over-flow ditches. Forced labour was performed by all young people and men who were strong and healthy: "Homme Adulte Valide (H.A.V.)". However, some people were exempted from that work: Honourable people, the colonizers' workers, teachers, civilized people who were living alone in places called "extra-customary centres"/ "Centres extra-coutumiers".

Regarding the rules, forced labour was supervised by the King, the Chiefs and Chief- Assistants. But really forced labour was mostly supervised by the chiefs of file and town criers. Because those chiefs of file and town criers were not remunerated, they were remunerating themselves through that right of supervising the work, and they were going beyond the limits by making the people work for their own interests.

Forced labour very hard to Rwandans, because they were always worried and could not have a fixed time to work for themselves.

2. **Corvées:** Corvées were labour performed by the governed people for the governing ones, because of that only relation ship of government or by the poor people for the rich ones, and that labour being unpaid. The main labour which was performed for a governing person was: to cultivate, to build, to be a night watchman, to light fire, to collect fire wood, to fetch water, to remove cowpats and to carry in hammock. Nobody could know very well when corvées started. Some people ascertain that they would have started under the reign of Rwabugili; but the evidence is that during the colonial period, corvées made another step and became heavier (see

Appendix "the Unity of Rwandans before the White People's arrival and during the colonial period").

3. **Cultivating fallow land** : Cultivating fallow land was a labour of cultivating by force fields (measured lands) indicated by the colonial administration, in which were to be grown crops chosen by that administration, in order to fight the famine. Crops which were grown are sweet potatoes and cassava. Even if the crops were belonging to those who had grown them, hard labour and punishments when you had not cultivated the measured land allocated to you, as well as the harvest which was rotten in depots, made Rwandans hate cultivating fallow land and people who were supervising it (Chiefs, Chief-Assistants, Chiefs of line and town criers).
4. **Milking cow** : Is a cow which was offered by a peasant or a family, in order to be milked for a colonizer and his suite where he was put up in a camp. That milking cow was accompanied by other things offered by the people : chickens, eggs, bananas,... Those who were claiming for the milking cow and the items accompanying it were chiefs of line and town criers, while the Chiefs were claiming for more things than what the colonizer and his suite needed.
5. **Growing coffee** : Even if coffee started to be grown in Rwanda in 1903. the Belgian colonial administration started to make Rwandans grow coffee by force in 1925. Many Rwandans were not happy with growing coffee, because colonizers were demanding that it be grown in good soil without knowing what it was for; it was requiring a lot of work which was very hard; and people were flogged if they could not do it.
6. **Personal tax**: Even if before the colonizers' arrival there was "an offering for the King" which could be compared to the colonizers' personal tax. nobody would doubt that the colonizers' personal tax was something which was very hard to Rwandans, because they did not understand and realize what that money collected by colonizers was for. What made the tax very bad is that colonizers were remunerating black authorities. following the collected tax, which made them harassing people so that they Could get remuneration and be appreciated.

That forced labour was accompanied by the following hard punishments for those who had not carried them out

- To be flogged while lying naked on one's belly before all people including his wife and children;
- To pay a fine;
- To be put in jail;

Because of the hardness of such forced labour and the relating punishments. many Rwandans fled Rwanda and went abroad to Uganda and Tanzania. Those who did not flee had to work hard.

The problem is that Rwandans who were performing that forced labour and undergoing the relating punishments have not been able to better understand that the origin of all that was the colonizer. Nobody could doubt that this forced labour has also contributed to destroying the unity of Rwandans .

22. There are also other things which were characterizing relations between Rwandans before the colonizers' arrival and which continued during the colonial period, such as Clientship and Landed Estate, which were used by colonizers to destroy the unity of Rwandans.

### **Clientship**

Clientship was an accepted agreement even if it was not written, between the client and his Patron (the cows' owner) who was looking for cows and force and being friendly with others. The client was doing different works for his Patron. Clientship created harmony between the client and his Patron as well as between their families, all helping and trusting one another. The client could become rich, when the cow he got from clientship could be multiplied. Clientship was also like a school for culture, because clients talked a lot of living friendly together, conversing, spending evenings together, knowing history, and so on. During the colonial period, clientship started changing its image because colonizers introduced hard labour which Patrons asked their clients to perform. In addition, that clientship was based on trusting one another, sometimes dishonest used to exist, your Patron promising to give you a cow and then giving it to you after a very long time, while working very hard during your clientship period, even when you were given a cow it was taken back from you.

Clientship was not well considered, be it before some Rwandan authorities, such as King Rudahigwa and even colonizers. It became necessary to abolish it in Rwanda by the Royal decree N° 1/54 of 1st April 1954.

### **Landed Estate:**

Clientship was not everywhere in Rwanda. In the north of Rwanda, there was another way through which rich people enslaved the poor ones. While in the other parts of Rwanda richness was based on cows, it was rather based on land in the north of Rwanda.

Landed estate was meaning a way by which somebody who had a big land which he had occupied before the others came (he was called Umukonde) could give land to another who had not it (who was called Umugererwa) and on which he could cultivate. Umugererwa had works to perform for Umukonde and even had a part of his crops to give him.

Landed estate continued to exist until the period after independence. The National High Council had started to examine how to abolish it together with clientship, but the political consequences of 1959 took place before that problem was solved.

- 23.** Even though there were many writers and politicians, be they White People or Rwandans, they used to compare clientship to "feodality", which people who have studied them very well found that they were very different. You could be a client if you wished, and you could give up if you were not happy with the way you were treated. And while "feodality" was based on land, clientship was based on cows.

Participants in the meeting found out that politicians from MDR PARMEHUTU used clientship as a propaganda by describing it the way it was not, even though it was not good either.

All bad elements of forced labour such as hard labour, corvées, cultivating fallow land and milking cows have been mixed with clientship and all put on each Tutsi's head while it was not like that.

- 24.** During the period of 1950, Rwandans who were intellectual begun to call for independence, and colonizers used that sectarianism which they had sown among Rwandans *by* teaching and putting on power some Rwandans, in order to keep away that independence movement for some time.

It is at that time that Colonizers and White Fathers remembered that the majority of Hutu people had been kept away from school and administration, and they started teaching Hutus that they had been oppressed *by* Tutsis for more than 400 years, and that they should get even first, before Rwanda gets independence.

- 25.** Colonizers voluntarily forgot that it was them who had created schools and chosen people to study in those schools. They forgot that it was them who had cancelled administration by three Chiefs (the Chiefs of Pasture, Land and Warriors) which was shared by Hutus, Tutsis and Twas, and established administration by Tutsis only. They also forgot that it was them who were appointing Chiefs and Chief-Assistants and dismissing them from their posts. Apart from the Chiefs, even a King who was acting contrarily to their will was dismissed from his post and they crowned the one they wanted as it was the case for-Musinga and Rudahigwa.

- 26.** Participants in the meeting found out that Tutsi Chiefs and Chief-Assistants who were governing with colonizers had been happy with the profit they were getting from that government, and forgot that the big majority of Rwandans were unhappy because of that Belgian colonial regime. They never had compassion for some Rwandans, grassroot Hutus, Twas and Tutsis, who were kept away from schools and administration. The reason why they had confrontation with Belgians is that they were requesting them to leave Rwanda, so that the power they were sharing remain in their only hands. It is logical that Hutus could not trust those Chiefs, Chief-Assistants and the King, by thinking that they were now going to put them in schools and administration once independence was recovered, because they had never shown compassion when Hutus were kept away from the Country's beautiful things.

27. Instead of realizing that colonizers had no love for Hutus but that it was a way of going on<sup>v</sup> sowing sectarianism among Rwandans so that could maintain the power, leaders for MDR-PARMEHUTU jumped over that colonizers' separation from Tutsis, and brought them support to destroy the unity of Rwandans.

PARMEHUTU used the distortion of the history of Rwanda and the policy of being dishonest in order to reach its objective. It deliberately went from wrong facts, and sowed too much hatred among Rwandans. PARMEHUTU preached that the Tutsi had oppressed the Hutu for 400 years, and also used clientship, hard labor, corvées, being flogged and it even forgot that also Tutsis who were not governing were suffering from them in the same way as other Hutus, mixing all bad things which colonizers brought in Rwanda and putting them on each Tutsi's head. Wherever it was necessary for it to cheat in order to reach its objective, PARMEHUTU was doing it. In some places, like Ruhengeri, it told people that the King betrayed Tutsis or that Tutsis killed the King so that Hutus accepted to set fire on the Tutsis' houses, kill them and make them flee.

### 1.2.2.3. UNITY AFTER INDEPENDENCE

28. Rwanda got independence when it was governed by MDR-PARMEHUTU. After serious killings between Rwandans. Fire was set on many Tutsis' houses, others were killed and others fled to foreign countries. PARMEHUTU took power thinking that "gahutu was getting even on gatutsi", but it seemed to be always afraid that gatutsi could get even on gahutu. For those reasons, each PARMEHUTU's policy was based on doing whatever was possible to oppress gatutsi, so that he could not get even on gahutu, not even recover from that revenge.

MDR-PARMEHUTU did not do anything to build the unity of Rwandans which had just been weakened by the 1959-1962 events, but it reinforced the policy of sectarianism between Rwandans; by teaching it in schools, in its meetings, and also using it in offering jobs. Sectarianism became a way of governing the Country.

29. Tutsis who had just fled Rwanda tried to come back using force, but this was always a reason for PARMEHUTU to exterminate Tutsis who had not been able or not wanted to flee to foreign countries. This genocide by MDR-PARMEHUTU has also eroded little by little the unity of Rwandans.
30. Even if MDR-PARMEHUTU was calling itself a political party that was fighting for Hutus, it did not take long, while it was in power, for it to divide Hutus based on regions. Hutus from Nduga were favoured, and those from the north started to be kept away from government and the Country's other good things. This also added something to destroying the unity of Rwandans and resulted in withthrowing MDR-PARMEHUTU's power in 1973, and establishing power for Hutus from the north.
31. Participants in the meeting found out that MDR-PARMEHUTU played a big role in destroying the unity of Rwandans, be it in the actions it carried out

during the 1959-1963 period when it was just established before independence, or in what it did after independence, when it had just taken power.

**32.** On 23<sup>rd</sup> May 1998, the MDR party sent to the participants in the meeting a document which it entitled : "SUPPORT FROM THE PARTY FIGHTING FOR DEMOCRACY IN THE REPUBLIC "MDR" IN LOOKING FOR SOLUTIONS TO THE PROBLEMS TORMENTING RWANDA". The ideas about the unity of Rwandans which were included in that document are the following: <sup>y</sup>

- MDR is thinking that even before the White People's arrival there was no unity, because Tutsis were oppressing Hutus, this having continued during the colonial period;
- MDR is not believing that Belgians, Germans, the Nations' Society / the United Nations Organization, Religions especially the Catholic Church had a role in destroying the unity of Rwandans, but it is Monarchy which destroyed the unity of Rwandans.
- MDR is ascertaining that political parties were established by Rwandans, and that White Fathers and colonizers did not play any role in that.
- MDR is ascertaining that the 1959 events were a revolution which brought in the idea of Democracy and Republic, in which many Rwandans actively participated. It says that Hutus and Tutsis killed one another during that revolution. It says that the PARMEHUTU party was good when it was conceived ("conception"), but changed when it became one unique party "State-Party". (That MDR becoming a "State-Party" in 1964 means that all it has done before was good!).
- MDR is saying that the 1973 events were a conflict between Tutsis and Hutus. It states that it is ignoring that in 1973 Tutsis were chased away, killed, pillaged, without using that pretext of the Inyenzi'attacks.
- MDR is believing that MRND was a "State-Party" which was preventing Rwandans from expressing themselves and was also not dealing with the refugees' problem.
- MDR says that in 1990, FPR committed itself to use the way of fighting in order to solve Rwanda's problems, but NIDR committed itself to use the political way. However, it says that political parties who were established at that time had no programme. And that it was the reason why it took MDR as its name, because Rwandans already knew it and were going to join it in great numbers.
- MDR is noticing that all Hutus have been taken as killers, and that it is one of the reasons why people are fighting in the north of the Country.

- MDR is noticing that to Nduga, Rukiga, Bushiru regions has been added the Mutara region, homeland for Tutsis who are governing the Country.
- MDR is noticing that to the problems dividing Rwandans has been added the problem of languages (French, English) which is used to keep the others away from employment.
- MDR is noticing that the fact that returnees came from different countries was the origin of Rwandans' division (divisionnism).
- MDR is noticing that some religious confessions are being prosecuted. crediting them with having supported killings, others being considered as innocent while their members have committed tragedies.
- MDR is noticing that the way of appointing people to jobs is also not clear, as creates division between Rwandans because of being led by languages and regions which applicants are coming from. There is also the problem of new returnees who are not being given a job while they are capable of carrying it out.

**33.** Participants in the meeting had long discussions about those MDR's ideas about the unity of Rwandans and said the following about it

- Participants in the meeting went back to the history of Rwanda and found out that they were all accepting (with the MDR leaders who were attending the meeting) that the MDR party was born with the name of PARMEHUTU. Its Chairman, Nlr.Grégoire Kayibanda, used to say "BY MY HUTUS, I shall get you "(PAR NIEs HUTUs, je vous aurai) which clearly means that the PARNIEHUTU party was born with support from the Hutu ethny (being ethnist), and that it has never been good from its conception as the document says.
- Participants in the meeting all agreed that the PARMEHUTU party was born in the clergy of Kabgayi, with support from colonizers. Participants in the meeting even gave the names of Fathers who helped writing basic documents for PARMEHUTU.
- The fact that the PARMEHUTU party was being supported by and later credited to one ethny made disgraceful White People who were supporting it, and they advised them to add MDR (Republican Democratic Movement) to it, then it became MDR-PARMEHUTU. What MDR says that it has brought in the idea of Democracy and Republic, which Rwandans liked and joined that party is without foundation, because 95% of Rwandans at that time did not know how to read and write; they could not have known the meaning of Democracy and Republic and joined them in great numbers. What they joined in great numbers is PARMEHUTU, and not MDR. This demonstrates that Rwandans did not join the Republic in great

numbers because they did not know its meaning, but it is because it has been necessary that MDR told Hutus to set fire on Tutsis'houses and to kill them lying to them that Tutsis hated the King and had killed him.

- The MDR-PARMEHUTU's acts of killing and chasing Tutsis away were not unforeseen, because it has been carrying them out since its existence, and it had never condemned them until now; it rather composed a song "Gahutu took revenge on Gatutsi" for them.
- Participants in the meeting found out that the fact that MDR says that White People and the, Catholic Church (Belgians, the Nations' Society, the UNO) did not play any role in destroying the unity of Rwandans is to find favour with White People and could create more other problems to us in the future. It became necessary that participants in the meeting went back to history showing how White People came, preached that Tutsis were more intelligent than other Rwandans, established schools in which were studying Tutsis only, dismissed Hutu and Twa Chiefs from power and only put Tutsi Chiefs on power, how they supported sectarianism and killings which took place in Rwanda from 1959 to 1994, and that all this was done by the Belgian colonial administration, then came the French colonial administration in collaboration with the Catholic Church. All participants in the meeting, including the MDR leaders, agreed that White People played a big role in destroying the unity of Rwandans.
- Participants in the meeting requested the MDR leaders to give examples 'showing how UMUTARA is a homeland for people who are governing Rwanda, they asked Mr.Rwigema Pierre Célestin, Prime Minister, when he has moved to UMUTARA, they asked many other people among the Ministers and Members of Parliament who were present if they had moved to UMUTARA before being appointed as, Rwandese authorities. They also asked many authorities who were present, when they have become English people, so that it should be the reason why they had been appointed to their posts or maintained in them.
- Participants in the meeting reminded MDR that before the refugees' mass repatriation in 1996, Hutus and Tutsis from Ruhengeri and Gisenyi were living peacefully together, that they started fighting when the interahamwe and soldiers, and even some of those who were authorities in Habyarimana's regime who are still relying on the Tutsis'genocide, came back and continued their genocide. The fact that MDR voluntarily ignores other reasons for those fightings in the north proves that it could be supporting that ideology of those who are causing them .
- Participants in the meeting found out that in its document, MDR was taking itself as if it was not also governing, and therefore had no responsibility for the mistakes made in Rwanda, taking itself as if it

was not sharing with other governing parties the responsibility of solving the Country's problems.

- Participants in the meeting, based on that document, found out that MDR is still sticking to PARMEHUTU's basic principles which state that Rwanda is for Hutus, and that it does not understand how Hutus can share power with Tutsi.

**34.** After MDR had got the ideas given by participants in the meeting, it took them to its Political Bureau which examined them and wrote another document agreeing with what had been said in the meeting and which comprised the following

- When political parties were established in 1991, there has no been criticisms so that people filtrate and put in their party those who had good ideas and it is that which became "POWER PEOPLE" (ABAPAWA).
- MDR is sticking to the unity of Rwandans, and that is why it also had Rwandans who died for it in 1994.
- MDR still has time to criticize and definitively denounce the ideology which is dividing Rwandans, destroying Rwanda as a Country as it was the case within PARMEHUTU.
- MDR of today is ascertaining that in the case Democracy and the Republic would be for Hutus only, as it appears through the name of PARMEHUTU, there would no longer be Democracy and the Republic.
- MDR is denouncing discrimination which has characterized PARMEHUTU's basic ideology by discriminating Tutsis because it is contrary to real democracy.
- MDR is denouncing selfishness of one group of the same Rwandans with the same ethny (ethnism), with the same nepotism, and from the same region (regionalism). That group has considered itself as all Hutus, but in reality even those Hutus have not enough right to their Country, because many of them have remained ignorant and poor, and so, for them, the Republic has become only a song.
- MDR is denouncing the way of reaching and maintaining power which has been used being supported by that dividing ideology. Such a way and sowing confusion, chasing people away and killing them were most applied to Tutsis, this going together with the culture of impunity which resulted in the genocide and massacres.
- MDR is ascertaining that the ideology of Rwandans' division was brought by colonizers and some religions, then reinforced by some Rwandans who had been created by those colonizers themselves.

- MDR is ascertaining that the 1959 revolution, the government based on being predestined to govern, although it had become very weak, was replaced by the government based on the Hutu ethnic majority in which Tutsis were kept away. Therefore, MDR is feeling that the 1959 revolution has not reached the unity of Rwandans.
- The basic ideology for MDR of today is based on fighting for Democracy in the Republic, which will lead us to the lasting unity of Rwandans. Democracy which MDR is seeking for is the one which enables any Rwandan without any discrimination to play a role in the social life of the country of Rwanda, the Rwandan having a word to say about actions and those who are carrying them out for him and according to his choice. Being appointed as an authority must go through competition between constructive ideas. The Republic must be based on sharing the Country's good things without anybody being kept away.
- MDR has committed itself to correct confusion caused by some provisions which are contained in the explanatory note (Préambule) of MDR's Basic Principles, which is caused again by some members of MDR or other Rwandans who want to deliberately confuse MDR of today with MDR-PARMEHUTU:
  - (i) reviewing quickly some provisions of its Basic Principles and what has been criticized in its Statutes;
  - (ii) splitting up with any Rwandan, be he a member of MDR or somebody who would consider himself as its member, but whose actions are contrary to the MDR's ideology, which is based on Democracy and reinforcing the Republic which are both pillars for the genuine unity of Rwandans.
- MDR leaders are not deaf, they have well considered what the meeting criticized in the document which had been sent to it. MDR has committed itself to collaborate with others who are in government institutions and to get ideas in the same way as those who are in the Government of Unity.

**35.** Participants in the meeting were happy with those new ideas from MDR, but requested MDR to put into actions what it had just said, in order to communicate it to all Rwandans. Ordinary members of MDR should know that their party has changed conception, and is not still based on PARMEHUTU's basic ideology, and every Rwandan having concerns caused by the history of those PARMEHUTU's basic principles would have no concerns any more.

The fact that it only took one week to MDR to present a new document containing such good ideas made some people wonder whether MDR had really changed following its new conception, or if it was because of being afraid of the meeting. However, participants found out that the main thing

is to consider what MDR will be teaching Rwandans and will be doing in the future, and this will show whether MDR has really changed.

36. Participants in the meeting told MDR representatives that discussions in the meeting cannot be considered as a threat against MDR and that this one was not on the agenda of the meeting. but that it was rather making criticism with the aim of building the unity of Rwandans.
37. Participants in the meeting found out that the elements which are bring together people who live in a country demonstrate their unity, such as the National Anthem, the National Flag, the Seal, cannot bring people together in Rwanda, because they remind them of bad periods which separated Rwandans.

They found that the National Anthem in Rwanda trots out PARMEHUTU's high facts and reminds many people of how PARMEHUTU's members set fire on their houses, killed their brothers, chased them from Rwanda, and even those who staved there were cut off from their Motherland. That National Anthem does not bring Rwandans together, so that the way it was sang makes them feel that they have a Country which they share and love. They also found that the National Flag had also PARMEHUTU's ideology of dividing Rwandans.

One example is the black colour which, as people say, is symbolizing darkness in which Tutsis kept Hutus for 400 years, the red colour which is symbolizing blood shed by PARMEHUTU's members when fighting for Democracy and the Republic.

The Seal of the Republic of Rwanda is also containing tools used by PARMEHUTU when it was destroying Rwanda, which are : the Bow, the Arrow, the Machete and the worn Mattock.

38. Participants in the meeting found that those symbols which would have been the symbols of national unity and which are : the National Flag, the National Anthem, the Seal, should be changed, and look for other new ones, in which each Rwandan can perceive himself. They also found that all other symbols which are not bringing Rwandans together, such as the name for Kanombe Airport, streets and avenues which are bearing the names for MDR's members, who were very courageous in setting fire on houses, in killing and chasing Rwandans away, should be given other names which are not causing real concern among Rwandans.
39. Even if national unity was sang during MRND's regime, many actions destroying it have been carried out:
  - It was set up a policy of ethnical balance, which Rwandans came to call the oppression policy, because it was used for keeping Tutsis and Hutus from Nduga, away from schools, employment and in Rwanda's other good things;

- Rwandans were divided into many parts, and there were Tutsis, Hutus, Twas, people from Nduga (abanyenduga), people from the north (abakiga), people from Bushiru (abashiru), people from Bugoyi (abagoyi), and so on;
- Anybody who dared to say something about that Rwandans' discrimination, and about keeping some Rwandans away, which was based on that, was put in prison or killed;
- When the RPF Society started the war in order to fight all those bad actions, the MRND regime endeavoured more to sow hatred among Rwandans, using whatever was possible (newspapers, radios, schools, meetings...), killing people (Tutsis and those who were called their accomplices);
- MRND refused anything which could bring national unity in Rwanda, so that Rwandans live again peacefully together, sharing their Country's good things, nobody being kept away because he was born Hutu, Tutsi or Twa, working together for the development of Rwanda. So, they prepared the genocide and massacres which tormented national unity too much.

### **1.3. CONCLUSIONS AND RECOMMENDATIONS**

- 40.** Participants in the meeting found out that there was unity in Rwanda before the colonizers' arrival. What White People are writing, even with some Rwandans who have political interests, that Rwandans have never lived peacefully together since too many years is without foundation. Be it in tales and legends, be it in proverbs or in what people call "myths" and so on. Hutus, Tutsis and Twas were sharing everything in their daily living conditions : living friendly together, marrying each other, friendship, helping each other, fighting for the Country,..... In those tales, legends and proverbs, no war is known between Hutus and Tutsis, or between Tutsis and Twas, or between Twas and Hutus. All wars which took place were carried out by all of them together, Hutus, Tutsis and Twas. They felt themselves as Rwandans.
- 41.** All the elements characterizing the unity of people who live in a Country were there. All Rwandans felt that they were sharing their Country, nobody having more right to it than another and feeling that he could chase him from it, all of them defending it together when it was attacked and launched an attack, without saying that it was the Hutu, Tutsi or Twa regime which was attacked or launched an attack, and that others were not concerned. When colonizers arrived, Rwandans had already finished building the Country, and those living in it finding themselves in it (end of the process of nation building), having symbols of national cohesion : Monarchy, the King, the Chiefs'administration shared by all Rwandans, the language, the culture, the religion, housing showing that it was allowed to every Rwandan to live where he wanted in his Country, without any part for Hutus, Tutsis and Twas. Sharing ethnies between Rwandans proves

marriages between Hutus, Tutsis and Twas. There are many countries in the world, even in Europe, which have not yet reached the step that Rwanda had reached in building its nation when White People came in Rwanda.

42. Colonizers, helped by some Rwandans who preferred their own interests to those for Rwanda and Rwandans, gnawed little by little at the unity of Rwandans until it was completely destroyed; and some Rwandans wanted to exterminate others. Colonizers, in collaboration with missionaries who came with the ideology that Hutus, Tutsis and Twas had no relationship, had different origins, and that those who first arrived in Rwanda were more Rwandan than others; preaching that Tutsis were more intelligent than other Rwandans and were created to govern. It is such an ideology which led the colonizers'and missionaries'actions in Rwanda, and made some Rwandans, Hutus and Twas, be kept away from schools, administration and other jobs which were based on new knowledge brought by schools. This made a gap between Hutus and Tutsis whom colonizers continued to use for their own interests, therefore destroying the unity of Rwandans.
43. Participants in the meeting found out that there was no litigation between Hutus, Tutsis and Twas; that those who killed were always encouraged by bad governance which pushed them to kill.
44. Participants in the meeting found out that it was necessary to rebuild what Rwandans are sharing so that they become stumps for the unity of Rwandans (Common Denominator).
45. The meeting drew up conclusions and recommendations on what was to be done to rebuild the unity of Rwandans and which was the following:
  - 1'. There must be good governance which is against any thing which would destroy the unity of Rwandans. People are not born with good governance as it used to be formerly said that the King was born with the seeds. Good governance is learnt. It is the reason why there should be a National Political School which would teach politics and good governance of people and the Country to Rwandans.
  - 2° Leaders must know that the unity of Rwandans is not something you have when you want and leave it away when you do not want it. Unity is a strong Foundation, on which Rwandans build every action aimed at developing Rwanda. People should be aware that it is such a foundation which is the unity of Rwandans, and that if it is not there, all they can do cannot last, even if it would be clear that they are good nowadays.
  - 3° It should be established laws governing working procedures and conducts for all leaders in Rwanda (Leadership Code of Conduct).
  - 4° It is also necessary and urgent to set up a Commission at the national level in charge of Unity and Reconciliation, which would explain Rwandans about the actions which destroyed their unity, and examine all

the actions which would be carried out in order to reestablish that unity, make reconciliation possible and be against every thing which would prevent Rwandans from accomplishing that.

- 5° Lessons given in schools and education provided by the parents should help rebuilding the unity of Rwandans.
- 6° All Rwandans should play a role in thinking about and looking for solutions to the problems which are threatening them, in electing their leaders themselves, in implementing what they committed themselves to do and dismissing them from their posts if they notice that they are not performing well what they have requested them to do. There should be democracy, but which is aimed at solving Rwanda's problems, and not aimed at only imitating what is being done somewhere else! The people should be given the capacity of analysing what leaders are telling them. and know that they should refuse it when they find it not constructive.
- 7° Rwandans' rights must be observed, and all of them be equal before the law; and nobody should be kept away from what he is entitled to and is capable of. They should be taught their rights and the others' rights, and nobody should disturb the other's rights.
- 8° Government must definitely fight any injustice, because government built on injustice does not last, and always destroys the national s'unity. There must be justice in Rwanda, which restitutes his rights to commit crimes, starting from those who committed the genocide and massacres.
- 9° It must be established strong mechanisms of weakening people who hamper unity and justice and punishing those who are preaching sectarianism.
- 10° National Unity must appear in symbols which are bringing them together (Common denominator / National Symbols): the National Anthem, the Flag, the Seal of the Republic,...

It is the reason why there must be another National Anthem, another National Flag, another Seal of the Republic which will be bringing Rwandans together, and make them feel that they should like Rwanda and fight for it together. Streets' names which always make think about the bad events which took place in Rwanda and disturbed the unity of Rwandans should be changed.

- 11 ° Rwandans are sharing culture which is including positive values, so that if it was respected again in Rwandans' living conditions it could help rebuilding and supporting unity:
  - To like Rwanda and Rwandans;
  - To have good manners; good ways of doing and good behaviour which are appreciated by many people;
  - To avoid voracity: being voracious results in gluttony, selfishness and dishonesty which destroy unity;

- To live peacefully together, to help each other and to help vulnerable people;
  - To be honest and patient;
  - To have respect;
  - Etc.... -
- 12° Developing economy so that Rwandans get jobs enabling them to lead a good life would suppress hatred and make unity stable. There is a proverb in Kinyarwanda which says "those who have nothing to share call greedy one another".
- 13° Government must not favour any religion (secularism) and must show religious leaders its policy's line, especially regarding rehabilitation of Rwandans'unity and reconciliation, so that religious confessions help in that action because they are working with Rwandans from all strata. Religious confessions would not put Rwandans one against the other, but should endeavour to bring them together.
- 14° Foreigners had a very big role in destroying the unity of Rwandans, be it during or after the colonial period. And even nowadays you find that mainly foreigners are playing a big role, be it those who are living in Rwanda (missionaries, those who are working for NGOs and other international organizations,...) or those who are living outside Rwanda. That role of foreigners in destroying Rwanda should be explained to Rwandans, so that they know how to avoid bad actions which foreigners incite them to carry out.
- 15° Political parties progressively played a big role in destroying the unity of Rwandans, and when bad events, the genocide and massacres, were finished those parties did not examine and separate themselves from criminals. and they even took anybody as their member. This makes people mistrust those political parties. The parties' nature and hinctioning should . be reviewed, so that they do not become a source of destroying the unity of Rwandans.
46. The meeting requested all government institutions to implement conclusions and recommendations on these discussions about the unity of Rwandans.

## **CHAPTER II: DEMOCRACY**

### **2.1. THE PROBLEM PRESENTATION**

47. When people talk about democracy, they are talking about relations between governing people and governed people. Institutional relations, how they are changed or stopped. How people adhere to them. How governing people fulfill their duties of governing the Country and the role which governed people have to play.

48. In general, people say that democracy is "the people's government. emanating from the people and working for the people". This means, therefore, that when government is based on democracy, the people and their interests become the basis for whatever is to be done so that the country becomes good and developed.
49. Regarding democracy in Rwanda. it is known that before the White People's arrival. even if there was no democracy. it was searched for ideas agreed upon by many people when solving problems (,CONSENSUS). The people's interests were protected through government institutions which existed at that time:
- chiefs who were in charge of pastures
  - those who were in charge of land:
  - those who were in charge of warriors:

When White People started governing (colonization and religious confessions which accompanied it), they also started dividing R<sup>w</sup>andans. Some were made aware that they were more intelligent than others, that they were born to govern (Tutsis). Others were obliged to accept that they were less intellectual and had to perform physical work only (Hutus). After that, because of their own interests. White People made understand those to whom they were speaking that they could not govern (Huttus ). that they had really been oppressed by Tutsis. and as they were the majority. they should have been governing.

Such sectarianism which was pushed up by White People destroyed the Country of Rwanda which had just built itself and become strong (NATION).

While White People were preaching that Hutu majorities had suffered injustice. that they had to free themselves from the Tutsis' oppression, they were encouraging to KILLING. DESTRI CTION, INJUSTICE,...and people. including those who were supposed to be educated, understood that this was democracy.

In fact, democracy was misinterpreted in Rwanda.

Nobody can think about introducing democracy in Rwanda before teaching about

- the people's rights.
- not killing and all other bad actions which have been canned out on behalf of democracy:
- standing against bad, ideology based on sectarianism (ideology/ideologie).

50. Democracy is characterized by three main things

- The fact that people are controlling their own problems, and take strategies of finding solutions to them (PART! CIPATION );

- The fact that people, while solving their problems, create institutions which help them to solve them (REPRESENTATION):
- This being completed by the fact that their representative has no authority, to oppress them. There should rather be a way of controlling and supervising him (CONTROL AND ACCOUNTABILITY).

51. The people have never really participated in the way through which they were governed and in determining the actions regarding them. They have never freely chosen their representatives in places where decisions are taken. It is only ascribed to them, because all was done in the interest of those who were governing. No governing person was asked how he was carrying out his duties, so that he be aware of the people he is governing or the Country's property. In fact, there has never been democracy in Rwanda. What has been noticed is that they have only been singing it but have never put into practice.

52. Among the actions which the Government of Unity tried to carry out, it is clear that the Government of Unity and the National Assembly try to search for the objective of the majority's good ideas (CONSENSUS) : this is a step towards democracy.

There are other important actions which have been carried out in order to prepare for democracy

- To fight for maintaining the Country of Rwanda, so that it is not destroyed. If Rwandans who like their Country had not fought for it, it could have disappeared. There cannot be a foundation for democracy if there is no Country.
- To build government institutions and to reestablish peace within the Country.
- To protect the people so that they come back home, to their land property, and recover ordinary life : perform their daily work, send children to school, dispensaries become operational, security established.....
- To rehabilitate and reestablish infrastructures which make possible the Country's life : water, electricity, roads, communication materials.....

## **2.2. WHAT THE MEETING SAID ABOUT DEMOCRACY**

### **2.2.1. TO UNDERSTAND WHAT DEMOCRACY IS**

53. The meeting found that it was necessary to really understand what democracy is. As it has been overmentioned, the meeting supported in general the explanation given on the word democracy "Government of the people, by the people and for the people".

In other languages they said:

- In French : "Pouvoir du peuple, par le peuple et pour le peuple".
- In English : "Government of the people, by the people and for the people".

In this explanation . it is clear that democracy is government favouring the people and their interests. No government would say that it is based on democracy if the people do not participate in it or if it does not protect their interests.

54. The meeting exchanged ideas about the main characteristics of democracy and found that there were the following:

- Government based on democracy, enabling the people to really participate (PARTICIPATION) in the way of governing the Country and choosing the actions regarding their living conditions in General.
- Government-based on democracy must enable the people to be represented (REPRESENTATION) in the institutions which take decisions concerning them.
- In government governed by democracy, any person in charge of a given work at any level. must have a way of being accountable or explaining his working procedure (ACCOUNTABILITY). So that it becomes clear that he is performing well or wrongly.
- There also must be a way of always controlling (CONTROL) and evaluating (EVALUATION) how people are working and how work is performed.

55. Even if in general there is an explanation for democracy which seems to be shared by many people as it has been already mentioned, all people do not understand democracy in the same way. There are many aspects which can be examined. But, in reality, democracy is the relationship between the citizen and Government. It is the way of feeling. of working and how government is, when we consider it politically (it is a "political concept").

Among the ideas which are being given about democracy\_ . you find that there are different ways of analysing it

- There are people who say that real democracy is democracy which is direct. which is also called "direct democracy"/ "démocratie directe": - There is also democracy-which people say that it is 'based on representation, and which is called "representative democracy"! démocratie représentative":
- There is also democracy which people say that it is based on making the people participate in looking for solutions to the problems regarding them:.. and which is called"participatory democracy"; démocratie participative".

Here, there is something more which consists in bringing government near the people. Many decisions being taken by structures which are near the people; and even many actions being based on that (this is what people call DECENTRALIZATION). In such democracy. they use Committees too much ("local committees"/ "comités locaux").

- Nowadays. -there is a new way of saying which is called "good governance", "good way of governing" ("bonne-gouvernance"), because 'conventional' (classiques) explanations are no more satisfying for all people. as they have been used somewhere and'veen useful. because being in accordance with the culture and the customs of people living there. Otherwise they have, been only words, they have been a pretext. And people have been rather, undeveloped instead of being developed.

### **2.2.2. DEMOCRACY WHICH IS SUITABLE FOR RWANDA.**

56. During discussions held in the meeting, it has been clear that, in general, nobody is criticizing "principles" ("principes") which are to govern democracy, but that it should be better to look for a way of implementing them.

People also found that when they talk about democracy, this should not be taken as something new, as a "fashion" ("mode"), which will be forgotten later. leave the way and be replaced by something else. That, democracy must follow a "process" ("processus"), and help to find solutions to Rwandans problems.

57. Regarding the actions to be carried out for democracy to be established and be suitable for adapted to Rwandans, the following was said:

- To give the floor and freedom to the people, so, that they can talk about their problems and how they can be solved. A Rwandan citizen has never been given the floor, he has always been waiting for instructions from his superiors and he has always been guided by them. It is necessary, therefore, to look for '\*mechanisms' ("mécanismes") of giving the floor to the people.
- There must also be trainings for the people , in order to raise their awareness of talking about their problems and looking for solutions to them ("sensitization", "sensibilisation").
- Because "leaders" have much responsibility for the people, trainings for those leaders must be prepared ("cadreship development"; "formation des cadres", "political schools"/ "écoles politiques").
- To find how the people can elect their leaders for basic structures.

- To examine the existing political parties and the role they should play.

When you think carefully, you find that the existing political parties have the ethnic problem as it happens in many African countries in which political parties are often based on tribes, regions, religious confessions, etc.

However, in Europe, political parties are in general based on ideas on the way of solving economic and social problems. Our political parties seem not to be interested by the people's daily needs and problems.

- 58.** While participants in the meeting were exchanging ideas on the issue regarding democracy, after they agreed that such democracy must be based on Rwandans' problems and finding solutions to them, it was adopted that democracy which is suitable for Rwanda is the one which makes Rwandans really participate in the way they are governed and in deciding the actions regarding them, which was then called "participatory democracy" ("democratie participative"). To enable the people to participate and be given the floor, it came the idea that leaders should be elected, starting from the basic structures ("grassroot"/ "base").

### **2.2.3. IDEAS GIVEN ABOUT ELECTIONS**

- 59.** Some participants in the meeting were worried about the idea of letting the people elect their leaders for basic structures

- Being afraid of plunging the people into "politics", especially into elections, before they better understand and be capable of doing that:
- Politicians may massively adhere to that idea, but saying two things at the same time, one thing which they say all day long and which suits with what people have agreed upon, and another thing which they say all night long and which contradicts the one they have agreed upon, because they are looking for their other own interests.
- Rwandans still have the problem of "mentality" ("mentalité") : a governing person gets profit from the post he is occupying (illegally); people obey government which is somehow abusing its power.
- The word TO ELECT has some way of not being well interpreted (bad "connotation") by Rwandans, because of how ELECTIONS have been taking place in this Country's policy.
- Elections could be based on ethnies and this would have bad consequences : those who are called "the minority" Could be kept away: there are also people who are denied their rights.

- There are also worries that elections should not be held before the main actions which are needed to make democracy possible (such as educating the people, developing them socially) have not yet reached a satisfying step.

**60.** Ideas were given on how worries would be suppressed:

- To remember that there are basic rights which are inviolable (life, education,...) Such rights are not changing because of how elections have taken place.
- Democracy must be explained to the people. And make them understand that government must look for solutions to problems. Government which is near the people is not only entrusted with issuing identity cards, performing official ceremonies for those who are getting married, collecting taxes.....In our history, people have not understood what is democracy. And nobody would say that there is no relationship between government in which participate the people ("participatory democracy"/ "démocratie participative") and democracy in which the people are represented ("representative democracy"/ "démocratie représentative"). The new element is that in this way agreed upon government is shared, a Committee of a certain number of persons instead of having only one Governing Person.
- The Governing Person must give an account of his activities and the ordinary laws must be adhered to by leaders elected by the people themselves.
- To explain properly that the objective for electing and selecting leaders is to look for people who are competent in solving arising problems. which are shared (the problem of water, security, waste in places where people are living, etc,etc. ) by the whole people ("Community"- "Communauté"). To make people understand that they should do it freely in order to solve their problems themselves. To make them understand that they are concerned with their bad consequences or their advantages.
- There should not be worries because of elections, people must remember that Rwandans families, their homes. are under their own responsibility. There is no reason why, if families put themselves together, they cannot elect leaders who will be helping them to solve the problems they are sharing. And even usually there are people in ,a village who are know as having diverse competences to solve problems or to lead others in their daily social relations
  - To be the leader of different ceremonies (wedding ceremonies. funerals. feasts gathering many people together,...):
  - To be in charge of events (singers and dancers...), to distribute traditional drinks,...

Such trustful people's help is always needed because of their competence.

Currently, women and girls are electing leaders for their structures which they are now setting up from the basic ones upward.

- Concerning worries that there are actions which we should complete first. and which would be followed later by democracy, elections. ... the following ideas have been given
  - Rwandans have many complicated, problems which must be solved. A "scientific analysis" ("analyse scientifique") should be carried out in order to solve them properly. Everybody should feel that those problems are his. are concerning him, and that it is he who must look for solutions to them (ownership).
  - Because this Country's problems are [related. complicated. it](#) is important to look for a way of trying to solve them. starting from the same time :
    - It should be set up structures who would be in charge of helping to solve them. Which make people reach their "Common Denominator" ("Dénominateur Commun").
    - Democracy and economic development starting at the same time. Without people wanting, to start by one. the other following later.
- Democracy has a process
  - Building basic structures ("grassroot democracy"/ "démocratie à la base" - Establishing the Constitution (Constitutional Process):
  - Having a National Assembly resulting from elections which is gathering together people with different ideas. It would be examined way of electing some of its members, while others would be added following other different problems for the country ("Sensibilities).

**61.** During discussions which were held about democracy, participants in the meeting agreed upon the "principle" (principe) of electing basic structures ("grass-root"! "base") which are the following : nyumbakumi, cell and sector.

**62.** The main ideas taken as a basis for such elections to be adopted:

- The objective is to make the people actively participate in governing the Country and solving their own problems. It is necessary\_ for them to understand that those problems are theirs and that they

must participate in finding solutions to them . This is what they have called in foreign languages:

.) Participation:

.) "Ownership"; "appropriation" : feeling that problems and their solutions are theirs, are concerning them. Nobody feeling that he "will remain quiet, leaving others to deal with them alone.

- Shared government, which is not held by only one person, makes that there can be dictatorship and injustice, and that people control one another, which is called in other languages ""checks and balances" "équilibre des pouvoirs".<sup>y</sup>

**63.** Preparing elections : the meeting adopted that elections must be well prepared so that they can take place properly.

- There must be trainings to sensitize Rwandans ("sensitization" "sensibilisation", which would be -divided into two parts:

.) To prepare people so that they understand well which direction we are going to. feel what elections will be like.

.) Trainings will even continue even after elections, so that which they will make that "ownership"/"appropriation" of problems and their solutions exist- among Rwandans.

**64.** People must understand that democracy is not elections only. Electing is not the objective (it is not a "finality"), the objective is that the people have the floor, participate actively. Electing their leaders themselves in a transparent way is one way. Rwandans must be, therefore, trained in political matters ("political education"/ "éducation politique").

**65.** Elections will not be based on political parties ("no partisan elections", ' "pas d'élections partisans"). There are logical worries which would not allow political parties to make publicity. and which are based on the history of our Country.

**66.** Basic structures (Nyumba kumi, Cell and Sector ) and the matters they would be dealing with

- Nyumba kumi : This structure will mainly deal with security matters;

- Cell : This structure will deal with

- social matters;
- security matters;
- political matters;
- and even minor administrative matters (administration)

;

- Sector : This structure will deal with:

- social matters:

- security matters.
- political matters;
- administrative matters (administration)
- economic matters (economy) ;

67. Regarding how elections will be implemented:

It would be elected a "team" ("équipe") of people, and be set up:

- A team in charge of activities, which is also the Executive Council ("executive organ" / "organe exécutif"):
- A decision-making team, which is the Consultative Council ("decision-making organ" / "organe de décision"). This team may include people in charge of control ("contrôle") or there may be another special team in charge of control.

68. Regarding elections in particular:

- At the cell's level, any individual would be capable of electing, holding a vote.

There would be a week to teach the people how: • To fight sectarianism,

- To explain how we suffered from dictatorship;
  - To teach the people a new working procedure which is based on "consultation";
  - To teach them how to carry out some simple administrative works (such as filling the register, writing reports on security,...).
- At the Sector's level, there would be people representing the population ("electoral college"), who have been elected at the Cell's level, and who will elect leaders. That is to say "indirect elections" ; "élections indirectes". All those elected in lower levels would elect, among themselves leaders at a higher level.
  - Elections would be carried out using simple means, which are not requiring many materials and much money. People would stand up behind those they have chosen, lining up behind them. It was also given the idea of avoiding means which would enable people to campaign for themselves, especially that within basic structures people know each other.
  - After such elections, there would be the replacement of those elected for a higher level "by-elections". That is to say that if somebody is reelected for a higher level, another person must be elected to replace him in the lower level.

69. After the elections, the people would be taught:

- a. Planning:
- b. How to write REPORTS ("reporting in, two ways" / "faire des rapports" -for higher and lower hierarchy-); -

- Etc.

## **2.3. CONCLUSIONS AND RECOMMENDATIONS**

**70.** After discussions for exchanging ideas on the item of democracy, the following conclusions and recommendations were brought out:

1. The meeting adopted the principle that democracy which is suitable for Rwanda is the one that makes Rwandans really participate in their way of being governed and in determining the actions concerning them, and which was called government in which the people participate ("participatory democracy" / "démocratie participative").
2. It was adopted that the Cabinet will examine how to implement that ("timing, technical arrangements" % "practical details"). It was given the idea that those elections would take place soon, those who are elected being given a one year or two years' term of office so that it becomes easy to correct the mistakes which would have been made.
3. It was adopted that there would be elections for basic structures, up to the SECTOR's level. And those structures would be based on Committees instead of being based on one individual.
4. Elections will not be based on political parties.
5. To enable the people to really participate in their way of being governed, appropriate strategies must be taken:
  - To bring near the people decision-making institutions in which they would actively participate.
  - To set up structures ("forum") in which the people give their ideas about how problems would be solved.
  - To support a way of working which is based on the principles of:
    - Evaluating how leaders are working (EVALUATION);
    - Controlling how leaders are working (CONTROL);
    - Explaining yourself when you are in charge of specific duties so that the culture of working in secrecy and being a dictator be eradicated (ACCOUNTABILITY).
  - To make Rwandans understand that it is them who are mainly concerned by problems and their solutions ("ownership" "appropriation").
  - To make Rwandans like shared government. which is not, determined by one individual, because this helps not using force and injustice and controlling each other in the way of governing ("checks and balances" / "équilibre des pouvoirs").

- To endeavour to train Rwandans and raise their awareness (SENSITIZATION) so that they become more educated. This will help Rwandans to understand that it is them who are mainly concerned by problems and their solutions ("ownership" / "appropriation"). It is within that context that it will be organized solidarity camps to train different leaders.
- To prepare a very clear and concise document containing instructions relating to the leaders' good conduct and behaviour ("leadership code of conduct" "code de conduite des leaders").
- To set up a Commission in charge of drafting the CONSTITUTION.

71. Then will follow other institutions: the Commune, the Prefecture, the National Assembly, the Office of the President of the Republic as well as the matters relating to the transition period and the Constitution.

### **CHAPTER III : JUSTICE**

#### **3.1. THE PROBLEM PRESENTATION**

72 The reflection meeting which took place in the Office of the President of the Republic examined the problem regarding justice in Rwanda on the following days: on August 1, 1998, August 15, 1998, September 19, 1998, October 3, 1998; ' October 10., 1998. October 17., 1998. November 7, 1998, January 9, 1999, January 16. 1999. February 6. 1999 and February 13, 1999.

The meeting- found out that the problems of justice in Rwanda are classified in two categories. There are problems of classical justice aimed at solving disputes arising from living and working relations between Rwandese citizens. There are also problems of justice aimed at solving problems resulting from the tragic events of genocide and massacres.

73. As regards problems of classical justice, the meeting found out that Rwandans are not satisfied with how OP Ts, IPJs and judges receive and solve problems resulting from their living and working relations. Any Rwandan who brings a matter before justice is undertaking to forget his other works and runs after the justice employees. Rwandans who want to be restored their rights are not well received by public prosecutions and courts. They are not given advice. The delays allocated to them to appear before the public prosecution or the courts are not respected. There are few OPJs, IPJs and judges and who are not enough trained. The public prosecutions and the courts are being accused of much corruption which starts to erode Rwanda Justice. The genocide and massacres left Rwanda with many justice [problems. so](#) that dealing with them did not enable dealing properly with classical justice problems.

74. The genocide and massacres which took place in Rwanda in 1994 caused death to more than one million Rwandans, exterminated families and even destroyed the Country. Those who perpetrated and led the genocide and massacres incited too many Rwandans to commit them. Those offences committed during the genocide and massacres were committed at the same time, by many people and in many places. Investigating on each offence committed during the genocide and massacres and on each individual who committed that offence is not easy, especially that judicial institutions have also been destroyed during the genocide and massacres.

However, even before the genocide and massacres Rwanda had no strong justice. In addition to its bad functioning, it had not sufficient employees and who were enough trained. Among 708 magistrates who were operating in Rwanda, only 45 were holding University Law Degrees. During the genocide and massacres, most of those magistrates died and other fled the country. It became necessary for Rwanda to train other magistrates, IPJs and OPJs for a short period in order to rehabilitate justice which is capable of facing problems resulting from the genocide and massacres.

While Rwanda has about one hundred and thirty five thousand people (135.000) in detention, who are suspected of having participated in the genocide and massacres, and also many others who participated in those offences and who have not yet been arrested and brought before justice. there are only 400 IPJs and 1;6 OPJs, and most of them have also been trained in a hurry.

It is necessary to punish those who perpetrated the crime of genocide and massacres and other crimes against humanity, so that justice be dispensed to both the victims and the perpetrators. the culture of impunity, which has characterized Rwanda for a long time., be eradicated, and even Rwandans be able to reach real reconciliation. peace and security. But nobody should also forget that the fact of having more than 135,000 people in prison, Who must be given food or brought food by their families, has many other consequences on national economy. Nobody can solve one problem and forget the other. because one has consequences on the other.

75. Even if it has been searched for unusual means which would help solving problems of justice resulting from the crime of genocide and massacres, such as putting those prosecuted for that crime into different categories, the confession and guilty plea procedure which leads to the prosecuted person's penalty reduction as provided for in the organic law n° 08/96 of 30/08/1996, it is clear that the problem of eradicating the culture of impunity while reconciling Rwandans and even rebuilding the Country is still difficult.
76. The meeting found out that justice has a complexity of problems, to which Rwandans should find appropriate solutions. If those problems are not solved, Rwandans cannot reach unity and reconciliation, and even Rwanda cannot reach development.

The meeting found out that Rwanda's leaders, and Rwandans in general, should yet up together and find solutions to those problems of justice, be they problems of classical justice or justice aimed at solving problems resulting from the genocide and massacres. Participants in the meeting undertook together to search for and give ideas on new justice; justice which makes the people actively participate in searching for offences, prosecuting and punishing criminals. Such justice is aiming at:

- Punishing criminals and eradicating the culture of impunity:
- Restoring peace and harmony among Rwandans.
- Rebuilding Rwanda, without sectarianism:
- Giving penalties aimed at correcting people who have confessed. but which would also help building Rwanda's development.

Participants in the meeting found out that they should have a look back and examine how in the ancient Rwanda. Rwandans settled their disputes by using Gacaca, and see if they could not take this as a basis when looking for solutions to Rwanda's problems of justice.

In reality, the crime of genocide and massacres is a crime

- which was committed by government, because it is government which supported, preached and implemented the bad ideology of discrimination.
- which was shared by too many people. sullied their reputation, spoiled the Rwandese Society.
- disastrous crime which destroyed the Country:

So, the problem is made difficult by the fact that there is no disastrous punishment which would be given because it would not be a solution. The solution is to rebuild the Country, to rehabilitate the Rwandese Society. It is here that the capacity of classical justice and its institutions becomes weak. Usually, the courts which solve problems give punishments. For the crime of genocide and massacres, giving usual punishments (sanctions) is not enough.

There must be the people's active participation and teaching them sufficiently. It is the reason why the idea of justice leading to reconciliation was given priority.

### **3.2. WHAT THE MEETING SAID ABOUT IT**

#### **3.2.1. PROBLEMS OF JUSTICE RESULTING FROM THE GENOCIDE AND MASSACRES.**

##### **3.2.1.1. THE PROBLEM PRESENTATION**

77. Participants in the meeting reminded that the genocide started a long time ago, in 1959; that from that time, there was a culture of impunity which made it continue, and that such a culture must be eradicated for good, if

Rwandans want to build Rwanda in which there will not be another genocide any more.

78. As it has already been mentioned, the 1994 genocide and massacres left Rwanda with big problems including the following

1. Many people died, more than one, million. many things were destroyed, especially in the economic, administrative and judicial sector.
2. Those whom they left helpless, widows, orphans and others who lost their families' members, are also man`- and need their rights to be restored so that they be given back their place within the Rwandese Community;
3. Those who participated in those killings are too many. There are about one hundred and thirty-five thousand (135,000) people held in detention and who have not yet been tried, and who must be fed by Government. And there are many others who participated in the genocide and massacres who have not yet been arrested and brought before justice. and who continue to disturb security, be it in the heart of those whose family members were killed or other bad actions aimed at continuing and making the plan of the genocide and massacres, and even fighting the Government of Unity
4. There are few employees in judicial institutions, and most of them are not enough trained. Rwandans are not [willing to](#) help justice. they have become as if they were not concerned: testifying for the prosecution of those who committed the crime of genocide and massacres is left to the survivors;
5. Those who perpetrated, implemented that intention of exterminating some Rwandans are still sticking to it; they continue to increase and to make those problems heavy.

79. The actions undertaken in order to solve those problems\_ such as establishing organic law n°08/96 of 30/08/1996 putting into categories those who participated in the genocide and massacres, and allowing people who are prosecuted for the crime of genocide and massacres to confess and plead guilty, so that their penalties be reduced, could, not solve those problems.

While this problem of justice is being examined, by the reflection meeting. the number of those who have already been tried among people who participated in the crime of genocide and massacres is not exceeding 1,000:' the number of those who have confessed or pleaded guilty of the crimes committed during the genocide and massacres is not exceeding 7,000, apar\_ from the fact that case Files for those who pleaded guilty

must be established, in order to enable controlling the correctness of what they pleaded guilty for and trying them, and all this has not yet been done.

It is clear that the step already reached in trying people who are prosecuted for the crime of genocide and massacres is small, compared with the number of detainees which is about 135,000. without forgetting many others who participated in those crimes and who are not in detention.

When you consider the number of people whose trials have been complete. since the beginning of trials of the genocide and massacres and compare it with the number of people who are in prison because they are prosecuted for that crime, you find that it would take about 200 years to try all of them! The confession and guilty plea procedure which would have accelerated trials has also been blown down because of lawyers, especially foreign ones and other employees who spend their time in Rwandese prisons, preaching that people who are detained there should not confess themselves while there are public prosecutions and tribunals.

80. So, it is necessary for Rwandese leaders to continue looking for solutions to those problems resulting from the genocide and massacres, because the solution which has been tried until now has not yet solved that problem and it even seems to be evident that it cannot solve it in a satisfactory way. As it has been overmentioned. among what Rwandans are expecting from justice are the following:

To punish criminals and eradicate the culture of impunity:

- To reestablish unity and harmony among Rwandans;
- To rebuild Rwanda without sectarianism;
- To give penalties aimed at correcting one who pleaded guilty, but which would also help developing Rwanda.

The offences of genocide and massacres are not ordinary offences, it is not astonishing that classical justice have difficulties to ordinary offences, problems resulting from such offences. It is necessary to look for and try justice which is not classical and which would help the Country to come out of the deadlock. The people should actively participate in such justice (participatory justice / justice participative), actively participate of being dealt with by few people. And usually justice is done in the name of the people and for the people. There would be nothing astonishing if those people were allowed to participate in justice. It is them, moreover, who know the truth. about the events which took place.

Regarding the offences of genocide and massacres, they were committed in public, by many people, in the people's eyes. So, it would be better if those offences were tried in public, the people participating in prosecuting and punishing those who committed them. Those who committed the crime together being tried and punished together. In this new justice, in which the people actively participate, leaders must not leave it to the people alone. Leaders know how people were killed and properties spoiled, and they should participate in helping to search for

crimes and their perpetrators. punishing the perpetrators. thus being an example which will be followed by other people.

That new justice must also help develop the Country. Government cannot deal alone with people who are detained because of the crime of genocide and massacres. It is necessary to look for a way of how those detainees' forces can be used in community service that would help them to live.

New Justice in which the people actively participate must help Rwandans to eradicate the culture of impunity. be reconciled and reestablish unity. Sectarianism and killings which characterized Rwanda during these past forty years, were taught to the people and were not in their habit. and the people were helped in that by government which Rwanda had at that time and which did not punish anybody for that. And even one who had much zeal in sectarianism and killing was remunerated for it. Eradicating such bad culture in such a way that the people participate in it will help reestablish the good culture which Rwandans had before. when they felt that everybody had to fight against any bad element which could be harmful to the Rwandese community.

81. Rwandans can base that new justice on the Gacaca Rwandese heritage. Gacaca which was existing in Rwanda would serve as a basis when working out the new Gacaca. which is adapted to the period in which Rwandans are living and which enables them to reach the objectives of real justice.
82. Some participants in the meeting, especially those who are specialized in law, found it difficult to welcome that idea of searching for other means through which the problems of justice resulting from the genocide and massacres could be solved. because those means were different from those they were taught and using. Some were saying that the existing means could be used so that trials for the genocide and massacres could have been completed after three years. but they could not explain when they were requested to do so. They were adding that using other means to solve those problems was to minimize the genocide and massacres. because those who committed such a severe crime could not be tried by people who have not been taught law.

The meeting found out that such ideas were resulting from the act of wanting to protect the lawyers' profession and work and not being able to dissociate from what they have learnt and worked in so as to believe in other ideas.

But there were also some who were against the idea of searching for solution to accelerate trials for those who committed the crime of genocide and massacres because of their own political interests or for their profession's sake. Participants in the reflection Meeting. found out that there should be established a law punishing those who continue to base their ideas on sectarianism. who minimize the genocide and massacres and distract the others' attention.

### **3.2.1.2. DISCUSSIONS ABOUT THE NEW GACACA**

83. Participants in the meeting exchanged ideas on that new justice. in which the people actively participate (Participatory Justice.' Justice participative based on the heritage of Gacaca which was existing in Rwanda before.

Participants in the meeting with much experience requested explanations about the former Gacaca before White People arrived in *Rwanda*. and during the colonial period in Rwanda.

They explained that formerly in Rwanda, before the White People's arrival, there was basic justice based on Gacaca. That former Gacaca was a court with honest men, which settled disputes arising from the family or between neighbouring families; on ordinary matters in the people's living conditions. such as temporary separation between a man and his wife, the cattle causing damages to somebody's crops, etc. Severe offences were tried before the Chief of the village, and more severe ones before the King

During the colonial period, Gacaca continued, and became a basic structure for jurisdictions based on Customary Law (*droit coutumier*). At that time was also established justice based on written laws (Classical Justice/justice classique). But sometimes that justice based on written laws could have recourse to Gacaca when investigating on offences.

After independence. Gacaca lost the value it had before; but it did not disappear. because Rwandans willing to do so continued to use it in different ways.

84. After these explanations. some participants in the meeting asked questions about concerns raised in them by the fact that Gacaca would be used in trials for perpetrators of the crime of genocide and massacres

- They asked whether trying cases of genocide and massacres in Gacaca would not be minimizing the genocide and massacres and making them a simple offence. They asked about which competence the new Gacaca would have to carry out investigations on the offence, to try people and punish them;
- They manifested much concern about the people's capacity to carry out important trials of the genocide and massacres;
- They were ascertaining that the people are not educated. that they cannot know how to implement laws and carry out trials in an appropriate way;
- They were ascertaining that nothing would prevent the people from being partial because of testifying for the prosecution or carrying out trials for those with whom they have family relations and friendship;

- They manifested concerns that Rwandans are used not to tell the truth, which would make Gacaca impossible, and they added that in some parts of the Country. all those who were persecuted died and there would not be anybody to testify:
- They were worried about the fact that carrying out trials of the genocide and massacres by Gacaca would be the origin of other disputes based on the role which everybody would play in the new Gacaca
- They manifested concerns that if the new Gacaca was in charge of trials of the genocide and massacres, this would not be in conformity with international laws;
- They expressed their wish that the new Gacaca could only participate in investigating on the offence, other proceedings being carried out by classical justice.

85. While carrying on discussions. those believing in the capacity of the new Gacaca gave the following ideas:

- The new Gacaca is a new way of making the people actively participate in justice which Rwanda needs:
- The new Gacaca would not be introduced to replace classical justice. but to bring support to it:
- The new Gacaca would actively participate in investigating on the offence. carrying out trials of the genocide and massacres and punishing criminals:
- The new Gacaca would not only be an investigating service. it would rather give the power to the people. so that new justice can reestablish the unity of Rwandans. based on everybody's participation. and eradicate the culture of impunity, and single out for exemplary punishment those who actively participated in the genocide and massacres:
- At the beginning. the new Gacaca would only prosecute the crimes of genocide and massacres. because they are too many and urgent. Then would be examined its capacity of prosecuting classical offences:
- The people are not so uneducated that they cannot be educated, as some are ascertaining it, the people can know the truth. can be made used to the good culture as they were made used to killings: the people can carry out trials of what they saw themselves, based on one organic law which is well explained;

- Regarding the people's partiality, by not saving the truth or being in favour of those with whom they have family ties, this is possible. but because prosecuting <sup>a</sup>nd carrying out trials before the new Gacaca would be done in public; there are people who may contradict them and give concrete evidence; so that partiality would be limited ;
- It was also expressed worries that in some places criminals killed all those who could accuse them, thus making Gacaca impossible. Regarding such worries. it was replied that even by using classical justice, in places where killers exterminated people. it would not be easy to find accusations and concrete evidence on killing which took place there. But the new Gacaca would be at least more useful, because those who killed and spoiled properties can be listed and be known, so as to enable Gacaca to have a basis when prosecuting those who participated in such crimes;
- Carrying out trials of the genocide and massacres before the new Gacaca is not minimizing them and making them a simple offence. It is rather putting the crime of genocide and massacres at the level in which it was committed. The crime of genocide and massacres and other crimes against humanity were committed in public, and-too many people actively participated in them. The ideology of the genocide and massacres took root n the Rwandans' way of feeling and living. The culture of impunity has become a habit. To build a new Rwanda Would require much participation from each Rwandan.
- Regarding the people's capacity to carry out trials of the genocide and massacres. at the new Gacaca's level.it was explained that the new Gacaca must be well examined. and make clear how it will be established and work, this being -communicated to all people; the main ones would be trained and even those who are trained in law matters would support them:
- Regarding much concern that in real justice laws should be followed. as they are. instead of inventing another way of prosecuting the crime of genocide and massacres. it was explained that the crime of genocide and massacres is a very severe crime. an unusual crime. The crime of genocide and massacres is therefore a crime which was based on the bad policy of the former leaders. which was based on ethnism. So. we need different means and unusual strategies which would help Rwandans get Out of the deadlock into which they\_ were plunged by those tragic events:
- The genocide and massacres had many bad consequences. destroyed the Country, broke the people's hearts. Therefore. the aim is not only to repair any particular offence. committed

by this person or that one, but. it is also to eradicate the roots of killings in Rwanda. to rebuild Rwanda

- The new Gacaca will also help Rwandans to believe and even actively participate in justice because it will be theirs. having a role to play in it. The people are not considering Government justice as theirs. this resulting in that even any person having his own reasons. be they political or any other reasons. of criticizing justice does it. even if justice is working well.

86. Participants in the meeting ascertained that it was high time to call for Gacaca. which will be brought together by the period in which Rwanda is living. and assist in justice relating to the crime of genocide and massacres and other crimes against humanity<sup>y</sup> It is the reason why classical laws. and classical judicial institutions must be supported by. an appropriate policy which gives the people the whole capacity. so that they can more actively participate in justice. aimed at prosecuting and punishing the crime of genocide and massacres and other crimes against humanity.

87: The reflection meeting held talks about the new Gacaca's structures and how they could be established. It gave ideas that it could be set up Gacaca at the Cell's. the Sector's. the Commune's and the Prefecture's level Based on the objective of new justice in which Rwandese citizens actively participate. the Meeting found out that the new Gacaca would carry out the following duties:

- To know how those crimes were committed and where they were committed:
- To know people who were killed and the damages undergone during the genocide and massacres;
- To put those who are suspected of the crime of genocide and massacres and other crimes against humanity into categories provided for in organic law no 08/96 of 30/08/1996 as it will have been modified up to that time:
- To carry out trials of the 2nd<sup>3</sup>rd and 4th categories provided for in organic law no 08/96 of 30/08/1996,
- To participate in determining those who committed crimes put into the 1<sup>st</sup> category provided for in organic law n° 08/96 of 30/08/1996 as it will have been modified at that time;
- To determine penalties for those who will have been tried by Gacaca according to organic law n° 08, 96 of 30 08, 1996:

- To have full competence of classical courts and Public Prosecution ' when prosecuting the crime of genocide and massacres and other crimes against humanity.

Because of difficulties which may arise when evaluating damages. the Meeting found out that trials of damages by sae crime of genocide and massacres %vii! be carried out by the courts which are usually dealing with classical offences. except what is provided for in the 4" category organic law h'08/ 96 of 30/08/1 1996.

**88.** After agreeing that it should be looked\_ for justice in which the people participate based on Gacaca heritage. and gi ving basic ideas about that new Gacaca's structures, the reflection ;Meeting set up a Commission and entrusted it with finalizing all problems regarding how the idea of the new Gacaca would be implemented.

**89.** The Meeting, ted that Commission with the following duties

- To study how the new Gacaca can be implemented
- To examine political and social consequences which would result from the new Gacaca
- To examine in detail how trials of the genocide and massacres can be accelerated and carried out properly. in order to reach the objective of eradicating the culture of impunity. as well as rehabilitating the Country and making Rwandans live together peacefully ;
- To examine how article 2 b) of organic law n° 08/96 of 30/8 96 can be [modified. so](#) that all leaders be not put in the same category. while they may have committed different offences. thus not running the same punishment : but considering their real participation in the genocide and massacres ;
- To examine how the penalties provided for criminals can be replaced or completed by community service, but without disturbing Govementls policy of eradicating the culture of impunity. It must be examined how to g've punishment which :s not only emprisonment. but rather providing how detainees can Carryout community service
- The examine a way of punishing people who committed the crime of genocide and massacres in more than one Commune such as at Bisesero, where perpetrators of the genocide and massacres came from Kigali. Gisenyi. C yangugu and else<sup>w</sup>here

- To study the case of people who committed the crime of genocide and massacres and whose census is not taken in any Cell:
- To study thoroughly the changes which will be brought in laws because of establishing the new Gacaca and to check if the establishment of Gacaca Jurisdictions is in conformity with international laws ;
- To prepare the message which would be delivered to the people within the framework of explaining them their active participation in the new Gacaca, to explain them why the new Gacaca is necessary and what it is aiming for. so that nobody can feel that it is to minimize the genocide and massacres. or that it is the lesser evil but it is rather a right way of finding solutions to the problems which caused the genocide and massacres and their aftereffects
- To study how trials for compensation can be accelerated ;
- To provide for punishments. which can be put in a law. for those who minimize Gacaca or who will try to use the new Gacaca: for their own interests
- To study on the timetable and the budget for Gacaca jurisdictions.

**90.** That Commission forwarded to the Meeting a report comprising the following parts:

- Chapter one is-comprising an introduction containing ideas on the explanatory note for the law establishing the new Gacaca. and the Commissions duties
- Chapter two of the report is explaining the organization. the functioning and the competence of Gacaca Jurisdictions. That Commission adopted to call the new Gacaca' organs Gacaca Jurisdictions, which means that the new Gacaca is based on the Rwandese heritage from the former Gacaca: and that the new Gacaca has the competence of classical courts which are based on written laws, and have even the advantage of holding the competence of acting as OPJs .:
- Chapter three is explaining how to coordinate the functioning of Gacaca's organs with the laws .
- Chapter four is trying to show the actions needed for Gacaca Jurisdictions to carry out their duties
- Chapter five is the conclusion ;

- The appendix to the report is trying to show the draft budget for Gacaca Jurisdictions.

91. After long discussions about that report. the Meeting adopted that there be new Gacaca Jurisdictions at the Cell's, the Sector', the Commune's and the Prefecture's level. It also adopted the duties, the structure and the competence for those new Gacaca Jurisdictions which are as follows

### **3.2.1.3. STRUCTURE. FUNCTIONS AND COMPETENCE FOR THE NEW GACACA.**

92. Duties for Gacaca Jurisdiction are as follows:

#### **The Cell's Gacaca Jurisdiction**

- Draws up the list of people who were victims of the crimes committed in the Cell and of those who participated in those crimes
- Receives accusations ;
- Receives evidence and testimonies ;
- Carries out investigations on given testimonies ;
- Carries out trials and passes sentences for people who are accused of offences in the fourth category ;
- Forwards to the Sector's Gacaca Jurisdiction case files for those who are accused of offences in` the third, second and first categories ;
- Elects within itself members of the Coordinating Committee.

#### **The Sectors Gacaca Jurisdiction**

- Receives all case files from the Cell's Gacaca Jurisdictions and the public prosecution ;
- Puts the accused into categories ;
- Forwards to the Cell's Gacaca Jurisdiction case files for the accused in the fourth category
- Forwards to the Commune's Gacaca jurisdiction. the accused n the second and first categories ;
- Carries out investigations on testimonies
- Carries out trials and passes sentences for the accused in the third category
- Receives the report on activities of the Cell's Gacaca Jurisdictions
- Controls and coordinates activities at the Cells'level.

#### **The Commune's Gacaca Jurisdiction**

- Carries out investigations on testimonies ;
- Carries out trials and passes sentences for the accused in the second category ;
- Forwards to the Republic's Public Prosecution case files for the accused in the first category ; '
- Receives and carries out judgements passed by the Sector's Gacaca Jurisdiction and for which appeal has been made ;

- Forwards to the Prefecture's Gacaca Jurisdiction case files for people who are making appeal ;
- Controls and coordinates activities of the Sector's Gacaca Jurisdictions.

### **The Prefecture's Gacaca Jurisdiction ;**

- Receives appeal for judgements passed by the Commune's Gacaca Jurisdictions ;
- Controls and coordinates activities of the Commune's Gacaca Jurisdictions.

### **Note:**

- The Cell's, the Sector's, the Commune's and the Prefecture's administration determines working places for Gacaca Jurisdictions. All Gacaca Jurisdictions work in public and those who attend meetings are given the floor when they request for it.
- The reflection meeting found out that if it was necessary, it would be created Gacaca Jurisdictions in specialized cells (cellules spécialisées) which will prosecute people who are suspected of the crime of the genocide and massacres and who are living or were living in those cells at that time.

93 The meeting adopted that Gacaca Jurisdictions Would be established in the following way:

- The General Assembly of the Cell's inhabitants elects honest people who are members of Gacaca Jurisdiction at the Cell's level. Those honest people elect coordinators within themselves. The General Assembly of the Cell's inhabitants elects within itself other honest people, who represent the C. ii at the Sector's level ;
- Those who have been elected meet in the Sector and elect among themselves members of the Sector's Jurisdiction, and the representatives of the Sector's level at the Commune's level. Those who have been elected at the Sector's level elect coordinators among themselves
- Those who have been elected at the Commune's level also elect among themselves the representatives of the Commune's level in the Prefecture, and elect among themselves coordinators at the Commune's level. At the Prefecture's level, those who have been elected at the Commune's level elect among themselves people who will represent them in the Prefecture's Gacaca Jurisdiction

The reflection meeting adopted that Gacaca Jurisdictions will benefit from technical assistance of specialists in law from the courts or public prosecutors' offices who are near the places in which those Gacaca Jurisdictions are working (technical assistance assistance technique).

94. Honest people who will be elected will have to meet the following conditions

- To be a Rwandese woman. man, young girl or boy, having completed the age of 21 , and not exceeding the age of 65. But it was also given ideas that being a honest person is not requiring many years of age. because it depends on education and behaviour. and therefore children aged 16 can participate in giving right evidences on offences. It was also <sup>7</sup> in the idea that even person who has more than 6<sup>5</sup> years of age but is still strong can be elected as a honest person when he is known as such
- The meeting found out that it would be necessary to raise the women's and young people's awareness of being members of Gacaca Jurisdictions. because especially women and young people played a big and particular role in the genocide and massacres. It is also them who know well about the events which took place. and who can give evidences and testimonies:
- To have a good behaviour and morals
- To be characterized by the truth
- To be afraid of being dishonest ;
- To have a spirit of sharing speech
- Not to be prosecuted for the crime of genocide and massacres or of her crimes punishable with at least a six months' imprisonment
- Not to be characterized by sectarianism and discrimination.

95. Electing honest people in the new Gacaca's structures will be preceded by the activities of explaining to the people the structure. the functioning and the use of Gacaca Jurisdictions and raising the peoples awareness of participating in justice which prosecutes the crime of genocide and massacres.

96. The reflection meeting adopted that the number of honest people in those Gacaca Jurisdictions will be as follows

Each structure is made up of a

- **General Assembly** : in the Cell, it is the assembly of all those who are living in it ; while in the Sector, the Commune and the Prefecture.it is 50 honest people
- **Gacaca Jurisdiction** : in all structures, it is made up of 20 honest people elected by the General Assembly
- **Coordinating, Committee** : it is made up of five honest people elected by members of Gacaca Jurisdiction. That Coordinating Committee elects every time among its members its chairman and ? secretaries for one year renewable.

97. The General Assembly elects members of Gacaca Jurisdiction, and replaces those who are dismissed. It supervises Gacaca Jurisdiction's activities. Its members are given the floor in Gacaca Jurisdiction. help Gacaca Jurisdiction to give evidences. Gacaca Jurisdiction is convened at least twice a week.
98. The General Assembly. GACACA Jurisdiction and the Coordinating Committee are set up as follows:
- **At the Cell's level :** The General Assembly is made up of all the Cell's inhabitants. They elect among themselves 20 honest members of the Cell's Gacaca Jurisdiction and other honest people representing the Cell at the Sector's level. The number of those honest people who represent the Cell at the Sector's level is fixed according to the number of Cells which are in that Sector. so that the Sector have a General Assembly which has 50 honest people. That number can be the same for all the Cells. or following the number of inhabitants in each Cell. Among those 20 honest people who are members of Gacaca Jurisdictions are elected 5 honest people "Ho are members of the Coordinating? Committee.
  - **At the Sector's level:** The number of honest people members of the Sector's General Assembly is 50. Members of Gacaca Jurisdiction at the Sector's level are 20 and are elected among 50 honest people. Those 20 members elect among themselves 5 members of the Coordinating Committee. The other-5 are elected to represent the Sector at the Commune's level.
  - **At the Commune's level:** The number of members of the General Assembly for Gacaca Jurisdiction at the Commune's level is also 50: who elect among themselves 20 honest members of Gacaca Jurisdiction at the Commune's level. The number of those elected at the Commune's level to represent each Commune at the Prefecture's level is also not fixed. it will be determined according to the number of Communes in the Prefecture, in order to complete the number of 50 members of the General Assembly at the Prefecture's level.
  - **At the Prefecture's level:** The number of members of the General Assembly for Gacaca Jurisdiction at the Prefecture's level is also 50: who elect among themselves X honest members of Gacaca Jurisdiction for the Prefecture.

**99. Note:**

- Anybody who has been elected among honest people in the Cell and who moves from that cell in order to find residence in another Cell is removed from honest people of the Cell in which he was living.

- Regarding experts in law; the meeting found that it would be more better to make the law easier by not fixing the number and added that when it becomes necessary and possible at the Cell's and Sector's level. experts in law are elected among candidates presented by the Commune's Security Council.

#### **3.2.1.4. WHAT IS NEEDED FOR GACACA JURISDICTIONS TO BE ESTABLISHED**

**100.** As the Commission had given ideas about it. the Meeting found out that for Gacaca Jurisdictions to be established and carry out their duties. the following main actions are needed:

- The Ministry of Justice must prepare a new organic Law governing Gacaca Jurisdictions:
- The Ministry of Justice must prepare bills modifying the existing laws so that they be adapted to the duties of new justice in which the people actively participate. In particular. the Meeting found out that the following laws were to be modified:
  - Organic law n° 08/96 of 30/8, 1996 organizing prosecutions for the crime of genocide and massacres and other crimes against humanity:
  - The Fundamental Law: the Arusha Peace Agreement on Power-Sharing in its Articles 26 and 25.
  - Law-decree n° 09/90 of 07/08/1980 on the organization and competence of Courts.
  - Law-decree n° 21/77 of 18/08/1977 establishing the Penal Code.
- The law of 23/12/1963 organizing the Supreme Court.
- All Government Institutions with assistance from the Ministry of Justice will explain to Rwandans about new justice in which the people actively participate. and inform them about the objectives of such new justice and how Gacaca Jurisdictions will be established and working. It will be raised the Rwandans' awareness of actively participating in those Gacaca Jurisdictions:
- Electing honest people, at the Cell's. the Sector's. the Commune's and the Prefecture's level will be prepared. and led by national administrative institutions, including those of the Ministry of Justice:
- Elections will be followed by training honest people who will have been elected:

- Traininas will be followed by starting up Gacaca Jurisdictions at all levels:
- Trials for the crime of genocide and massacres and other crimes against humanity will start from the Cell's level at Gacaca Jurisdictions' level:
- Regarding the necessary materials and budget for Gacaca Jurisdictions to be established and carry out their duties. it will be reviewed and finalized by the Ministry of Justice:
- The Ministry of Justice and the Ministry of Local Government will work together when following up activities concerning the establishment and the duties of Gacaca Jurisdictions.

### **3.2.1.5. OTHER MATTERS WHICH WERE EXAMINE BY GACACA COMMISSION**

- 101. Article 2 b):** The /Meeting found. out that Article b j of organic law no 08/96 of 30/08/1996 should be modified. so that the law does not include categories of leaders vvhich have not the same role in the genocide and massacres. thus increasing the number of those who are only sentenced to death. The meeting adopted that leaders at the Sector's and Cell's level should be removed from the first. category, except those whose committed crimes put in that category ,.
- 102. The list of people who are in the first category:** The Meeting also found out that it was necessary that theist of people who were put in the first category be published twice a year by Gacaca Jurisdictions in charge of that.
- 103. Employing detainees:** the Meeting found out that the detainees forces would be useful in developing Rwanda: it adopted that the detention period for those who are prosecuted for the crime of genocide and massacres should be well examined and used for community service.
- 104. Death penalty:** The Meeting discussed about death penalty. and some people found that it should be abolished. because many foreign countries have abolished it. Discussions proved that there are foreign countries' such as the united States of America. which - had suppressed it, and which brought it again. The -Meeting adopted that Rwanda is still behind in matters of eradicating- disputes. and that death penalty cannot be abolished for the moment.
- 105. Confession and guilty plea procedure:** Organic law n' 08, 96 of 30/8/1996, in its Chapter 111, provides the right to confess and plead guilty to those who are prosecuted for the crime of genocide and massacres and other crimes against humanitv. Until no',;. such a right has been used by about 7 000 people. especially after death penalty was carried out in public.

The Meeting found it necessary to encourage those who are prosecuted for the crime of genocide and massacres to confess and plead guilty.

Therefore, the following would be done:

- To examine how people who confess and plead guilty cannot be kept in prison, while those who do not confess are released because they have no case files;
- To reexamine how penalties for people who confess and plead guilty can be reduced as follows:

**In category 1:**

They will be tried in accordance with organic law n° 08/96 of 30/08/1996. But as confession will not reduce their penalty, they have the duty to confess, to testify and give evidence on what they have done and know, as Rwandans who need prosperity for their country in which they have children, wives, brothers and sisters. The country needs good heritage.

**In category 2:**

- The first way: anyone in category 2 who refuses to confess and plead guilty will be sentenced from life imprisonment to 25 years' imprisonment;
- The second way: anyone who confesses after being prosecuted will be sentenced to imprisonment ranging between 12 and 15 years. On those years, he will spend 8 in prison, and the remainder outside, kept under observation, performing community service;
- The third way: anyone who confesses and pleads guilty, before being prosecuted, is sentenced to imprisonment ranging between 7 and 11 years. He spends 3 years in prison, and the remainder outside, kept under observation and performing community service.

**In category 3:**

- Anyone who refuses to confess and plead guilty is sentenced to a penalty determined provided for in organic law n° 08/96 of 30/08/1996. He spends one half of his penalty in prison, and the other half outside, kept under observation and performing community service.
- Anyone who confesses after being prosecuted is sentenced to a penalty which is provided for in organic law n° 08/96 of 30/08/96. He spends one half of his penalty in prison, and the other half outside, kept under observation.

- Anyone who confesses before being prosecuted is also sentenced to a penalty in accordance with the provisions of organic law n° 08/96 of 30/08/96. He spends one half of his penalty in prison, and the other half outside, kept under observation and performing community service.

**106. Regarding damages:** The reflection meeting had much discussion about the issues of damages to be paid to the victims of the crime of genocide and massacres and other crimes against humanity

Discussions were mainly based on the following issues:

- GOVERNMENT's role and capacity to pay damages:
- How to carry out trials on damages.

Some participants in the meeting were ascertaining that GOVERNMENT should pay damages for which it has lost, as regards the genocide and massacres, before diverse courts; they were ascertaining that among victims who are claiming for damages before courts, those who win trials for damages should be paid them quickly because they have the right to that. Other found out that GOVERNMENT cannot be present in all trials for damages resulting from the crime of genocide and massacres; they also found out that GOVERNMENT cannot afford all those damages. They demonstrated that all victims of the genocide and massacres are not capable of claiming and carrying out trials for damages; those who are capable of doing it would be the only ones to be paid damages, nothing being paid to others. Another thing is that those who are accused are many, while those who are accusing and who should accuse are also many.

During long discussions, participants in the meeting found out that GOVERNMENT could not be present in all trials for damages. that it could not even help those who must pay them because it would not have enough money for that. It was given the idea that GOVERNMENT should set up a fund for damages, which would assist victims of that crime of genocide and massacres, who would have been capable of carrying out trials for damages or not. Then, it would determine its annual contribution to that fund from its budget. That GOVERNMENT's contribution, together with other damages in relating to it, will replace any payment of damages which would be claimed from GOVERNMENT in trials of the genocide and massacres.

The fund itself will follow up those damages before Tribunals. The fund will share damages between beneficiaries, using the sharing scale (barême).

The Meeting adopted that Government will finalize those ideas and draw the conclusion on this issue of damages claimed of in trials for the crime of genocide and massacres, and will start implementing it soon.

**107. Relationship between Gacaca Jurisdictions and Classical Courts:** The reflection meeting held discussions about the issue of relationship between Gacaca Jurisdictions and Classical Courts; it found out that Gacaca Jurisdictions are specialized Jurisdictions which, have the competence of Classical Courts and the public prosecution, as regards prosecutions, when

there are carrying out trials and punishing the crime of genocide and massacres and other crimes against humanity committed between October 31, 1990 and December 31, 1994.

The Meeting found out that classical public prosecution services and military public prosecutions will continue their duties of investigating and receiving accusations. They will forward to the Sector's Gacaca Jurisdictions the case files they will be holding, so that their owners be put in categories.

The public prosecution services will continue to produce, before Gacaca Jurisdictions and other Tribunals which carry out trials for the crime of genocide and massacres, evidences on those who are accused in all case files on which they have investigated.

The Meeting adopted that the Supreme Court will fix a way of supervising and controlling Gacaca Jurisdictions'activities .

The issue of carrying out trials for former high leaders who are prosecuted for the crime of genocide and massacres, it would be better if they were prosecuted by the Republic Public Prosecution and their trials carried out by the Court of First Instance. However, this requires modifying some of the provisions governing laws on carrying out prosecution trials.

### **3.2.2. ISSUES OF CLASSICAL JUSTICE**

**108.** During discussions about the problems of classical justice, the reflection Meeting asked first those who are near the people such as Members of Parliament and Prefects to say first how the problems of justice are : then those who are in charge of leading judicial institutions were also given the floor in order to give their ideas on those problems.

Some of the general problems regarding the working procedure of classical justice institutions which were communicated are the following

- The problem that the people are always summoned, but do not find anybody to direct them or explain them how tribunals and public prosecutions are working
- The habit of postponing trials for many times. the delay in carrying out trials and passing sentences. and even those which are passed not being quickly completed ;
- Trials are not leading to reconciliation and agreement between parties, but the existing justice rather brings hatred among the people ;
- Bad ways of saving, such as « passing a sentence according to somebody's thinking », »trials for commercial disputes » which support people's bad way of working, should be replaced;

- Most of laws governing the Code of Criminal Procedure are outdated, and should be reviewed ;
- Many countries have no Criminals'extradition conventions (convention d'extradition) with Rwanda. Establishing such conventions should be accelerated ;
- There are no laws governing trials of cases in absentia (procès par contumace). They should be established and used ;
- Inspection of Courts and accountability of judges and magistrates (Inspection des cours et tribunaux et responsabilité des magistrats) is not carried out properly ;
- There are no means enabling the General Public Prosecution within the Supreme Court to follow up the public prosecutions'working procedure;
- The problem of disputes between General Advocates in the Supreme Court and the Higher Council of public office which is not convened in the time provided for by laws
- The problem that the Executive organ (Exécutif) would be interfering in justice activities.

Many examples were given on the problem of corruption in justice and public prosecutions:

- That of the deputy public prosecutor Mwami from Kigali Public Prosecution in Manumétal ;
- That of the shopkeeper Rutagarama and SORAS ;
- That of OMAR ASINI and Ahmed Abdulatifu at Cyangugu
- That of MINITRAPE which gave one plot to two.,people and which was not solved by tribunals
- That of MP MBANDA's trial ;
- That of some tricks used in insurance companies
- That of tricks between the businessmen Nsengiyumva and Uzabumwana in which are also involved MINITRAPE, MINECOFIN, and some Public Prosecutors ;
- That of the house of the Late Ntivunwa Vincent ;
- That of Nemeye who was tricked out of his house.

Discussions in the meeting proved that there were many other examples, that corruption and bad working procedures are constituting a general problem so that some compared them with what people call »mafia », which would be bringing together the Ministries'employees and those working in Justice. After discussing about those problems, the Meeting requested the participants working in diverse judicial institutions to say something on those problems.

**109.** The representatives of judicial institutions accepted that there are many problems within judicial institutions, be it within the Supreme Court. in particular, and in the other courts. Some of those problems are the following

- The insufficient number of competent employees ; - Very few materials ;
- Buildings for Tribunals and other services which are not sufficient ;
- The problem of the budget allocated to them ;
- The problem of corruption (to offer tips and gifts)
- The problem of low salaries and which are not paid on time, which is one of the reasons for corruption,
- Laws governing the working procedure of judicial institutions which are not clear, and give rise to disputes between institutions working with justice.

The representatives of judicial institutions find that those problems of bad working procedure , lack of materials, getting low salaries and corruption, are not only affecting judicial institutions, but also other GOVERNMENT institutions .

They were requested not to consider the reflection meeting as a court trying people working in judicial institutions, because this can make judicial institutions lose their value.

There are also judges and magistrates who do not believe that the examples which were given prove that there are corruption and bad working procedure injustice. They find that the reflection meeting should not start from trials which are not yet completed to ascertain that there are corruption and bad working procedure injustice. They said that the reason why there are diverse institutions with different levels to carry out trials is that if somebody is not happy with the way judgement was passed, he can make appeal before a higher court. Trials may be not carried out properly not as a result of corruption or deliberately distorting the trial, but as a result of less capacities or bad understanding by parties.

They said that the Meeting should wait until the said trials are carried out definitely, before ascertaining that they are really proving corruption and bad working procedures.

**110.** The Meeting gave ideas on how to look for solutions to all those mentioned problems:

**To fight against corruption:**

- All punishments provided for by laws would be used and if not possible, laws would be modified, and other punishments would be set up,
- Rwandese citizens should be taught what that culture of corruption is, and how to fight against it, in order to eradicate it;

- It should be established an Office of General Inspectorate (Inspection Générale du Gouvernement) so that the people have where to submit matters regarding corruption.

**Regarding incompetence:**

- GOVERNMENT would examine how to have recourse to students who have just completed their high studies in the Faculty of Law, and request them to work for it first, before they go to work somewhere else;
- They should be a permanent way of training judges and magistrates, because the working procedure of some of them is not characterized by patriotism, sacrificing themselves, honesty and nobleness of heart. There are clear examples which are not requiring special materials and skills.

The representatives of judicial institutions said that they were waiting for the review of judicial institutions, which they considered as a priority.

The Meeting requested that justice be given sufficient materials in order to enable it to help building a Country governed by law

**3.3. CONCLUSIONS AND RECOMMENDATIONS**

**3.3.1. CONCLUSIONS AND RECOMMENDATIONS ON JUSTICE RESULTING FROM THE GENOCIDE AND MASSACRES.**

111. The reflection meeting, having found out that:

- The genocide in Rwanda started in 1959, and continued in 1963, 1964, 1973, 1990, 1991, 1992, 1993 and came to an end in 1994;
- The bad policy of that time , which was based on sectarianism, keeping others away, selfishness and use of power, is among some actions which resulted in the genocide and massacres;
- The culture of impunity which has taken root in Rwanda also had a big role in making the genocide and massacres possible;
- Those who participated in the genocide and massacres and other crimes against humanity were too many, committed them in many places and committed them in public;
- Classical Justice (justice classique) cannot complete quickly and properly trials of people who are prosecuted for the crime of genocide and massacres;
- Classical Justice cannot restore Rwandans' unity and harmony.

The Meeting found out that it was necessary to establish new justice, which is based on Rwandese heritage, Rwandans' way of living and feeling and people's active participation, so that:

- The culture of impunity be eradicated for good;
- Rwandans be used to the good culture of saying the truth and participating injustice promotion;
- All Rwandans put themselves together in order to restore the good culture of unity and harmony;
- Justice help Rwandans to fight for national development.

The Meeting adopted that new justice, in which the people actively participate would start by trials regarding the crime of genocide and massacres and other crimes against humanity, committed between October 1, 1990 and December) I, 1994.

The Meeting adopted that such new justice would be implemented in the organs of Gacaca Jurisdictions.

The reflection Meeting adopted that Gacaca Jurisdictions would be established by an organic law, the existing laws being modified in order to adapt them to that organic law.

It was adopted that it must be clear that GACACA which is talked about is not only to readopt the former way of settling disputes, but is rather:

- reinforcing the idea of reconciliatory justice, not only aimed at punishing;
- reviewing the courts' working procedure by adding to it GACACA JURISDICTIONS with known, clear, and followed rules.

The Meeting adopted that all Government institutions do their best to implement new justice in which the people actively participate, especially judicial and Government institutions.

The reflection Meeting appealed to all Rwandans to get up and do their best for that new justice in which the people actively participate.

### **3.3.2 CONCLUSIONS BY THE REFLECTION MEETING ON THE PROBLEMS OF CLASSICAL JUSTICE.**

**112** Within the framework of fighting against corruption within justice and even within other Government institutions, the reflection Meeting adopted the following

- Corruption would be well explained, so that Rwandans know all its structures, in order to set up a right way of fighting against it,

- To establish a law governing politicians and magistrates, obliging them to publish their resources before taking office within GOVERNMENT, and show every year how those resources have been increasing;
- To appoint an Ombudsman Inspector General of Government (Inspecteur Général du gouvernement).
- To set up strong means of controlling the courts' activities and punishing judges and magistrates who do not work properly or let themselves be corrupted;
- The Meeting found out that it is better that GOVERNMENT encourages those who are sharing a profession to associate themselves in professional associations (associations professionnelles), and work with other associations abroad, so that such associations can punish their members who forget about their profession's objectives and even be internationally dismissed. This will make those who are sharing a profession respect it, avoid corruption and other offences;
- To set up a GOVERNMENT or independent service, in charge of explaining the people their rights. It also requested that GOVERNMENT institutions which ought to be near the people, such as Members of parliament, have a role in those services which explain the people their rights, as non-government associations (civil society / société civile ),
- To study how Government can fix a term for judges and magistrates and which can be renewable (renewable term / mandat renouvelable).
- It also requested GOVERNMENT to study how judges and magistrates can be transferred and not remain in one place; this would reduce selfishness and corruption and carrying out partial trials;
- To review the Supreme Court's working procedure and that one trying to review that of the other courts;
- Employees in the courts must be evaluated (evaluation), so that those who do not work properly, who are not capable of working and who have not the will to work, be dismissed from work;
- To study how trials which were not carried out properly can be carried out again, so that innocent people, who were not capable of making appeal, be restored their rights. For example, the widow of NTIVUNWA Vincent must be restored her house;

- To study how judges and magistrates, GOVERNMENT administration employees, and even the people in general, can abandon the culture of misleading tribunals, cheating and unfairly taking the others' properties.

**113.** Within the framework of reviewing the courts' functioning so that they become more useful to the Rwandese citizens, the reflection meeting drew the following conclusions

- To review the laws governing the Supreme Court's functioning and to examine relations between its divisions;
- To complete the number of judges in tribunals and other employees needed in the organization of judicial service;
- To set up a Commission which would search in depth for all problems which impede the good functioning of judicial institutions and for solutions to those problems;
- To endeavour to control the courts' functioning (control and accountability /inspection et responsabilité) and to reinforce administration of Justice (administration de la Justice);
- To teach and train the existing judicial employees as well as others who want to work in justice. To look for means which would encourage them to be more active in their work (incentives/emulation):
- To review and coordinate the courts' and public prosecutions' functioning.

**114.** For matters regarding Rwandans and all people living in Rwanda:

The reflection meeting found it necessary to get Rwandans used to the culture of justice:

- In schools, children would be used on time to the culture of justice (to like the truth, to fight against injustice, to be honest.....);
- In general, to raise the people's awareness of the good culture of justice politicians, judges and magistrates, educators and other leaders serving as examples to others
- The Meeting requested that our laws be based on culture, on Rwandans' equity and morality (fondements moraux), because laws governing the Country are borrowed from abroad. Existing laws punish, but do not correct and not reconcile people; however, it is those laws which are taught in secondary schools and followed by tribunals;

- The reflection Meeting reminded that the former "Revue Juridique" would be set up again, and all trials which have not been carried out properly would be published in it; thus judges and magistrates would be afraid of making such mistakes.

## **CHAPTER IV: ECONOMY**

### **4.1. THE PROBLEM PRESENTATION**

**115.** The Minister of Finance and Economic Planning, Mr. KABERUKA Donald, based on the document from the Office of the President of the Republic of March 1998, on "Rwandan Economy Strategies up to the year 2020" (which is attached to this report), and considering the tragedy of the war, the genocide and massacres of 1990-1994 which destroyed Rwanda, its economy and inhabitants, described the economic situation of Rwanda in (5) categories

- The present economy situation;
- The problems of Governance (Gouvernance);
- Consequences of the 1994 genocide and massacres (Conséquences du genocide de 1994);
- Problems relating to Rwanda's means of exchanging goods within the region (regional dimension/dimension régionale);
- Problems requiring Rwandans' long term vision (vision à long terme).

#### **4.1.1. ECONOMY SITUATION DURING THIS PERIOD OF THE BEGINNING OF 1999.**

**116.** The Minister of Finance and Economic Planning requested people to remember how national economy has been exhausted and where it has arisen from! He reminded that

- The Gross Domestic Product (GDP - PIB ) increases at the rate of 11 %;
- "Inflation" is 4 %;
- Economy in general has reached the step of 94 % compared with the period before the war;
- Relations between Rwanda and the World Bank (Banque Mondiale) and the International Monetary Fund (IMF/FMI) are good now, because of our Country's new economic strategies;
- But other donors (bailleurs de fonds) do not actively participate;
- Social indicators (indicateurs sociaux) are not good during this period:

- Most of Rwanda development projects (92 % ) are financed by external funding (financement externe);
- 25% of the ordinary budget (budget ordinaire) are paid from abroad;
- Vulnerability indicators (indicateurs de vulnérabilité) are not good:
- Up to one million children who should be at school, and who are capable of studying, cannot do anything, and have no profession;
- Every year, young boys and girls at the age of starting work do not get a job;
- In commerce between Rwanda and foreign countries there is a deficit of 250 million dollars compared with exports (the value of about 70 million dollars) and imports (the value of about 320 million dollars);
- There is not much fluctuation in Rwanda franc:
- Many Rwanda industries are not operational because of complicated problems.

#### **4.1.2 PROBLEMS OF GOVERNANCE (GOUVERNANCE).**

**117.** Under the former regimes, Rwanda had bad governance which resulted in many bad consequences on national economy;

- Many people (90%) could not actively participate in national economy;
- Many people, as regards economy, were carrying out arbitrary activities (arbitrariness/ l'arbitraire);
- Some people had made Government property as theirs (attemptation to confiscate the State); others were feeling that they were not concerned at all;
- The genocide and massacres annihilated too many people : consumers workers, intellectuals,... while economy must be based on them.

#### **4.1.3. CONSEQUENCES OF THE 1994 GENOCIDE AND MASSACRES**

**118.** The Minister gave examples on bad consequences of the genocide and massacres on national economy

- Vulnerable people (vulnérables) became too many;
- Many consumers (consommateurs) were killed;
- Negative impact on productive factors (impact négatif sur les facteurs de production) ;
- Negative impact on confidence in general (impact négatif sur l'état de confiance)

- ) Negative impact on the people's confidence in Government, because the tragedy which took place up to the genocide and massacres was prepared by Government institutions ;
- ) The people lost confidence in elections ;
- ) Lack of confidence in the future. It is the reason why those who have money prefer speculation (spéculations), instead of investing in longterm projects ;
- ) The people lost confidence in their colleagues because of the 1994 events.

#### 4.1.4. PROBLEMS OF REGIONAL COMMERCIAL EXCHANGE

119. The Minister of Finance and Economic Planning reminded that Rwanda has not a port which would enable easy commercial exchange with foreign countries. In general, Rwanda is landlocked. Its industries have no capacity of compete with imported goods, even from neighbouring countries.

#### 4.1.5. PROBLEMS OF « FORESIGHT ».

120. The Minister of Finance and Economic Planing explained that the big problems of national economy are o structural » and require foresight

- **Agriculture** :Rwandans'agriculture is subsistence agriculture (subsistence). Thus, the Country must have much recourse to much assistance from foreign countries,this preventing the Country from being developed ;
- In the 1985s, Rwanda agriculture had arrived in two ways, so that it would have reached another step for a change but nothing happened ;
- **No sufficient natural resources** ; and even the existing resources are not yet exploited. Rwanda is very poor : it has always been helped by assistance from foreign countries (dependency) so that
  - ) in 1980, the debt was 150 million dollars,
  - ) in 1990, it reached one billion dollars.
- **Landlocking** : Rwanda has no sea-port (it is « landlocked/enclavé ») and has no railway linking it with the sea.
- There are very few Skilled Human Ressources (ressources humaines compétentes ou formées) ;
- Rwanda has the big problem of the youth who has nothing to do in order to develop the Country. About 50% of Rwandans have the age of less than 15 years ;
- Middle class people (classe moyenne) are very few throughout the Country ;

- Rwanda market is very small. It should be extended and it is the reason why Rwanda must think about regional integration (Intégration Régionale).

**Note:** The Minister said that Rwanda has now problems resulting from the war in Congo « short term management / gestion de court terme which obliged some donors to stop the assistance they had accepted.

It was also mentioned the problem of how Government resources are used and the problem of privatization (privatisation). He personally thinks that many people do not understand any more what is happening, saying that there is no transparency and adding that there is corruption.

#### **4.2. WHAT THE MEETING SAID ABOUT IT**

**121.** The meeting insisted on general orientations (orientations générales) relating to the review of the national economy situation (modernization of economy) especially in the country. It put emphasis on the following problems

- Land;
- Technological know-how;
- Infrastructures ;
- Use of the franc and investment ; - And so on.

**122** The meeting talked about energy (énergie) issue, and exchanged ideas on how to use Marsh Gas from Kivu Lake, and peat which is found in some marshes in Rwanda, such as in Gishoma and Bugesera.

Among the ideas which were given, it became clear that projects on energy and peat had been studied (études / studies) and that even some of their outputs had been tried, but were finally abandoned.

Apart from the fact that Rwandans do not want to invest in such projects. Rwandans themselves (Leaders and Specialists) have not yet adopted the right way of exploiting that natural resource. No real strategies are provided for as regards from where Rwanda can get the energy it needs. There has no been the will of choosing between the energy resulting from water, biogaz, the sun, the wind, marsh gas, petroleum, peat and so on, and even the money to invest in that.

In general, participants in the meeting supported strategies of developing Rwanda economy up to the year of 2020 which are in the appendix to this report.

#### **4.3. CONCLUSIONS AND RECOMMENDATIONS**

**123.** Strategic challenges (défis stratégiques)

- The challenge of Governance (Governrnance) ;

- Agriculture has big problems (dead end / impasse) : there is a need to review and develop it
- There is a need to develop technology ;
- The country has just come out of big problems :the culture of work ethics (Ethique du Travail) should be developed.  
It is work which generates economy, and not Government ;
- To teach people so that they get the knowledge and the capacity of working (Human Resources Development / Développement des Ressources Humaines)
- The challenge of investment and financial management ;
- Government's role in developing the private sector « Business Class » ; The challenge of economic dependency (dépendance économique ), for example : for how long Rwanda will appeal for assistance to complete the State's Budget ?
- To come out of being landlocked
  - ) to promote regional integration (intégration régionale),
  - ) to look for a way of increasing the capacity to have access to the sea (accès à la mer).

## **CHAPTER V.: SECURITY**

### **5.1. THE PROBLEM SITUATION: THE PRESET NATIONAL SECURITY SITUATION.**

#### **5.1.1. Conversation held by the Chief of Staff of the Army, Brigadier KAYUMBA NYAMWASA.**

##### 124. Security problems since 1994

- There is the problem that Rwandans have less security in their hearts because of the events which took place in this Country. They feel that the genocide can take place again, they feel that their neighbours are betraying them ; they have no enough confidence in Government.
- The fact that there were infiltrators who made a propaganda of exterminating people without any other objective does not also bring confidence.

There was a time when it seemed that people had no confidence in the Government of Unity

- Some people were wrongly ascribing the Government of Unity to Tutsis ;
- Some people were saying that Tutsis were going to exterminate them when they will want, in order to have their revenge ;

- Some of the national leaders discouraging the people and sowing confusion among them ;
- Some Ministers or leaders unexpectedly fled the Country .

There w<sup>a</sup>s a housing problem

- The housing policy was not very clear and property problems created a bad atmosphere
- People were becoming neighbours without knowing each other and without strategies to help them know each other and fight against mistrust.

**125.** Problems of refugee camps which were in the countries surrounding Rwanda

- In such camps were living Ex-FARs, Interahamwe and ordinary\_ people who had been taught the bad-policy of exterminating people ;
- Those camps were not good for the security of Rwanda. because infiltrators were disturbing security from there, based on the RDR's objectives (MUGUNGA Policy) ;
- When those camps were destroyed and that refugees returned back to Rwanda, in reality. infiltrators started putting themselves together at the end of 1996 and at the beginning of 1997. At that time, there was deployment of the National Army in order to ensure the people's security, while infiltrators were preparing the war following Mugunga policy of which they had raised the people's awareness and in which the people had actively participated. When the infiltrators'bad actions started again, it was the people who
  - Set fire on communal offices, schools,... whilst they were theirs ;
  - Killed their Colleagues :
  - Destroyed roads
  - Set fire on vehicles.

**126.** The present situation

- The National Army has discouraged criminals
- There was the fact of raising the people's awareness and teaching them (Mobilization), including punishments. There was much collaboration between the National Army and Ministry which was in charge of organizing solidarity camps.

Now, there is a special need of raising the people's awareness of looking themselves for what they can live of and increasing production. If people are encouraged to work, they will not have time of thinking about killing one another, and if they work together, this will help them to know and to understand each other.

#### 127. National Integrity

The Chief of Staff of the Army said something about insecurity which was created by problems in [Congo. at](#) Rwanda borders, and even inside the Country

- Bad government in Congo supported those who perpetrated the genocide and massacres and who want them to continue ;
- If Rwandans had not dealt with that problem, the war which is taking place in Congo now would be taking place on Rwanda territory. So, it is better that it takes place where are those who want to bring it to us.
  - Now there are no people waiting for vehicles to kill passengers in the roads of north of the Country. because they cannot find refuge in MASISI like before.
  - Security has become improved in the north, the proof is that the people separated from infiltrators and put themselves in Government's arms and even requested to be built houses grouped together in villages (imidugudu) ;
  - It is those who separated from infiltrators who showed the places where there were some infiltrators and where they were keeping their weapons ;
  - The people started ploughing their land, crops have been gathered in , the crops'prices have decreased a lot, as it is noticed on the markets because some crops are bought from there ;
  - All parts of Ruhengeri /' Gisenyi are fit for traffic.

#### 5.1.2. Conversation held by the Chief of Staff of the Gendarmerie. Brigadier Marcel GATSINZI.

128. Regarding security inside the Country, the Chief of Staff of the Gendarmerie explained that the Army and the Gendarmerie collaborated in many action to provide security.

He explained that preparing case files and prosecuting those who disturb security are mainly carried out by the Gendarmerie ; the filled case files being forwarded to the Public Prosecution which in its turn forwards them to justice.

Among insecurity problems which the Gendarmerie had to deal with was mentioned that of theft which became serious for the last few days

- Thieves were using guns ;
- Among thieves were those who had been dismissed from the Army and the Gendarmerie. some soldiers or gendarmes with bad behaviour were even collaborating with civilians.

The Gendarmerie did its best to stop that in collaboration with the Communal Police and Local Defence Force (LDF).

129. Regarding road traffic security, it became clear that lack of security is due to diverse reasons

- Drivers who drive cars without driving permits (permis) or with false documents ;
- Drunkenness
- Highway code which is incomplete or not clear
- Taxis carrying the number of people exceeding the number they are authorized to carry and characterized by high speed.

But the Gendarmerie endeavoured to solve those problems.

130. Regarding the problem of corruption, it was said that it is noticed among those who are in charge of road safety (traffic), even some judges and magistrates being also involved.

131. Regarding killings. the Chief of Staff of the Gendarmerie said that they took place but had no connection with what is sometimes published by some Organizations ; many people were killed by infiltrators, others were killed while fighting, others were infiltrators themselves.

In general, such killings have decreased, especially when the infiltrators'activities were stopped by the National Army and the people. 5.1,3. Speech by the Minister of Internal Security

132 The Minister Sheikh Abdulkarim HARERIMANA explained that security had just improved because

- National High Leaders undertook to mobilize Rwandans by fighting against the infiltrators 'propaganda
- After the people got the truth because of many explanations which Government continued to give them, and those who followed the infiltrators'propaganda noticed its consequences.
- Reasons for which the people understood and rallied to Government are mobilization by the Government of Unity, hunger because of

running after infiltrators, diseases because of lack of health care and forces.

Infiltration problems were about to reach Gitarama, Byumba, Kigali-Rural and even Kibuye Prefectures, but the people stopped them.

- Problems of properties occupied by non-owners also created insecurity. Now they have been solved except in KUP (PVK) where they still persist ; but Government has undertaken to solve them.

## **5.2. WHAT THE MEETING SAID ABOUT IT**

133. Participants in the meeting were delighted that security in general had been reestablished all over the whole Country.

The ideas which were given showed that national administration and people in charge of security undertook to solve that problem by raising the people's awareness of splitting up with infiltrators and helping the Army to fight against them.

Participants in the meeting found out that it was necessary that all the people actively participate in the activities of providing their security themselves in their villages and communes in collaboration with the Local Defence Force.

## **5.3. CONCLUSIONS AND RECOMMANDATIONS**

134. Administration must approach the people and help them to solve the problems they are facing.

The people must be trained in dealing with their own security, and understand that security is not only provided by the Army, the Gendarmerie and the leaders.

If economy was improving, and the people's awareness of working and working together raised., this would much reduce problems of misunderstanding.

135. Participants in the meeting also hold discussions on the issue of running the National flag up and down : regarding people who are mistreated or provoked without any reason when the flag is being run down, participants in the meeting found that it was necessary to do it every day. The flag must be always visible in front of Government Offices and be only replaced when it is worn-out. The Right Honourable Prime Minister was requested to implement that decision.

But running the flag up and down and respecting it is not the reason why some leaders or Communal Police mistreat the People ; that culture of provoking the people was condemned by participants in the meeting. They

requested that leaders who are characterized by that bad habit be punished.

## **CONCLUSION**

After eleven months, nearly one year, His Excellency Pasteur BIZIMUNGU, President of the Republic of Rwanda, closed the meetings which were convened in the Office of the President of Republic, from May 1998 to March 1999.

Those reflection meetings examined in detail and very clearly our Country's major problems. Were studied problems 'regarding : the Unity of Rwandans Democracy ; Justice ; Economy and Security.

It was also always examined how all Rwandans should participate in looking for real and lasting solutions to those problems.

In general, the Meeting found out that

- **Regarding the Unity of Rwandans.**

Unity was destroyed and had to be reestablished. Unity is not something in which you believe in one day and then forget about it . Each Rwandan has the duty to fight for it and to support it. The Meeting took strategies aimed at raising all Rwandan s'awareness of building the Country and Nationality.

- **Regarding Democracy.**

The Meeting found out that Democracy which is suitable for one which makes Rwandans really participate in their way of being governed and in determining activities which are concerning them. Which was called: government in which the people actively participate.

Democracy which Rwandans need is the one which helps them to solve their problems . It was adopted strategies to be taken for the people's real participation, especially that Rwandans have not been taught democracy properly while it is a good principle. But they took it as a way for discrimination and to destroy the Country.

- **Regarding Justice.**

The Meeting examined the problems of justice in two categories

- Justice relating to the problems resulting from the genocide and massacres

The Meeting took Strategies which will enable Rwandans in general to really participate in that justice, with the objective of punishing criminals, teaching and

correcting Rwandans in general, as well as eradicating the culture of impunity, which is one of the factors which generated the tragic events which took place in Rwanda. Each Rwandan's role will help Rwanda and Rwandans to come out of the bad situation into which they were plunged by the acts of genocide and massacres and their aftereffects.

- Classical justice : The Meeting found out that it has many problems to be quickly solved, in order for it to restore more their rights to Rwandans, and for Rwandans to be more confident in it . Strategies were taken in order to find appropriate solutions to those problems, which will lead nationals to Unity and reconciliation and eradicate injustice.

- **Regarding Economy**

There must be a review so that whatever is more useful to Rwandans and is based on Rwandans' natural resources and science and technology be given priority. The Meeting found out that Rwandans in general must really participate in them, in order to develop themselves and National Economy.

- **Regarding Security**

The Meeting found out that problems regarding Security are being solved little by little, mostly in the north of the Country and that people actively participated in reestablishing peace. The meeting found out that the people must continue keeping good relations with the instances in charge of security, with administration in \_general, so that there be more security inside the Country and at its borders. Without security, the Country cannot be developed.

The Meeting set up a Secretariat Committee, chaired by the Right Honourable Prime Minister Célestin RWIGEMA, in charge of collecting the Meeting's ideas, strategies and recommendations, so that they can be communicated to Rwandans, and also help them to discuss about the problems they are facing within their leading structures and look for appropriate solutions .

In reality, the Meeting was postponed, because whenever it will be necessary, His Excellency the President of the Republic will appeal for the members of that Meeting so that they continue exchanging ideas on the problems regarding the Country's life.

**LIST OF PARTICIPANTS IN THE REFLECTION  
MEETINGS HELD IN THE OFFICE OF THE  
PRESIDENT OF THE REPUBLIC**

**MAY 1998 - MARCH 1999.**  
**(Appendix 1)**

<b><u>NAMES</u></b>	<b><u>OCCUPATION OR ADDRESS</u></b>
1. H.E. BIZIMUNGU Pasteur	President of the Republic
2. H.E. Major General KAGAME Paul	Vice-President of the Republic and Minister of Defence and National Security
3. H.E. SEBARENZI KABUYE Joseph	Speaker for the National Assembly
4. H.E. RWIGEMA Pierre Célestin	Prime Minister and Chairman for MDR Party
5. H.E. MUTSINZI Jean	Chairman of the Supreme Court
6. AMRI SUED Ismaïl	Rwanda Ambassador to Egypt
7. BAHENDA Sarto (Lt.Col.)	Director of the Military Court
8. BA JYANA Emmanuel	Advisor in the Office of the President of the Republic
9. BENDA LEMA	Was invited on his own
10. BIDERI Joseph	Advisor in the Office of the President of the Republic
11. BIHOZAGARA Jacques	Minister (NIIJEUSCAFOP)
12. BIRUTA Vincent	Minister (MINISANTE)
13. BIZIMANA Jean Pierre	Minister of State (NIMEDUC)
14. Brig. Gen. KAKA Sam	MJNADEF
15. Brig.Gen. KAYUMBA NYAMWASA	Chief of Staff of the Army
16. Brig.Gen.GATSINZI Marcel	Chief of Staff of the Gendarmerie
17. CUICREDIDI Tigrius	Prosecutor in Byumba Public Prosecution
18. CYANZAYIRE Aloysie	Secretary General (MINIJUST)
19. GAHIMA Gerald	Who was Secretary General (MINIJUST)
20. GAKWAYA RWAKA Théobald	Vice-Chairman for PDC Party
21. GASAMAGERA Wellars	Prefect of Kigali Rural Prefecture
22. GASANA Anastase	Minister (MINAFFET)
23. GASANA Emmanuel	Advisor in the Office of the President of the Republic
24. GASHEGU Jean Paul	Chairman for the Human Rights Commission
25. GASHIKA Majeur	The Republic's Prosecutor in Gisenyi
26. GATETE Poly carpe :	Member of PL Party and Member of Parliament
27. GATWAZA G. Charles	Vice-Chairman of the Court of First Instance Kigali
28. HABAMENSHI Callixte	Rwandan Ambassador in Ethiopia
29. HABIMANA Ibrahim (Sheik)	2nd Vice-Chairman of PDI Political Party
30. HABIMANA J. Damascène	Republic's Prosecutor Gikongoro
31. HÀBINEZA Khamisi	1 <sup>st</sup> Vice-Chairman of PDI Political Party and Member of Parliament
32. HABYARIMANA Emmanuel (Col.)	Minister of State - Defense
33. HÀMIDOU OMAR	Chairman of PDI Political Party and Secretary of the Parliament
34. HARELIMANA Abdul Karimu (Sheik)	Minister (MININTER)
35. HIGIRO Prosper	2 <sup>nd</sup> Vice-Chairman of PL Political Party
36. INYUMBA Aloysia	Minister (MIGEFASO)
37. IYAMUREMYE Augustin	Minister (MINAGRI) and 2 <sup>nd</sup> ViceChairman of PSD Political Party
38. J.J. MUPENZI (Maj.)	Head of G2 Department - Gendarmerie
39. Joseph NSENGIMANA	Minister (MIFOTRA)

40. KABAIJA Ephraim  
 41. KABANDA C.R.  
 42. KABANDANA Marc  
 43. KABENGA Eustache  
 44. KABERA Asiel  
 45. KABERA Enoch  
 46. KABERUKA Donald  
 47. KAGIMBURA Frédéric  
 48. KAJEGUHAKWA Valens  
 49. KAMANZI Charles  
 50. KAMANZI Stanislas  
 51. KANYARENGWE Alexis (Col.)
52. KANZAYIRE Bernadette  
 53. KARAMAGA Faustin
54. KARANGWA J. Bosco
55. KAREKEZI Jean Marie  
 56. KAREMERA Joseph (Col.)  
 57. KARENGERA Elias  
 58. KARUGARAMA Tharcisse  
 59. KAYIBANDA Louise  
 60. KAYIHURA Désiré
61. KAYIHURA Michel  
 62. KAYIRANGA Alfred RWASA  
 63. KAYITARE J.Pierre
64. KAYITESI RUSERA  
 65. KAYITESI Zainabo Sylvie  
 66. KAYUMBA Deogratias  
 67. KIBURA Jean-Luc  
 68. MAKUBA Aaron
69. MANIRAGUHA Jacques
70. MASOZERA Richard (Maj.)
71. MAZIMHAKA Patrick  
 72. MBONIMANA Gamaliel  
 73. MHAYIMANA Isaïe
74. MINANI Athanase  
 75. MPAYIMANA Elie  
 76. MUCYO Jean de Dieu  
 77. MUDAHERANWA Clément  
 78. MUGABE J. Pierre  
 79. MUGABO Pie  
 80. MUGAMBAGE Frank (Col.)  
 81. MUGANZA Angelina  
 82. MUGEMANGANGO Paul  
 83. MUGENZI Louis-Marie  
 84. MUGEYO D. Ghislain  
 85. MUGOREWERA Drocella
86. MUHIRWA Jean Baptiste  
 87. MUHONGAYIRE Jacqueline  
 88. MUKAMA Abbas  
 89. MUNGARULIRE Peter Joseph
- Councillor in the President's Office  
 General Prosecutor - Nyabisindu  
 Prefet of Kigali (PVK)  
 Chairman of Appeal Court,- Ruhengeri  
 Councillor in the President's Office  
 Vice-Chairman of PL Political Party  
 Minister (MINECOFIN)  
 B.K. Officer  
 Member of Parliament  
 General Prosecutor - Kigali  
 National University Butare  
 Member of RPF/INKOTANYI Political Bureau  
 Advocate invited on her own  
 2<sup>nd</sup> Vice-Chairman of PDC Political Party  
 Chairman of UDPR Political Party and Paw making Commission Chairman  
 Councillor of the Prime Minister  
 Minister (MINEDUC)  
 Citizen of Butare Prefecture  
 General Prosecutor Ruhengeri  
 ORINFOR Journalist  
 Chairman of the Court of First Instance - Gitarama  
 Invited on own  
 Prefet of Umutara  
 Chairman of the Court of Appeal - Nyabisindu  
 Member of Parliament  
 Minister of State (MINITERE)  
 Prefet of Byumba  
 Lawyer in BCR  
 Chairman of Foreign Affairs Commission in the Parliament  
 Member of MDR Political Party and Member of Parliament  
 External Intelligence Representative (MINADEF)  
 Minister in the Residence of the Republic  
 National University - Butare  
 Member of MDR Political Party and Member of Parliament  
 Member of PSD Political Party  
 Invited on his own  
 Minister (MINIJUST)  
 Member of PDI Political Party  
 UDPR Political Party Secretary General  
 Chairman of PL Political Party  
 Second in command of Army Chief of Staff  
 Minister (MINIFOP)  
 Prosecutor Gitarama  
 General Prosecutor in the Supreme Court  
 Prosecutor Cyangugu  
 Member of PDC Political Party and Secretary General in MINAGRI  
 Prefet of Gisenyi  
 Vice-Chairman of the Parliament  
 Member of PDI Political Party  
 Invited on his own

90. MUNYABAGISHA Valens	Rwandan Ambassador in Canada
91. MUNYAKABERA Faustin	Prefet of Cyangugu
92. MUNYANGANIZI BIKORO	Director of ISAR
93. MUNYANKUGE Laurent	State solicitor in retirement
94. MURERA Odeta	Chairman of the Court of Appeal - Kigali
95. MURERA Hope	Director of SONARWA
96. MURIGANDE Charles	Secretary General of RPF/INKOTANYI
97. MUSARE Faustin	Private Secretary of the President of the Republic
98. MUSEMAKWELI David	Advisor in the Office of the President of the Republic
99. MUSONI James	Invited on his own
100. MUSONI Protais	Secretary General in MINALOC
101. MUSUHUKE François	Invited from RUHENGERI
102. MUTAGWERA Frédéric	President of IBUKA Association (Lawyer)
103. MUTANGUHA Zephyr	Rwanda Ambassador to TOKYO
104. MUTEMBEREZI François	Governor of the National Bank of Rwanda (BNR)
105. MUTIJIMA Augustin	Prefet of GIKONGORO Prefecture
106. NAYINZIRA J.Népomscène	Minister (MININFOR)
107. NDAHIMANA Emmanuel	Minister of State in MINECOFIN
108. NDAYISABYE Eustache	Director of BACAR
109. NDUWUMWE François	Member of PSD Party and Director of Rwanda Mortgage Fund (C.H.R)
110. NGABO Ferdinand	Prefet of KIBUYE Prefecture
111. NGARAMBE François	Minister (MIJESPOC)
112. NGIRABANZI Laurien	Minister (MINITRAPE)
113. NGOGA Pascal	Employee in the General Secretariat for RPF / INKOTANYI
114. NIBASEKE Lucien	Citizen from Kigali born in Byumba who was invited on his own
115. NINYETEGEKA KATO	Director in the Office of the President of the Republic
116. NIYIBIZI Bonaventure	Minister (MINICOM)
117. NIYONZIMA Etienne	Member of MDR Party and Member of Parliament
118. NKERAMUGABA Andreyà	Citizen from Gikongoro Prefecture who was invited on his own
119. NKERINKA Eustache	Member of MDR Party_ and Member of Parliament
120. NKONGOLI Laurent	Member of PL Party and Member of Parliament
121. NKONJI Aristide	Citizen from KIBUYE who was invited on his own
122. NKUNDIYAREVIYE Alype	Vice-Chairman of the Supreme Court and Chairman of the State Council
123. NKUSI Augustin	Chairman of the Court of First Instance
124. NSEKALIJE Aloys	Invited on his own
125. NSENGA Zac (Maj.)	Rwanda Ambassador to Great Britain
126. NTAKIRUTIMANA Charles	Prosecutor in the General Prosecution of CYANGUGU
127. NTAKRUTINKA Charles	Minister (MIINITRANSCO)
128. NTAKIYIMANA Emmanuel	Director of the Intelligence Service in the Prime Ministers Office
129. NTEZILYAYO Faustin	Who was Minister (MINIJUST)
130. NTWARABAKIGA Emile	Second Vice-Chairman for MDR Party
131. NYANDWI J. Désiré	Prefet of GITARAMA Prefecture
132. NYANDWI Tharcisse	Prime Minister' Advisor
133. NYIRIMIHIGI J.M.Vianney	Managing Director of Rwanda Development Bank (B.R.D.)

134. NZABAMWITA Joseph	Invited on his own
135. NZABONIMANA Cassien	Chairman of the Court of Appeal In CYANGUGU
136. POLISI Denis	One of the Party Executive for RPF I NKOTANYI
137. RANGIRA Adrien Vice-Chairman	forUDPR Party and Member of Parliament
138. RUCAGU Boniface	Prefect of RUHENGRI Prefecture
139. RUCIBIGANGO Jean Baptiste	Vice-Chairman for PSR Party and Member of Parliament
140. RUGEMINTWAZA J.M. Vianney	First Deputy Public Prosecutor in KIBUNGO
141. REGENERA Marc	Minister (MINAMIT)
142. RUHASHYA Epimague (Col.)	Prime Minister's Advisor
143. RUKANGIRA Emmanuel	The Republics Prosecutor in Kigali
144. RUMANZI Protais	Prefect of KIBUNGO Prefecture
145. RUTAREMARA Tito	Chairman for Affairs in the National Assembly
146. RUTAYISIRE Paul	invited on his own
147. RUTAYISIRE Paul (lawyer)	Vice-Chairman of the Supreme court and Chairman of the Constitutional Court.
148. RUTAYISIRE Wilson (Maj.)	Director of ORINFOR
149. RUTIJANWA Médard	Chairman for PSR Party and Member of Parliament
150. RUYENZI Paul	Vice-Chairman of the Supreme Court and Chairman of the Court of Accounts
151. RWAGASORE Simon	General Prosecutor to the Supreme Court
152. RWAHAMA Jackson (Lt. Col.)	Chairman of the Military Higher Court
153. RWAKAZINA Innocent	Who was the Prefect of KIBUNGO Prefecture
154. RWAMASIRABO	Rector of the National University of Rwanda
155. RWANGAMPUHWE	Lawyer
156. RWANGOMBWA Jean Chrisostome	Invited on his own
157. RWIGAMBA Andrew (Lt. Col.)	GeneralCommissioner for Military. Public Prosecutions
158. SAFARI Stanley	Member of MDR Party and Chairman for the Economic Commission in the National Assembly
159. SANDE MUDAHERANWA John	Was representing the General Prosecutor in Kigali (Lawyer)
160. SEBATWARE PANDA Béatrice	Who was Minister of State in MININTER
161. SEMUHUNGU Athanase	Prefect of BUTARE Prefecture
162. SEZIBERA Richard (Maj.)	Chairman for the Commission of Social Affairs in the National Assembly
163. SHONERI MUGANWA D.	The Republic's Prosecutor in RUHENGRI
164. UBALIJORO Bonaventure	Who was the Chairman of MDR Party

**MEMBERS OF THE COMMISSION WHICH FINALIZED GACACA  
JURISDICTIONS' FUNCTIONING (**  
**Appendix 2<sup>a</sup>)**

**HOW IT HAD BEEN COMPOSED**

1. Dr. Faustin NTEZIRYAYO. who was the Minister of Justice and Chairman for the Commission
2. Mr. Charles KABANDA
3. Secretary Deputy Omar HAMIDOU
4. Mr. Gerald GAHINIA
5. NI.P. Major Alphonse FURUMA
6. Mrs. Bernadette KANZAYIRE
7. M.P. Laurent NKONGOLI

8. NI.P. Isaïe MPAYIMAN A
9. Mr. Jean Pierre MU GAB E
10. M. P. Médard RUTIJANWA
11. Prefect Protais MUSONI
12. Prefect J.Désiré NYANDWI
13. Mr. Elie MPAYIMANA

**HOW IT WAS MODIFIED:**

1. Mr. Jean de Dieu MUCYO. Minister of Justice and Chairman for the Commission
2. Mr. Charles KABANDA
3. Secretary Député Omar HAMIDOU
4. Mr.Gerald GAHIMA
5. Mrs. Aloysie CYANZAYIRE
6. Mrs.Bernadette KANZAYIRE
7. MP. Laurent NKONGOLI
8. M.P. Isaïe MPAYIMANA
9. M.P. Médard RUTIJANWA
10. Mr. Protais MUSONI
11. Mr.J.D6siré NYANDWr
12. Mr.Elïe MPAYIMANA
13. Nïrs.Edda MUKABAGWIZ A
14. Nïr.Alberto BASOMINGERA
15. Mr.J.M.Vianney RUSAKU

**MEMBERS OF THE COMMISSION IN CHARGE OF WRITING THE REPORT  
FOR THE MEETINGS  
(Appendis 2<sup>b</sup>)**

1. H.E Pierre Célestin RWIGENIA. Prime Minister and Chairman for the Commission
2. Minister Joseph NSENGIMANA
3. Minister Jean Nepomuscène NAYINZIRA
4. Deputy-Speaker of the National Assembly. Jacqueline MUHONGAYIRE .
5. M.P. Isaïe MPAYIMANA
6. M.P. Jean Baptiste RUCIBIGANGO
7. M.P. Médard RUTIJANWA
8. Dr.Charles MULIGANDE
9. Mr Faustin MUSARE
10. Mr. KATO NINYETEGEKA

**MEMBERS OF THE COMMISSION WHICH FINALIZED PROBLEMS OF THE  
UNITY OF RWANDANS**  
**(Appendix 2')**

1. Mr Gamaliel MBONIMANA. Chairman for the Commission
2. Mr.Paul RUTAYISIRE. Vice-Chairman for the Commission
3. Mr. Tito RUTAREMARA
4. M.P. Stanley SAFARI
5. Mr. Laurent MUNYANKUGE
6. Mr. Jean Chrvsostome RWANGOBWA
7. Mr. Peter Joseph MUNGARURIRE
8. Col. Aloys NSEKALIJE
9. Ministry Augustin IYAMUREMYE
10. 10. M.P. Valens KAJEGUHAKWA
11. Ambassador Callixte HABAMENSHI
12. Father Bernardin MUZUNGU. o.p
13. Mr. Lucien NIBASEKE